

# **SB 47 Bill Henry Office of Baltimore City Comptrol**

Uploaded by: Bill Henry

Position: FAV



**BILL HENRY**  
OFFICE OF THE COMPTROLLER

City Hall – Room 204  
100 Holliday St Baltimore, MD 21202

January 24, 2022

The Honorable Guy Guzzone, Chairman  
Budget & Taxation Committee  
Senate of Maryland  
3 West, Miller Senate Office Building  
Annapolis MD 21401

Dear Chairman Guzzone:

I am writing in support of Senate Bill 47, "Pensions and Retirement—Forfeiture of Benefits—Law Enforcement Officers." SB 47 would authorize the forfeiture of part or all of a law enforcement officer's pension benefits upon conviction of a felony, perjury, or a misdemeanor offense relating to truth and veracity. It would also establish a process by which a court would determine the amount of benefits to be forfeited and allow the court to direct some or all of the forfeited benefits to be paid to an officer's former spouse, child, or other dependent under certain circumstances.

As Baltimore City Comptroller, I am one of three citywide elected officials who serve as voting members of the Board of Estimates, an entity established in the City Charter and charged with formulating and executing the fiscal policy of the City. The Board of Estimates reviews virtually all contracts and agreements that commit the City to expend funds, including settlement agreements and releases for lawsuits involving City agencies. One type of settlement agreement that comes before the Board regularly requires the City to pay damages for harm inflicted on the people of Baltimore by law enforcement officers.

The Board of Estimates has approved **over \$14.3 Million** in law enforcement related settlements to compensate citizens for the actions of police officers who were found guilty of crimes and terminated from employment with the Baltimore Police Department (BPD). The City is paying out claims for these officers' wrongdoing, yet the same officers are allowed to keep their pensions. If the City is paying for their crimes, it should have the authority to recover damages from their pension benefits.

The history of deliberate infliction of harm by the BPD's Gun Trace Task Force (GTTF) has been documented so thoroughly it is now common knowledge among policymakers in Maryland and across the country. On January 13, 2022, the Bromwich Group, an outside consultant retained by the City, released a 600-page study detailing more than two decades of corruption and misconduct involving the BPD. And on January 19, less than a week later, I and my colleagues on the Board of Estimates approved two settlements totaling \$195,000 for injuries caused by GTTF members. Unfortunately, we are still not done paying for their crimes; at least four more lawsuits and claims against the City are still pending, just related to the GTTF.

The Hon. Guy Guzzone  
Page Two

As the fiscal watchdog for Baltimore City, I have a duty to safeguard City resources and ensure accountability for the proper use of public funds. We are long past the point where the City should simply continue paying for police officers' criminal conduct without any recourse. A change in State law to allow forfeiture of pension benefits is the right thing to do, fiscally and morally. The General Assembly recognized this in its deliberations over last year's law enforcement reform legislation, HB 670, which contained a forfeiture provision that unfortunately was removed from the bill before final passage. I urge you to right that wrong in 2022.

Regarding the detailed provisions of SB 47, I defer to the wisdom of Senator Carter and her colleagues in the General Assembly to determine the best form for any final legislation. I also support Senator Carter's SB 141 and its House companion, HB 123. The most important consideration for my constituents, the people of Baltimore City, is that pension forfeiture legislation be enacted in some form as soon as possible.

For all these reasons, I respectfully request the committee to give SB 47 a favorable report. If you have any questions, please feel free to contact me at 410-396-4577 or via email at [comptroller@baltimorecity.gov](mailto:comptroller@baltimorecity.gov).

Sincerely,



Bill Henry  
Baltimore City Comptroller

CC: Senator Cory McCray, Chair of the Baltimore City Delegation  
Mr. Anthony Calhoun, Executive Director, Baltimore City Fire & Police  
Employees' Retirement System  
Ms. Natasha Mehu, Mayor's Office of Government Relations

# **SB 47 Carol Snowden**

Uploaded by: Carl Snowden

Position: FAV

**THE HONORABLE CARL O. SNOWDEN**  
**FORMER CIVIL RIGHTS DIRECTOR**  
**OFFICE OF THE MARYLAND ATTORNEY GENERAL**

Thank you for the opportunity to submit testimony to the Senate Budget and Taxation Committee regarding SB47-Police Pensions. I am pleased on behalf of the Caucus of African-American Leaders a consortium of statewide African-American organizations and elected officials who seek to improve police and community relations. SB47 is an important piece of legislation that if enacted will go a long way to curbing police misconduct and malfeasance. As a former civil rights director for the Office of the Maryland Attorney General, I can attest to the need for this legislation both from a professional and personal point of view.

There is little doubt that police officers have broken the law and in some have even continued to receive their pensions despite that they did not honor the oath of office that they took. As a former member of the Office of the Attorney General, I saw first-hand these abuses. After leaving the Office of the Attorney General, I found myself the subject of misconduct by members of the Anne Arundel County Police Department who had the direction of a county executive used their authority to commit acts that included accessing my medical records. Later with the help of the Maryland Chapter of the American Civil Liberties Union, we were able to bring a successful action against that disgraced county executive.

However, because police officers were given immunity in the criminal case involving the aforementioned county executive, many of the wrongdoings committed by the police were never punished and in at least one case I am aware that police officer was permitted to retire with full benefits and a lifetime pension. The same is true of another Annapolis police officer who allegedly took money from a citizen and while he was required to pay it back, he was not prosecuted for this alleged crime, but allowed to retire with a lifetime pension. I cite these cases as evidence of the need for SB47.

Also, I would like to take this opportunity to thank Senator Jill Carter for her leadership and tenacity. The Maryland General Assembly is to be commended for the sweeping police reform bills in 2021. We believe that the 2022 General Assembly session will not only allow for the tweaking of previously passed bills but the ongoing need for police reform.

Again, on behalf of the Caucus of African-American Leaders, its Public Safety Chair Joshua Hatch, I thank the committee for allowing us an opportunity to testify on behalf of this important legislation.

-Carl Snowden  
[Snowdencarl23@gmail.com](mailto:Snowdencarl23@gmail.com)  
443-871-5656

**SB 47\_FAV\_Comptroller Henry.pdf**

Uploaded by: James Knighton

Position: FAV



**BILL HENRY**  
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City Hall – Room 204  
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Sincerely,



Bill Henry  
Baltimore City Comptroller

CC: Senator Cory McCray, Chair of the Baltimore City Delegation  
Mr. Anthony Calhoun, Executive Director, Baltimore City Fire & Police  
Employees' Retirement System  
Ms. Natasha Mehu, Mayor's Office of Government Relations



# **NFranklin SB047 Support.pdf**

Uploaded by: Neill Franklin

Position: FAV



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ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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To: Senator Guy Guzzone., Chair  
Senator Jim Rosapepe, Vice Chair, and  
Budget & Taxation Committee

From: Major Neill Franklin, Ret., on behalf of the  
Law Enforcement Action Partnership (LEAP)

## Support - Senate Bill 047

Pensions & Retirement – Forfeiture of Benefits – Law Enforcement Officers

Hearing: Thursday, January 27, 2022

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of Senate Bill (SB) 047.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

I have served in three Maryland agencies as a commander, the Maryland State Police as the head of training and Criminal Investigations, the Baltimore Police Department as the Chief of Human Resources and head of training, and the Maryland Transit Administration as the head of Internal Affairs and the Office of Professional Standards. We train our police officers to be accountable servants to the community and upon leaving the academy; this is who they believe they are. But because of the problematic policing culture of misconduct cover-ups and lack of accountability, many potentially good police officers are quickly influenced by those we fail to hold accountable, and that accountability comes in many forms.

I'll begin with addressing accountability in the form of consequences. Consequences for police misdeeds begin with administrative sanctions (reprimands to employment terminations). In rare cases, consequences rise to the level of criminal prosecution and convictions, but we know these are far and few between, even when we know laws have been broken. There needs to be another potential consequence for the most serious misdeeds and that is the loss of government paid pensions.

SB047 addresses the necessity of losing government paid pensions (benefits) when law enforcement officers violate their oaths and betray the public's trust. It should be clear that when a trusted employee fails to abide by their contract (oath of office), any and all employee benefits should be immediately and permanently revoked.

**LawEnforcementActionPartnership.org**

Formerly known as Law Enforcement Against Prohibition

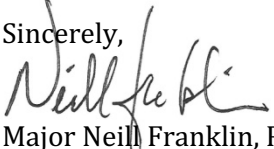
You may receive and hear testimony from others that this proposed legislation is unfair to the police officers who have devoted their lives to protecting and serving the public, even to the extent of placing their lives on the line. Understand that this legislation applies only to criminal acts, not administrative violations.

Police officers and policy makers, such as you, tend to believe that crime should never pay. When the average citizen breaks the law, is prosecuted and convicted, we ensure that he/she never profits from their criminal activities. We even go to the extent of seizing monies and property, and many times we pursue restitution for the state and victims. We also believe in deterrents for reducing crime and bad behavior. Believe me when I tell you, this would be a very powerful deterrent for criminal police behavior.

I also believe that it is important to point out that there are many remedies to ensure a level of fairness for those potentially impacted, including the officer. SB047 establishes an avenue for only a partial loss of benefits. It also takes into account financial situations of spouses and children.

In closing, it is important that we have consequences for all who commit crimes, but understand that it is more important that we have appropriate consequences for those committing crimes who have betrayed public trust. Citizens should not be compelled to pay benefits to those who violated their trust and oath of office. That's unfair!

It is for these reasons that we, members of the Law Enforcement Action Partnership, support SB047 and ask that you, the members of this committee, give SB047 a favorable report.

Sincerely,  
  
Major Neill Franklin, Ret.  
Treasurer

\*Formerly with the Maryland State Police, Baltimore Police Department and Maryland Transit Police Force

# **MCPA-MSA\_SB 47-SB 141-Law Enforcement Officer-Forf**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable Guy Guzzone, Chair and  
Members of the Budget & Taxation Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** January 27, 2022

**RE:** **SB 47 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers**  
**SB 141 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers**

**POSITION: OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** SB 47 and 141. While the specified criteria for forfeiture may be different, both of these bills would provide for the forfeiture of a law enforcement officers pension for service earned after July 1, 2022.

MCPA and MSA strongly oppose these bills and believe they exhibit a lack of respect for the men and women who work in this profession. Further, they are an unnecessary and punitive measure to degrade the Law Enforcement profession.

The attempt to forfeit a Police Officer's vested pension and retirement benefits, provides an incredible disincentive for persons to enter into and remain in this profession. The pension benefits that have been earned throughout one's public service career, are contractually obligated as prior benefits similar to an IRA and are equally as critical to the Officer, Officer's spouse or partner and their dependent children, who will rely on these pension benefits as a source of income. This legislation is also inconsistent with State and Federal law protecting private pensions from forfeiture in the case of employee misconduct.

Maryland's law enforcement agencies are already experiencing difficulty in recruiting. Measures such as this will further deter individuals from going into this profession. These types of actions will make it more difficult to keep our communities safe, provide protection to victims, and properly investigate crimes.

For these reasons, MCPA and MSA **OPPOSE** SB 47 and SB 141 and urge an **UNFAVORABLE** Committee report.

**MTA Unfavorable SB47 1-27-22.pdf**

Uploaded by: Jenna Massoni

Position: UNF



# M a r y l a n d Troopers Association



INCORPORATED 1979

January 27, 2022

The Honorable Guy Guzzone, Chair and Members of Budget and Taxation Committee

RE: SB141 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers

**POSITION: OPPOSE**

The MTA opposes SB141 and the subjected forfeiture of retirement and pension benefits when a law enforcement officer is found guilty of, pleads guilty to, or enters a plea of nolo contendere to a felony, perjury, or misdemeanor relating to truthfulness and veracity committed while performing their duties.

As you are aware, the Maryland General Assembly passed several police reform bills last year, many of which include changes that still need to take place. It would be in the best interest of everyone to allow law enforcement officers to adjust to new practices and policies before discussing forfeiture of anything—especially benefits, that many have devoted years of their life of service to obtain.

The Maryland State Police, like many other agencies in this State, faces issues with recruiting well intentioned, competent officers to protect the citizens of Maryland. This legislation will further exacerbate that problem. If the State cannot ensure that law enforcement officers pension and retirement benefits are protected like every other citizen and employee in this State, then many may choose different careers.

Brian Blubaugh  
President  
Maryland Troopers Association

**Member of National Troopers Coalition**

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: [info@mdtroopers.org](mailto:info@mdtroopers.org)

**2022-01-27 SB 47 (Letter of Information).pdf**

Uploaded by: Hannibal Kemerer

Position: INFO



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MARYLAND STATE RETIREMENT  
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Baltimore, Maryland 21202-6704  
Telephone: (410) 625-5671  
Facsimile: (410) 468-1705

January 27, 2022

To: The Honorable Guy Guzzone  
Chair, Budget and Taxation Committee  
The Honorable Sarah Elfreth  
Chair, Budget and Taxation Pension Subcommittee

From: Rachel S. Cohen, Principal Counsel, Maryland State Retirement and Pension System

Re: Senate Bill 47 – Pension and Retirement – Forfeiture of Benefits – Law Enforcement Officers (LETTER OF INFORMATION)

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The Office of the Attorney General (“OAG”) for the Maryland State Retirement and Pension System has reviewed Senate Bill 47, introduced by Senator Jill P. Carter. On conviction of a law enforcement officer of a qualifying crime, this bill would require the Attorney General or a State's Attorney to file a complaint in circuit court to forfeit the law enforcement officer's benefits in whole or in part. The court is to enter a forfeiture order if it determines that the officer was convicted of a qualifying crime, and must also determine the amount of benefits to be forfeited and whether any benefits should be paid to the officer's spouse, former spouse, children, or other dependent.

This bill may benefit from clarification regarding the forfeiture process in several areas. First, the bill requires either the Attorney General or a State’s Attorney to file a forfeiture complaint but does not specify the circumstances under which each office should take the lead in filing a forfeiture complaint following a criminal conviction. Second, it is unclear how the OAG or a State's Attorney would receive the notice needed to begin timely implementing the bill's requirements, particularly for a conviction in federal court brought by federal authorities. Third, the Committee may wish to consider whether an alternative process might be more efficient under some circumstances. Specifically, at

least with respect to a qualifying criminal conviction in a State circuit court, the legislation could specify that the court that entered the qualifying criminal conviction must automatically take up the issue of pension forfeiture. That requirement would promote judicial efficiency by negating the need for a separate complaint, and allowing the same judge who presided over the criminal case, and who thus would already be familiar with the relevant facts, to determine the extent of any forfeiture order and whether to provide for payment to a spouse or other dependents.

Finally, I note for the Committee's information that members of the Maryland State Police do not participate in Social Security, and the State Police Retirement System serves as a Social Security replacement plan. The same might be the case with respect to some local pension plans. Thus, forfeiture of pension benefits for individuals in the State Police Retirement System and certain local pension plans could have a more significant impact than for officers that participate in Social Security.

We hope this information is helpful to you as the Committee considers this legislation.

cc: Committee Members