

SB 141_FAV_Comptroller Henry.pdf

Uploaded by: James Knighton

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 141, "Pensions and Retirement—Forfeiture of Benefits—Law Enforcement Officers." SB 141 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 request that forfeited benefits be used for restitution for a qualifying crime.

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 on a regular basis 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 141, 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 47 which is before this committee. 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 give SB 141 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.

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

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 SB141 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: SB47 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers

POSITION: OPPOSE

The MTA opposes SB47 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 qualifying crime 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

SB 141_FAV_Amanuel.pdf

Uploaded by: Yanet Amanuel

Position: INFO



Testimony for the Senate Budget and Taxation Committee

January 27, 2022

YANET AMANUEL
INTERIM PUBLIC POLICY
DIRECTOR

SB 141 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers

INFORMATIONAL

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland offers the following informational testimony on SB 141, which would establish that law enforcement officers are subject to forfeiture of benefits from the State Retirement and Pension System or a local system if they are found guilty of, plead guilty to, or enter a plea of nolo contendere to a felony, perjury or a misdemeanor relating to truthfulness and veracity committed in the course of their duties as an officer.

As an organization committed to justice and freedom, the ACLU of Maryland strongly supports due process rights and second chances. We also, however, advocate for government transparency and accountability, and we strongly prioritize policies that prevent government-sanctioned abuse. We therefore support measures that would provide greater transparency and accountability for law enforcement. More importantly, we support measures that deter police abuse in the first place.

Law enforcement officers are government employees who have difficult, demanding jobs. Officers who fairly and justly enforce public safety perform an important public service, and communities deserve and want public safety systems that protect everyone respectfully and equally. When an officer resorts to untruthfulness, it not only violates the trust placed in that officer—it undermines the community's faith in law enforcement more broadly. This jeopardizes public safety, and it hinders responsible police officers' abilities to perform their jobs. This is why we as a state need to continue striving to create meaningful police transparency and accountability. Deterring police misconduct and holding police accountable to communities therefore benefits police and community members alike.

As this body knows, dishonesty in policing allows misconduct to go unreported and therefore unaddressed. For these reasons, the ACLU of

Maryland supports efforts to root out dishonesty in policing and uncover and penalize misconduct.



YANET AMANUEL
PUBLIC POLICY ADVOCATE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

