February 24, 2022

The Honorable Luke Clippinger, Chairman
Judiciary Committee
Maryland House of Delegates
101 House Office Building
Annapolis MD 21401

Dear Chairman Clippinger:

I am writing in support of House Bill 123, "Pensions and Retirement—Forfeiture of Benefits—Law Enforcement Officers." HB 123 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.

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 HB 123, I defer to the wisdom of Delegate Wilkins and her colleagues in the General Assembly to determine the best form for any final legislation. 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 HB 123 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: The Hon. Stephanie Smith, Chair, Baltimore City House Delegation
    Ms. Natasha Mehu, Mayor's Office of Government Relations