

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 21-0025-I

Issued: August 11, 2021



OFFICE OF THE INSPECTOR GENERAL
 Isabel Mercedes Cumming, Inspector General
 City Hall, Suite 635
 100 N. Holliday Street
 Baltimore, MD 21202



August 11, 2021

Dear Citizens of Baltimore City,

The Mission of the Office of the Inspector General (OIG) is to promote accountability, efficiency, and integrity in City government, as well as to investigate complaints of fraud, financial waste, and abuse. In addition to complaints involving overt fraud, waste, and abuse, the OIG at times receives complaints regarding City policies or management practices whose implementation could be perceived as wasteful. The OIG will investigate such practices that could potentially result in fraud, waste, or abuse.

On October 27, 2020, the OIG received an anonymous complaint alleging mismanagement and a conflict of interest regarding the Baltimore Police Department’s (BPD) assignment of overtime hours to a BPD officer (the officer).¹ The complaint alleged the officer received preferential treatment in the assignment of overtime hours in the Building Security Unit (BSU), to which the officer was not assigned; the officer was assigned to the BPD Quartermaster’s Unit.² The complaint also alleged the officer was classified as a sworn police officer despite having been stripped of the authority to arrest and carry a firearm while working for BPD.

The Officer’s BPD Employment Background

The officer began their career with the BPD in 1990. After an on-duty incident in 1993, BPD conducted an administrative hearing that resulted in the officer being placed on administrative leave pending other related investigations. Subsequently, in 1994, the officer was returned to duty, but their law enforcement powers—including the authority to arrest and carry a firearm—were suspended pending another administrative hearing. That hearing eventually took place in 2002 at the conclusion of other related investigations. The hearing resulted in allowing the officer to continue BPD employment with the condition that their law enforcement powers would be permanently suspended; the officer was prohibited from making arrests or being issued a badge or departmental service weapon.

However, the officer, throughout their BPD tenure, was afforded the same collective bargaining agreement rights as BPD officers with full law enforcement powers. The rights include regular salary increases and the ability to receive payments for overtime worked. For example, as shown in *Table 1*, between FY2016 and FY2020, the BPD paid the officer a total combined gross income of \$598,058.76.

Table 1: 5-Year Period of Gross Salary and Overtime to BPD Officer

| <u>Year</u> | <u>Annual Salary</u> | <u>Overtime Reported</u> | <u>Total Payments</u> |
|---------------------|----------------------|--------------------------|-----------------------|
| FY2016 | \$83,881 | \$35,588.93 | \$119,469.93 |
| FY2017 | \$83,881 | \$31,228.30 | \$115,109.30 |
| FY2018 | \$86,397 | \$30,758.65 | \$117,155.65 |
| FY2019 | \$92,548 | \$28,377.17 | \$120,925.17 |
| FY2020 | \$92,548 | \$32,850.71 | \$125,398.71 |
| 5 Year Total | \$439,255 | 158,803.76 | \$598,058.76 |

¹ The BPD officer retired effective August 1, 2021.

² The BPD Quartermaster’s Unit is responsible for ordering supplies, uniforms, and other equipment for use by BPD employees.

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

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The Officer's Status

Under the Maryland Code, a “police officer” means, in pertinent part, a BPD member who “is authorized to enforce the general laws of the State.” Md. Code Ann., Public Safety Art. (“PS”) § 3-201(f)(1). After being stripped of their law enforcement powers, the officer maintained their employment as a BPD police officer for 28 years. It appears the officer may have maintained a “non-officer” certification from the Maryland Police and Correctional Training Commissions (MPCSC) status during at least some of that time. However, under the relevant regulations, non-officer status applies to a police officer who continues to be employed by a law enforcement agency, but who is *temporarily* relieved of law enforcement powers by the agency for medical or administrative reasons. Code of Maryland Regulations (COMAR) § 12.04.01.01(16). The officer had been permanently relieved of their law enforcement powers in January 2002.³

Regardless of MPCSC certification status, the officer’s permanent loss of police powers contradicts their ability to hold the position of BPD police officer under the City’s relevant job description.⁴ The job classification for a BPD police officer includes performing duties such as maintaining order, detaining and arresting suspects, serving arrest warrants and summonses, and testifying in court. Further, a BPD police officer must be able to protect life and property within the City.

OIG Findings

The OIG investigation found potential financial waste in permitting the officer to retain the full benefits of a BPD police officer position—including full salary, full union representation, and the ability to work overtime—while the officer was permanently stripped of their law enforcement powers. For example, in FY 2020, the officer’s duties could have been performed by a civilian employee with an annual salary of \$44,518, compared to the officer’s base pay for FY2020 of \$92,548. It is the OIG’s understanding that BPD is seeking to civilianize many such administrative positions pursuant to its staffing plan submitted to the Federal District Court as part of the Consent Decree.

The OIG released the complete report to BPD and the current Mayoral administration on April 30, 2021.

Sincerely,



Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

Cc: Hon. Brandon Scott, Mayor of Baltimore City
Hon. Nick Mosby, President, City Council
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Jim Shea, City Solicitor

³ Under Maryland Code, “[a] law enforcement agency may not employ an individual as a police officer for a period not exceeding 1 year unless the individual is certified by the Commission.” PS § 3-216(a).

⁴ Baltimore City Civil Service Class Code 41111.

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