



Public Synopsis

OIG Report #2014-0333
Perjury and Workers' Compensation Fraud Committed by a
Former Baltimore Police Officer



**OFFICE OF INSPECTOR GENERAL
BALTIMORE CITY**

100 N. Holliday Street, Rm. 640
Baltimore, MD 21202



Public Synopsis

**Synopsis of OIG Report #2014-0333: Perjury and Felony Workers' Compensation Fraud
Committed by a Former Baltimore Police Officer**

TABLE OF CONTENTS

TRANSMITTAL MEMORANDUM 1

OIG NOTICE REGARDING REPORTS2



PUBLIC SYNOPSIS3

INTRODUCTION 4

CHRONOLOGY OF RELEVANT EVENTS 4

CONCLUSION 6

REPORT RESPONSE 8

FROM	NAME & TITLE	Inspector General Robert H. Pearre, Jr. 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Office of Inspector General, 640 City Hall		
	SUBJECT	Synopsis of OIG Final Report #2014-0333		

TO

Hon. President and Members of the City Council
 400 City Hall

DATE:

1/06/2015

Attached please find the Office of the Inspector General's (OIG) Public Synopsis of Case #2014-0333, which involved a former Baltimore Police Department (BPD) Officer, Gilbert Payne, who committed the criminal acts of perjury and felony workers' compensation fraud in connection with a claimed line of duty injury.

On June 11, 2014, the OIG was contacted regarding a possible fraudulent workers' compensation claim made by a former BPD Officer. A subsequent investigation by the OIG and the Maryland Office of the State Prosecutor revealed that Mr. Payne committed the acts of perjury and felony workers' compensation fraud during a Workers' Compensation Commission hearing. As a result of these crimes, Mr. Payne received just over \$30,000.00 of City funds to which he was not entitled.

At the time when these crimes were discovered, Mr. Payne had already left his employment with the BPD and was working as a Police Officer for Montgomery County, Maryland. On October 16, 2014, Mr. Payne pled guilty to perjury and felony workers' compensation fraud. The Court sentenced Mr. Payne on each count to concurrent terms of three years' incarceration and suspended that sentence in favor of three years of supervised probation. Mr. Payne was ordered to pay restitution to the City of Baltimore in the amount of \$30,009.17 and was further ordered to perform 300 hours of community service. At the October 16 hearing, Mr. Payne's counsel advised the Court that Mr. Payne would be resigning from his position with Montgomery County.

The OIG would like to thank all of the City agencies, employees and contractors and the Office of the State Prosecutor who acted as valuable partners in working towards the successful conclusion of this investigation. The OIG looks forward to continuing its partnerships to identify and deter insurance fraud committed by Baltimore City employees.

- This report is available to the public in print or electronic format.
- To obtain a printed copy, please call or write:

Office of Inspector General
100 N. Holliday Street
Suite 640, City Hall
Baltimore, MD 21202

- Baltimore City employees, citizens, and vendors or contractors doing business with the City should report fraud, waste, and abuse to the **Fraud Hotline. Call 1-800-417-0430** (24 hours a day, 7 days a week).
- Notifications of new reports are now available via Twitter by following us **@OIG_BALTIMORE**.

Public Synopsis



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Public Synopsis

Synopsis of OIG Report #2014-0333: Perjury and Felony Workers' Compensation Fraud Committed by a Former Baltimore Police Officer

Subject: Gilbert L. Payne, former Police Officer, Baltimore Police Department

Introduction

On June 11, 2014, the Office of Inspector General (“OIG”) received a complaint regarding Gilbert Payne, a former Police Officer with the Baltimore Police Department (“BPD”). The OIG confirmed that Gilbert Payne was a Police Officer with BPD from January 13, 2005 until November 15, 2007, when he entered retirement on a disability pension. The complaint stated that Mr. Payne filed Workers’ Compensation Commission claim B665143 for an August 13, 2006 accident during his employment with Baltimore City (the “Baltimore City Claim”). During the September 2008 hearing on his Baltimore City Claim, Mr. Payne testified that he had taken disability retirement due to this injury and was no longer working. The Workers’ Compensation Commission issued an award based on his testimony and other evidence.

After Mr. Payne left BPD, according to the complaint, he held several nursing and police positions eventually becoming a Police Officer for Montgomery County, Maryland. Mr. Payne pursued Workers’ Compensation Commission claim W046802 for a July 13, 2013 automobile accident during his employment with Montgomery County (the “Montgomery County Claim”). During a May 29, 2014 hearing on the Montgomery County Claim, Mr. Payne testified that he was not receiving payments from Baltimore City at that time, but he was.

Realizing the multi-jurisdictional nature of this case, the OIG contacted the Maryland Office of the State Prosecutor (“OSP”) which began its own investigation into this matter.

Chronology of Relevant Events

Based on OIG and OSP investigations, the following chronology was developed regarding Mr. Payne:

- On April 29, 2005, Mr. Payne was hired by the Baltimore Police Department as a Police Officer.

- On August 13, 2006, while responding to a call, Mr. Payne was involved in a motor vehicle collision in a Baltimore Police vehicle which caused injuries to his left hip, back, left arm and head. As a result of the injuries, Mr. Payne filed a workers' compensation claim (the Baltimore City Claim). Following a hearing on September 19, 2008, Mr. Payne was awarded a permanent partial disability rating of 79% industrial loss of use of the body as a result of injuries to the lumbar spine (4%), cervical spine (9%), as a result of headaches (12%), head/seizures (14%) and loss of earning capacity (40%).
- On August 1, 2007, Mr. Payne filed an application for line-of-duty disability retirement with the Fire and Police Employees' Retirement System of the City of Baltimore.
- In October 2007, Mr. Payne's employment with the Baltimore County Detention Center ended.
- On November 12, 2007, Mr. Payne received a Baltimore City Fire & Police Special Disability in relation to the August 13, 2006 automobile accident.
- Also on November 12, 2007, Mr. Payne started working for Carroll Hospital Center as a Licensed Practical Nurse.
- On December 3, 2007, Mr. Payne completed an employment application for the position of University Police Officer II at Towson University.
- On March 3, 2008, Mr. Payne's employment with Carroll Hospital Center ended.
- On May 21, 2008, Mr. Payne was administered the Oath of Office with the Towson University Police Department
- On September 19, 2008, Mr. Payne testified at the Maryland Workers' Compensation Commission hearing for the Baltimore City Claim related to his August 13, 2006 accident.
- On December 7, 2009, Mr. Payne's employment with Towson University ended.
- On January 11, 2010, Mr. Payne's employment with the Montgomery County Police Department began.
- On June 11, 2014, the OIG received the complaint in this case.
- Also on June 11, 2014, the OIG referred this case to the OSP.
- On September 23, 2014, the OSP charged Mr. Payne with perjury and felony workers' compensation fraud.
- On October 16, 2014, Mr. Payne pleaded guilty to both counts. He was sentenced the same day.

KEY EVENTS OF FRAUD

The transcription from the September 19, 2008 hearing on the Baltimore City Claim (in which Mr. Payne is a sworn witness) reflects the following dialogue which evidences Mr. Payne's act of perjury:

THE COMMISSION:	Before we start, are you working at all?
THE WITNESS:	No, ma'am. Currently I'm not.
THE COMMISSION:	Have you ever worked since your retirement?
THE WITNESS:	I have not.

Baltimore City Claim Hearing Transcript at 9:23-25; 10:1-2.

Mr. Payne's testimony before the Workers' Compensation Commission contained an intentional misstatement of a material fact. Mr. Payne testified under oath that he was not currently working and that he had not worked since the date of his retirement. Those statements were untrue and thereby caused Mr. Payne to be awarded \$30,000 to which he was not entitled.

On September 23, 2014, the OSP charged Mr. Payne in the Baltimore City Circuit Court with perjury and felony workers' compensation fraud. It was charged that "Officer Payne falsely testified under oath at a September 2008 workers' compensation hearing that he was not employed at the time, nor had he been employed since retiring from the Baltimore City Police Department, when, in fact, he was then employed full time as a sworn Towson University Police Officer." As a result of this fraudulent misrepresentation, Mr. Payne "received just over \$30,000.00 in payments to which he was not entitled."

On October 16, 2014, Mr. Payne pleaded guilty in the Baltimore City Circuit Court to perjury and felony workers' compensation fraud. Mr. Payne was sentenced on each count to concurrent terms of three years' incarceration and suspended that sentence in favor of three years of supervised probation. Mr. Payne was ordered to pay \$30,009.17 in restitution and was further ordered to perform three hundred hours of community service. At the October 16, 2014 hearing, Mr. Payne's attorney told the Court that Mr. Payne was resigning as a Police Officer with Montgomery County.

Conclusion

Upon receipt of the complaint, the OIG corroborated the facts supporting the initial complaint in June 2014 and notified OSP of the known facts and allegations. Four months later, Mr. Payne was found guilty of committing perjury and felony workers' compensation fraud. His sentence included an order to pay full restitution to the City of Baltimore in the amount of \$30,009.17.

REPORT RESPONSE:

BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

BALTIMORE POLICE DEPARTMENT



ANTHONY W. BATTS
Police Commissioner

December 26, 2014

CONFIDENTIAL

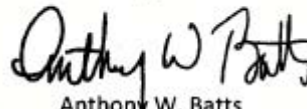
Robert H. Pearre, Jr.
Inspector General
City of Baltimore
640 City Hall
100 N. Holliday Street
Baltimore, MD 21202

Dear Mr. Pearre:

Re: Investigation Status Memorandum, OIG Case: 2014-0333

I am incredibly thankful for the dedicated work the Office of the Inspector General does to ensure that all city employees conduct themselves with the highest ethical standards, and we fully support their efforts to root out fraud and corruption. This particular incident occurred prior to my tenure; however in the last two years, this organization has made tremendous strides in improving every aspect of our hiring and disciplinary process. Those efforts are highlighted in the dramatic decrease of complaints of excessive force and discourtesy complaints along with the increased number of officers being held responsible internally for misconduct. While these are just a few examples, they are emblematic of the substantive changes the Baltimore Police Department is undergoing. Each day brings us closer to ensuring that an incident like this will not happen again.

Sincerely,


Anthony W. Batts
Police Commissioner