

**CITY OF BALTIMORE
COUNCIL BILL 07-0328R
(Resolution)**

Introduced by: Councilmembers Young, Holton, D'Adamo, Mitchell, Clarke, Reisinger, Harris,
Spector, Middleton, Crider

Introduced and read first time: September 17, 2007

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing – Law Department – The Litigation**
3 **and Claims Division’s Central Bureau of Investigation**

4 FOR the purpose of requesting the City Solicitor, the Chief of the Litigation Division, and
5 personnel of the Central Bureau of Investigation as determined by the Solicitor, to report to
6 the City Council on the policies of the City in handling tort cases and satisfying claims
7 against the City by citizens who have suffered losses; to explain what factors determine the
8 amounts offered in settlement of similar or like cases; and to provide an analysis of the
9 factors that contribute to any discrepancies in the amounts recovered by claimants of
10 different economic status.

11 **Recitals**

12 The Litigations and Claims Division is the largest of the 7 divisions of the Law Department.
13 The division handles hundreds of cases in a wide range of areas including *torts* – a harmful
14 wrong (other than breach of contract) for which courts will provide a remedy, usually damages,
15 to a private party. Torts include, but are not limited to, injuries to persons, such as injuries
16 caused by negligent automobile accidents and injuries to property, such as nuisances and
17 trespasses. The Central Bureau of Investigation handles claims against the City and investigates,
18 adjusts, and settles claims for damages to privately owned automobiles, private property, and
19 citizens.

20 Maryland’s Local Government Tort Claims Act (LGTCA), on one hand, affords a remedy to
21 persons who are injured, or whose property has been injured by act of local government officers
22 and employees acting without malice in the scope of employment. But, on the other, it also
23 seeks to stabilize what is perceived as an escalating liability picture for local governments by
24 containing their monetary exposure. The LGTCA limits the liability of a local government to
25 \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence
26 for damages from tortious acts or omissions.

27 While local government seeks to limits its fiscal exposure, everyday citizens should be fairly
28 compensated for wrongs done them by government and employees of the government their hard-
29 earned tax dollars support. Those who have been similarly harmed should be compensated
30 equally, regardless of their insured status or their ability to hire legal representation.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 07-0328R

1 The Central Bureau of Investigation provided the following report on claims settlements for
2 the first part of the 2007 fiscal year:

<u>Zip Code</u>	<u>Number and Average \$ Settlement</u>
3 ● 21201	3 claims @ average \$4034
4 ● 21203	1 claim @ \$ 105
5 ● 21205	11 claims @ average \$1063
6 ● 21206	26 claims @ average \$4034
7 ● 21207	11 claims @ average \$1393
8 ● 21208	3 claims @ average \$1800
9 ● 21209	5 claims @ average \$ 908
10 ● 21210	5 claims @ average \$1375
11 ● 21211	8 claims @ average \$ 647
12 ● 21212	13 claims @ average \$1265
13 ● 21213	19 claims @ average \$1879
14 ● 21214	6 claims @ average \$1815
15 ● 21215	19 claims @ average \$1136
16 ● 21216	31 claims @ average \$1601
17 ● 21217	10 claims @ average \$1065
18 ● 21218	16 claims @ average \$1265
19 ● 21220	3 claims @ average \$4512
20 ● 21221	3 claims @ average \$1940
21 ● 21222	7 claims @ average \$1933
22 ● 21223	6 claims @ average \$1706
23 ● 21224	17 claims @ average \$1480
24 ● 21225	3 claims @ average \$ 893
25 ● 21227	3 claims @ average \$ 436

Council Bill 07-0328R

1	● 21228	3 claims @ average \$ 397
2	● 21229	15 claims @ average \$1231
3	● 21230	10 claims @ average \$ 481
4	● 21231	3 claims @ average \$1074
5	● 21234	5 claims @ average \$1121
6	● 21235	2 claims @ average \$5077
7	● 21236	3 claims @ average \$ 896
8	● 21237	10 claims @ average \$ 347
9	● 21239	8 claims @ average \$3062
10	● 21244	6 claims @ average \$ 756

11 An analysis of this information in conjunction with Councilmembers’ innate knowledge of
12 the socio-economic status of their constituents living in the various zip code areas may provide a
13 clearer picture of the fairness of the City’s policy in investigating, adjusting and settling claims
14 for damages to its citizens.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the City
16 Solicitor, the Chief of the Litigation Division, and personnel of the Central Bureau of
17 Investigation as determined by the Solicitor, are requested to report to the City Council on the
18 policies of the City in handling tort cases and satisfying claims against the City by citizens who
19 have suffered losses; to explain what factors determine the amounts offered in settlement of
20 similar or like cases; and to provide an analysis of the factors that contribute to any discrepancies
21 in the amounts recovered by claimants of different economic status.

22 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
23 City Solicitor, the Chief of the Litigation Division, and the Mayor’s Legislative Liaison to the
24 City Council.