

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 958
Appropriations

(Delegate Barnes)

Judicial Proceedings

**Public Safety - Law Enforcement Officers' Bill of Rights - Washington
Metropolitan Area Transit Authority Metro Transit Police**

This bill includes Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police officers under Maryland's Law Enforcement Officers' Bill of Rights (LEOBOR). The bill is contingent upon similar enactments and concurrences being made by Virginia, the District of Columbia, and the United States, as specified. Appropriate officials in those jurisdictions and the U.S. Congress must be notified of the enactment of this bill.

Fiscal Summary

State Effect: The bill has no direct impact on State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: WMATA was created by interstate compact of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia with the consent of the U.S. Congress. Maryland ratified the Washington Metropolitan Area Transit Regulation Compact in 1965 (Chapter 869 of 1965). WMATA was created to plan, finance, develop, and operate a balanced regional transportation system for the national capital area. WMATA also maintains a regular police force to protect patrons, personnel, and property.

The WMATA Board of Directors determines agency policy and provides oversight for the funding, operation, and expansion of transit facilities within the transit zone. The Metro Board of Directors is composed of eight voting and eight alternate directors. Maryland, the District of Columbia, Virginia, and the federal government appoint two voting and two alternate directors each.

The WMATA police force has a total authorized strength of 420 sworn police officers, 106 security special police, and 24 civilian personnel. Officers provide a variety of law enforcement and public safety services on the Metrorail and Metrobus systems in the Washington Metropolitan Area. These police officers have jurisdiction and arrest powers throughout the 1,500 square mile transit zone that includes Maryland, Virginia, and the District of Columbia for crimes that occur in or against Transit Authority facilities. It is the only tri-jurisdictional police agency in the country and serves a population of 3.2 million.

Chapters 166 and 167 of 2008 (SB 294/HB 348) made sworn members of the WMATA police law enforcement officers under the Criminal Law Article applicable to provisions prohibiting assault against law enforcement officers. A law enforcement officer, in an official capacity, is legally authorized to make arrests.

LEOBOR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 23 specified State and local agencies. It does not grant collective bargaining rights.

When a LEOBOR investigation or interrogation results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues prior to the imposition of the disciplinary action. The hearing board process is bifurcated. First, the board meets to determine guilt and if the officer is found guilty of the charges. A second hearing is held to determine the level of discipline.

The Maryland Department of Transportation (MDOT) advises that § 12(g) of the WMATA Compact authorizes WMATA to set the terms of employment and removal of its officers and employees without regard to the laws of any of the signatories. Further, § 77 exempts WMATA from the laws, rules, regulations, and orders of the signatories except the laws, rules, regulations, and orders relating to inspection of equipment and facilities, safety, and testing. These provisions are codified under Title III of the Transportation Article.

Additional Information

Prior Introductions: None.

Cross File: SB 685 (Senator Garagiola) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2013
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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510