

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 280

(Senator Feldman)

Judicial Proceedings

Washington Metropolitan Area Transit Authority – Metro Transit Police –
Quotas and Police Complaints Board

This bill requires the Washington Metropolitan Area Transit Authority (WMATA) to establish a Police Complaints Board to review complaints filed against the metro transit police. The bill also prohibits WMATA from using enforcement quotas to evaluate, incentivize, or discipline metro transit police members, including with regard to the number of arrests made or citations or warnings issued. **The bill is contingent on similar acts being enacted by the Commonwealth of Virginia and the District of Columbia, as specified.**

Fiscal Summary

State Effect: To the extent that a similar bill is enacted by the Commonwealth of Virginia, Transportation Trust Fund (TTF) expenditures increase to fund the State’s share of the operations of the Police Complaints Board, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes the duties and responsibilities of the Police Complaints Board and procedures for selecting and appointing board members. Members of the board must serve without compensation but may be reimbursed for necessary expenses incurred as incidental to the performance of their duties. The board may employ qualified persons

or utilize the services of qualified volunteers, as necessary, to perform its work. The board must meet at least monthly and keep minutes of its meetings.

The board has the authority to receive all complaints against members of the metro transit police that allege abuse or misuse of police powers, as specified. The bill establishes provisions relating to the transmission of complaints to the board. The board must have timely and complete access to information and supporting documentation related to its duties and that authority. The board also has the authority to dismiss, conciliate, mediate, investigate, adjudicate, or refer for further action any complaint it receives. The bill establishes specified procedures and requirements for situations in which the board assigns a complaint to a complaint examiner or conciliates, mediates, or refers a complaint for investigation.

Employees of the metro transit police must cooperate fully with the board in the investigation and adjudication of a complaint and may not retaliate, directly or indirectly, against a person who files a complaint under the bill. When there is reason to believe that the misconduct alleged in a complaint or disclosed by an investigation of a complaint may be criminal in nature, the board may refer the matter to the appropriate authorities for possible criminal prosecution, as specified. Within 60 days before the end of each fiscal year, the board must submit an annual report of its operations, including any policy recommendations, to the WMATA Board of Directors and signatories.

Current Law: WMATA was established in 1967 through an interstate compact among Maryland, Virginia, and the District of Columbia. The original purpose was construction and operation of a rapid rail transit system for the Washington metropolitan area. In 1973, WMATA purchased the assets of four major private bus companies operating in the area. Maryland's overall participation in the Washington metropolitan transit system consists of the provision of annual funding to WMATA for capital and operating costs of the Metrorail, Metrobus, and MetroAccess systems. Generally, amendments to the compact that established WMATA must be agreed to and approved by Maryland, Virginia, and the District of Columbia in order to take effect.

State Expenditures: The District of Columbia enacted similar legislation in [January 2021](#). However, at the time of publication of this fiscal and policy note, the Commonwealth of Virginia has not yet considered similar legislation. Moreover, the Maryland Department of Transportation advises that, based on its conversations with the Virginia Department of Rail and Public Transportation, the Commonwealth of Virginia is not planning to introduce similar legislation during its current legislative session. As such, it is unclear when or if the bill's contingency will be met.

To the extent that the Commonwealth of Virginia does enact similar legislation and, as a result, the bill takes effect, TTF expenditures increase as the State pays its share of

WMATA's increased operating costs resulting from the bill. Specifically, about one-third of WMATA's operating deficit is paid for by the State using TTF. Costs to establish, staff, and operate the board will depend largely on the volume of complaints received and acted upon by the board, which cannot be predicted. Accordingly, a reliable estimate of the increase in TTF expenditures cannot be made at this time. However, given the broad investigative powers and responsibilities of the board, depending on the volume of complaints received, the increase in TTF expenditures could be significant.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 666 (Delegate Barron) - Judiciary.

Information Source(s): Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Commonwealth of Virginia; District of Columbia; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2021
rh/lgc

Analysis by: Richard L. Duncan

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