

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 685 (Senator Garagiola)  
Judicial Proceedings

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

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This bill includes Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police officers under Maryland's Law Enforcement Officers' Bill of Rights (LEOBOR).

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**Fiscal Summary**

**State Effect:** None. However, the bill's provisions may violate the current interstate compact under which WMATA's police force operates, as discussed below.

**Local Effect:** None.

**Small Business Effect:** None.

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**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.

**State Fiscal Effect:** The Maryland Department of Transportation (MDOT) advises that the bill has no direct fiscal impact. However, MDOT also 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. Accordingly, MDOT believes that the application of LEOBOR is inconsistent with these provisions of the WMATA Compact, as well as more general principles of federal law applicable to interstate compact agencies.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 958 (Delegate Barnes) - Appropriations.

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

**Fiscal Note History:** First Reader - February 25, 2013  
mlm/lgc

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