

Amendment_SB0280-123924-01.pdf

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SB0280/123924/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>19 FEB 21 16:40:45</p>

BY: Senator Feldman
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “and” insert “**Metro Transit**”; in line 8, after the first “a” insert “Metro Transit”; and in line 9, after “a” insert “Metro Transit”.

AMENDMENT NO. 2

On page 2, in lines 18, 20, 23, 26, and 29, in each instance, before “POLICE” insert “METRO TRANSIT”; in line 21, after “SIGNATORY” insert “PURSUANT TO THE SIGNATORY’S APPLICABLE LAWS,”; in line 24, after “WITH” insert “ANY”; in line 25, after “ENFORCEMENT” insert “AGENCY”; in line 28, strike “INCIDENT” and substitute “INCIDENTAL”; in line 31, strike “FOUR” and substitute “A MAJORITY OF THE APPOINTED”; in the same line, strike “OF THE POLICE COMPLAINTS BOARD”; in line 32, strike “, AND NO” and substitute “. NO”; and in the same line, after “THE” insert “METRO TRANSIT”.

On page 3, in line 1, strike “A” and substitute “THE”; strike beginning with “OF” in line 1 down through “INCLUDING” in line 2 and substitute “INCLUDES”; in lines 2 and 3, strike “, CONCURS”; in lines 4 and 6, in each instance, after “THE” insert “METRO TRANSIT”; in line 10, after “THE” insert “METRO TRANSIT”; in line 13, in each instance, strike “AND”; in the same line, after “PROCESSES” insert “, AND IMPLEMENTATION OF THIS SUBSECTION”; in lines 16 and 21, in each instance, strike “CITIZEN”; in line 24, after “DEATH” insert “; AND”

(III) MAKING POLICY RECOMMENDATIONS TO THE SIGNATORIES”;

(Over)

and strike beginning with “THE” in line 25 down through “INCLUDING:” in line 28 and substitute “ALL COMPLAINTS AGAINST MEMBERS OF THE METRO TRANSIT POLICE THAT ALLEGE ABUSE OR MISUSE OF POLICE POWERS SHALL BE RECEIVED BY OR TRANSMITTED TO THE METRO TRANSIT POLICE COMPLAINTS BOARD. ALL COMPLAINTS SHALL BE REDUCED TO WRITING AND SIGNED BY THE COMPLAINANT. EXAMPLES OF COMPLAINTS INCLUDE:”.

On page 4, in line 12, strike “BY A MEMBER OF THE PUBLIC”; in line 16, after “THE” insert “METRO TRANSIT”; strike beginning with “THE” in line 17 down through “SUBSECTION” in line 20 and substitute “TO BE TIMELY, A COMPLAINT MUST BE RECEIVED BY THE OFFICE WITHIN 90 DAYS FROM THE DATE OF THE INCIDENT THAT IS THE SUBJECT OF THE COMPLAINT. THE BOARD, OR ITS STAFF, MAY EXTEND THE DEADLINE FOR GOOD CAUSE”; strike beginning with “THE” in line 21 down through “SUBSECTION” in line 24 and substitute “IF A COMPLAINT ALLEGED MISCONDUCT THAT IS NOT WITHIN THE AUTHORITY OF THE BOARD TO REVIEW, THE BOARD SHALL REFER THE ALLEGATION TO THE METRO TRANSIT POLICE CHIEF OR THE AUTHORITY’S GENERAL MANAGER, AS APPROPRIATE, FOR FURTHER PROCESSING”; after line 24, insert:

“(14) THE METRO TRANSIT POLICE COMPLAINTS BOARD SHALL HAVE TIMELY AND COMPLETE ACCESS TO INFORMATION AND SUPPORTING DOCUMENTATION SPECIFICALLY RELATED TO THE METRO TRANSIT POLICE COMPLAINTS BOARD’S DUTIES AND AUTHORITY UNDER PARAGRAPHS (9) AND (10) OF THIS SUBSECTION, AND MAY MAKE REASONABLE REQUESTS FOR ACCESS TO INFORMATION AND SUPPORTING DOCUMENTATION OF A POLICE DEPARTMENT LOCATED WITHIN THE WASHINGTON METROPOLITAN AREA TRANSIT ZONE WHERE AN ALLEGED INCIDENT OCCURRED, PROVIDED THAT:

(I) THE METRO TRANSIT POLICE COMPLAINTS BOARD SHALL KEEP CONFIDENTIAL THE IDENTITY OF PERSONS, OTHER THAN THE

SUBJECT OR SUBJECTS OF A COMPLAINT, NAMED IN ANY DOCUMENTS
TRANSFERRED FROM THE METRO TRANSIT POLICE; AND

(II) THE DISCLOSURE OR TRANSFER OF ANY PUBLIC
RECORD, DOCUMENT, OR INFORMATION FROM THE METRO TRANSIT POLICE TO
THE METRO TRANSIT POLICE COMPLAINTS BOARD SHALL NOT CONSTITUTE A
WAIVER OF ANY PRIVILEGE OR EXCEPTION THAT OTHERWISE COULD BE
ASSERTED BY THE METRO TRANSIT POLICE TO PREVENT DISCLOSURE TO THE
GENERAL PUBLIC OR IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING.

(15) THE METRO TRANSIT POLICE COMPLAINTS BOARD SHALL
HAVE THE AUTHORITY TO DISMISS, CONCILIATE, MEDIATE, INVESTIGATE,
ADJUDICATE, PROVIDE POLICY TRAINING, PARTICIPATE IN RAPID RESOLUTION,
OR REFER FOR FURTHER ACTION TO THE METRO TRANSIT POLICE A COMPLAINT
RECEIVED UNDER PARAGRAPH (10) OF THIS SUBSECTION.”;

in line 25, strike “(14)” and substitute “(16)”; in lines 25 and 27, in each instance, after
“THE” insert “METRO TRANSIT”; and in line 30, after “PARTIES” insert a comma.

On page 5, in lines 3, 12, 18, 27, and 32, strike “(15)”, “(16)”, “(17)”, “(18)”, and
“(19)”, respectively, and substitute “(17)”, “(18)”, “(19)”, “(20)”, and “(21)”,
respectively; in lines 3, 12, 18, 23, 28, 32, 35, 37, and 38, in each instance, before
“POLICE” insert “METRO TRANSIT”; in line 16, strike “WHICH” and substitute “THAT”;
and in line 36, strike “AUTHORITIES” and substitute “AUTHORITY”.

On page 6, in line 3, strike “AUTHORITIES DECLINE” and substitute
“AUTHORITY DECLINES”; in lines 3 and 6, in each instance, before “POLICE” insert
“METRO TRANSIT”; in line 5, strike “(20)” and substitute “(22)”; and in lines 6 and 7,
strike “AND THE SIGNATORIES” and substitute “OF DIRECTORS OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND MAKE PUBLIC”.

SB280-HB666 FOP Written Testimony.pdf

Uploaded by: Dorrity, Colin

Position: UNF



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Committee, Inc.
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Chairman Colin Dorrity
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February 16, 2021

Maryland Senate
Judicial Proceedings Committee

RE: Written Testimony (OPPOSE) - HB0666 & SB0280 (WMATA – MTPD Police
Complaints Board)

Ladies and Gentlemen, I would like to open by thanking the Chair, Vice-Chair, and Committee members for their time. My name is Colin Dorrity. I am a Detective with the Metro Transit Police Department. I am here as Chairman of our Union, DC Lodge 1 of the Fraternal Order of Police, and on behalf of the Fraternal Order of Police Maryland State Lodge.

I am here today to speak in opposition to bills SB0280 & HB0666. I understand that it is not expedient to oppose legislation in favor of more police oversight. I want to ensure you that our Union members, the rank and file officers of the Metro Transit Police, do not oppose greater police oversight in general. Indeed, shortly after George Floyd was murdered last year, this Union recognized the need for reform locally and nationally. We put that recognition into action by submitting a mission statement to Paul Wiedefeld, Metro's General Manager, imploring him to partner with us in taking immediate steps towards reforming our agency by making ourselves more accountable and improving our relationships with the communities wherein we serve.

Specifically, we demanded that the Department stop evaluating officers using quantitative metrics and other standards that served primarily to promote unnecessary stops and arrests.



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We demanded that MTPD leadership embrace stronger ethical standards of policing and begin a peer support program.

Since then, Department Management and Union Appointees have actively engaged in writing general orders and implementing positive changes as expeditiously as possible. Additionally, we demanded that the MTPD leadership foster stronger bonds of diversity within the Department and make immediate efforts to recruit, retain, and promote Officers of Color across the board. We demanded that efforts be made to do away with a “stop and frisk” culture that, however well-intentioned in the name of crime reduction, serves primarily to anger those members of the community whose lives suffer disparate interference as a result. Finally, we demanded that the Department find and implement a nationally recognized de-escalation training program that all officers are trained on and that the community is invited to participate in. I am happy to report that Department leadership and WMATA writ large immediately partnered with the Union and formed 5 committees in pursuit of these points, each of which are actively engaged in the various aforementioned reform measures. Some are moving quickly, some less so...but all of our committees, members, and leaders are invested in the cultural change that needs to happen in modern law enforcement.

I am happy to speak about each committee's specific steps and actions separately should any of you have questions on those matters.

As you can see, we are already actively engaged in halting the use of numbers to evaluate police, and we find ourselves wholly in agreement with the originators of this bill concerning that principle. This brings me to my next point concerning our opposition to the proposed Metro Transit Police Complaints board. I draw your attention to the recently constituted MTPD Investigations Review Panel that WMATA took the initiative to form. This Panel has barely had an opportunity to function, and yet we find ourselves here with



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yet another board of oversight ready to stand in competition to that board. Should the Metro Transit Police Complaints Board be constituted by this legislature, the MTPD would find itself the only police agency in the state to have such a board overseeing it. Our officers are willing to be the vanguard of modern, reformed policing, but I believe that oversight of this agency should be in line with oversight provided for other police agencies within our jurisdictions. I will also challenge this body, or any investigatory body, to find evidence of systemic failure to investigate and act upon complaints against our officers.

I am confident that our officers face the consequences of their actions when those actions are deemed to have been in contravention to the law and ethical standards. I will not stand before you and tell you that I have never opposed the imposition of discipline on one of the officers that I represent, but I can tell that this Union has rarely disagreed that discipline was appropriate in instances where officers did not act within the standards of their training and community values. Indeed, we have often acknowledged that our Department acted appropriately in terminating officers for misconduct. Misconduct by even a handful of our officers makes the job more difficult and dangerous for the rest of us.

As a community member, I want the same highly trained and professional cops working our neighborhoods and streets that you want. I know that the officers of the Metro Transit Police want the same.

On behalf of our Union, I urge you to return an UNFAVORABLE report on this bill, but I do not want this discussion to end there. This is too important to treat as a zero-sum legislative battle. I ask you and the communities you represent to continue to work with us on the measures that we are already enacting in support of police reform.

Thank you for your time.