
EVALUATION OF THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE EMPLOYMENT PRACTICES

SEPTEMBER 2022



OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY
DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND GENERAL ASSEMBLY

Evaluation of the Maryland Transit Administration Police Force Employment Practices

**Department of Legislative Services
Office of Program Evaluation and Government Accountability
Annapolis, Maryland**

September 2022

Primary Staff for this Report

Victoria Heid Hall
Grant Mayhew
Michael Powell

Others Who Contributed to this Report

Jasmón Bailey
Mya Dempsey
Ria Hartlein
Steven McCulloch
Michael Raup

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: 410-946-5400 • Washington Area: 301-970-5400

Other Areas: 1-800-492-7122, Extension 5400

TTY: 410-946-5401 • 301-970-5401

TTY users may also use the Maryland Relay Service
to contact the General Assembly.

Email: libr@mlis.state.md.us

Home Page: <http://dls.maryland.gov>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, gender identity, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.



DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY
MARYLAND GENERAL ASSEMBLY

Victoria L. Gruber
Executive Director

Michael Powell
Director

September 16, 2022

Senator Clarence K. Lam, M.D., Senate Chair, Joint Audit and Evaluation Committee
Delegate Mark S. Chang, House Chair, Joint Audit and Evaluation Committee
Members of the Joint Audit and Evaluation Committee

Dear Senator Lam, Delegate Chang, and Members:

At the request of the Joint Audit and Evaluation Committee, the Office of Program Evaluation and Government Accountability has conducted a performance evaluation of the Maryland Transit Administration Police Force (MTAPF). This evaluation was performed consistent with § 2-1234 of the State Government Article.

The report focused on MTAPF's personnel practices and includes nine recommendations for improving the efficiency and effectiveness of MTAPF. MTAPF's response is included as Appendix A.

We wish to express our appreciation for the cooperation and assistance provided by MTAPF and the Maryland Department of Transportation.

Respectfully submitted,

Michael Powell
Director

MP/mpd

Contents

Letter of Transmittal	iii
Executive Summary	vii
Chapter 1. Introduction	1
Objective	1
Purpose and Scope	1
Background on the MTA Police Force	2
MTAPF Sworn Personnel Have Eight Classifications	5
MTAPF Sworn Personnel Are Governed by a Unique Set of Employment Factors	7
Chapter 2. Disproportionality or Disparity by Race, Sex, or Age.....	11
Demographic Profile of Sworn Personnel in the MTA Police Force, 2016-2021	11
Management/Non-management Comparisons.....	13
MTA Title VII EEO/AA Plan 2019-2023	18
Aspects of Employment Reviewed for This Evaluation.....	22
Overtime Pay	25
Training.....	28
Discipline	33
Police Recruitment and Promotion	40
Recruitment of New Sworn Personnel (External)	41
Sources of Demographic Disproportionality among Applicants	45
Promotion of Current Sworn Personnel (Internal).....	47

Tenure	50
Turnover.....	52
Separation for Retirement.....	54
Separations for Reasons Other Than Retirement.....	55
Chapter 3. Complaints.....	59
Background: Categories of Employment Complaints	59
Employment Complaints Filed by MTAPF Sworn Personnel, 2016-2021	62
Chapter 4. Management Practices	71
Appendix A: Response from the Maryland Transit Authority Police Force	73
Appendix B: Evaluation Request Letter.....	77

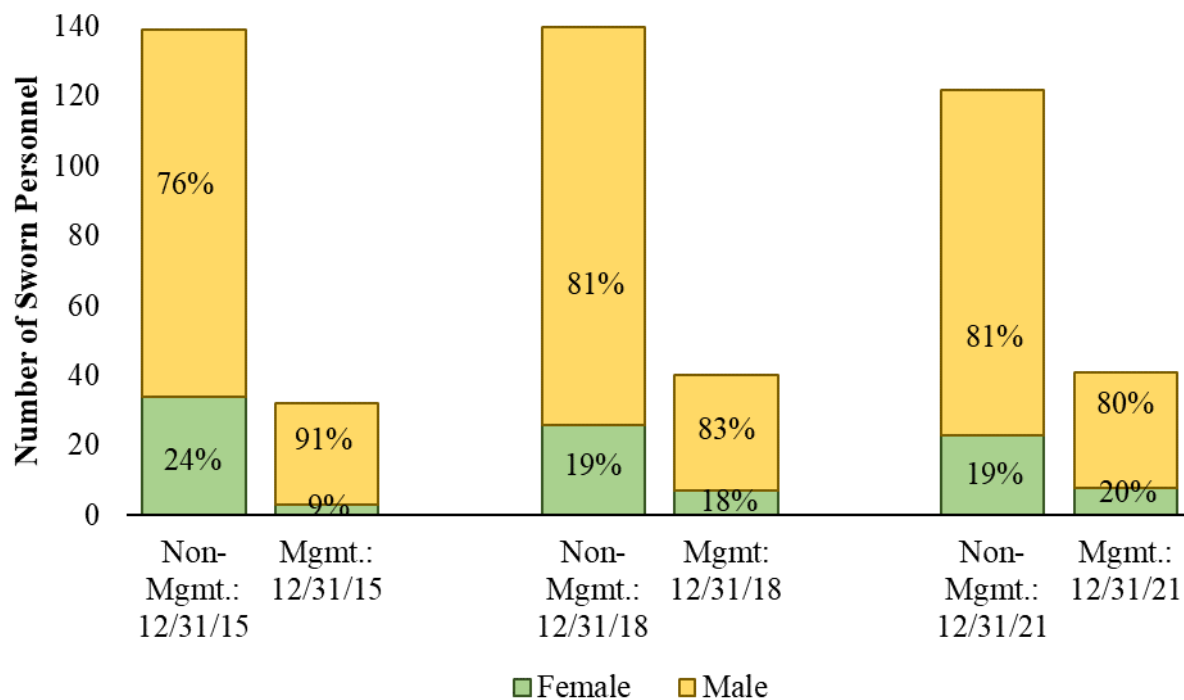
Evaluation of the Maryland Transit Administration Police Force Employment Practices Executive Summary

Objectives

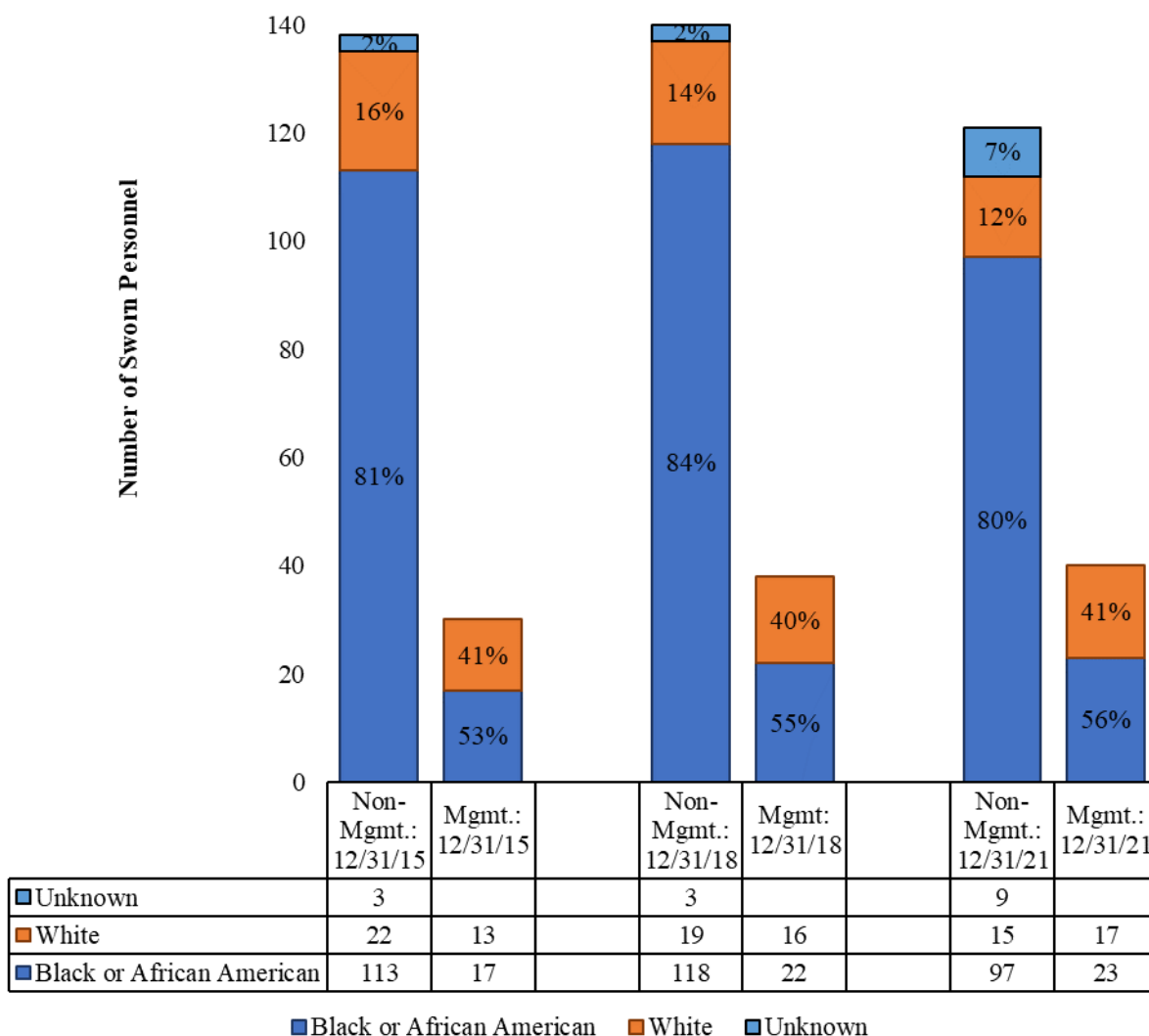
Maryland Transit Administration Police Force (MTAPF), which serves to maintain safety throughout the Maryland Transit Administration (MTA) transit system, has about 232 employees overall, comprised of about one-quarter civilians and three-quarters sworn personnel. The focus of this evaluation is the sworn personnel within MTAPF.

This evaluation examined (1) whether there is evidence of employment-related disproportionality or disparity among sworn personnel by race/ethnicity, sex, or age; (2) whether there is evidence that employment complaints filed by sworn personnel resulted in a negative impact on their employment, regardless of the merit of the complaint; and (3) whether MTAPF management has followed required personnel policies.

- Between 2015 and 2021 females decreased from 22% to 19% of MTAPF sworn personnel, but more female sworn personnel served as managers in 2021 as compared to 2015.



- As of December 31, 2021, Black or African American sworn personnel comprised about 80% of non-management positions and 56% of management positions at MTAPF. More Black or African American sworn personnel served as managers in 2021, as compared to 2015.



- MDOT has not distributed its MTA Title VII EEO/AA Plans to the State's depository libraries, as required by Md. Education Code Ann. § 23-303. OPEGA recommends that MDOT distribute to these libraries all past and future copies of these plans.
- Overtime pay in 2020 and 2021 made up 19% of the total pay earned by MTA Police union employees, and in some instances individuals earned an extraordinary amount of overtime pay. OPEGA recommends that MTAPF management examine whether the reliance on overtime hours is necessary and appropriate.

- OHR does not maintain applicant race and ethnicity data. To better assess MTAPF efforts to recruit applicants from a variety of races and ethnicities representative of the community MTAPF serves, OPEGA recommends that OHR retain and analyze on a regular and ongoing basis the race and ethnicity of applicants to MTAPF sworn positions.
- Current OHR records provide little insight into why many sworn personnel leave MTAPF employment. OPEGA recommends that MTAPF consider establishing in its Standard Operating Procedures (SOP) a formal process for exit interviews to understand the reasons that sworn personnel leave and where retention efforts could be improved.
- During 2016-2021, sworn personnel who filed an employment-related complaint may have been more likely to subsequently have a complaint filed against them by another employee, as compared to a sample of sworn personnel who had never filed a complaint.
- Complaints filed with the Equal Employment Opportunity Commission involving MTAPF sworn personnel have on average taken over a year to be resolved.
- The MTAPF SOP defines two disposition categories for complaints investigated by MTA's Professional Standards Unit (PSU). PSU records used eight disposition categories over the 2016-2021 period. OPEGA recommends that MTAPF consider revising the SOP to define disposition categories aligned with the U.S. Department of Justice recommended best practices described in this report.
- MTA's Equity, Diversity, and Inclusion Committee (EDIC) inaugural Workplace Climate Survey found that responses from the police showed the highest rates of dissatisfaction within MTA. OPEGA recommends that, to build on current EDIC efforts, future MTA workplace climate surveys be done annually, allow anonymous responses, and offer additional ways to take the survey. OPEGA also recommends that EDIC consider, in its next Workplace Climate Survey, asking employees if they ever chose not to file a formal complaint following an incident, and if not why.

Chapter 1. Introduction

Objective

Pursuant to State Government Article, Section 2-1234(a)(3)(ii), this report responds to the Joint Audit and Evaluation Committee request that the Office of Program Evaluation and Government Accountability (OPEGA) evaluate the Maryland Transit Administration (MTA) Police Force (MTAPF) (see **Appendix B**). This evaluation examined (1) whether there is evidence of disproportionality or disparity among sworn personnel by race/ethnicity, sex, or age; (2) whether there is evidence that employment complaints filed by sworn personnel resulted in a negative impact on their employment, regardless of the merit of the complaint; and (3) whether the MTAPF management has followed required personnel policies.ⁱ OPEGA restricted the scope of our evaluation to the aforementioned areas and did not evaluate other aspects of MTAPF performance, such as the level of crime on Maryland Transit Administration (MTA) vehicles and property, community trust in the MTAPF by MTA patrons, or MTAPF program costs.ⁱⁱ

Purpose and Scope

This evaluation examined MTAPF employment records, employment complaints, and personnel practices. OPEGA restricted the scope of the evaluation to sworn personnel employed at MTAPF during calendar 2016-2021. The following research questions guided our collection and analysis of data:

1. Is there evidence of employment disproportionality or disparity among sworn personnel of MTAPF based on the following personnel traits:¹
 - a. sex (people who self-identified as female or male);
 - b. race/ethnicity (people who self-identified as Black or African American, White, Hispanic/Latino,² Asian or Asian American, Multi-racial, or Other); and
 - c. age (over age 40).ⁱⁱⁱ
2. What employment complaints have been filed by sworn personnel in MTAPF, and is there evidence that these personnel experienced a negative impact on their employment after filing the complaints, regardless of the merit of the complaint?

¹ Md. State Personnel and Pensions Code Ann. § 2-302 identifies 12 categories of traits that cannot form the basis of personnel actions, including religious affiliation, sexual orientation, and national origin. OPEGA restricted the scope of our evaluation to those traits for which OPEGA had consistent employee data.

² The category of “Hispanic or Latino” is an ethnicity that may apply to individuals of any racial background.

3. Is there evidence that MTA Police managers have adhered to required personnel policies, and what strategies does the Maryland Department of Transportation (MDOT)-MTA use to ensure that managers understand and follow these personnel policies?

Throughout this document, the reported category traits for sex, race, and/or ethnicity are based on individuals having self-identified as such in other government records such as the U.S. Census, MTA employment forms, or an agency workplace survey. The category of “Hispanic or Latino” is a self-identified ethnicity that may apply to individuals of any racial background.

Background on the MTA Police Force

MTA is a transportation business unit within MDOT. MTA is headquartered in Baltimore. Overall, MTA has had about 3,365 full-time equivalent employees in each of State fiscal 2021 and 2022.^{iv}

MTA operates a transit system throughout the Baltimore-Washington metropolitan area, with more than 50 local bus lines in Baltimore as well as light rail, the Baltimore Metro subway, commuter buses, Maryland Area Regional Commuter (MARC) trains, and mobility/paratransit vehicles. Prior to the COVID-19 pandemic, the MTA transit system averaged ridership of over 110 million trips per year, spread across the transit modes as shown in **Exhibit 1.1**.^v

Exhibit 1.1 MTA Transit System Modes and Percentage of Total Ridership

<u>Transit System Model</u>	<u>Estimated Percent of Total Annual Ridership</u>
Core Bus (Baltimore)	68%
Metro Subway (Baltimore)	12%
MARC Commuter Rail	8%
MTA Light Rail	7%
Commuter Bus	3%
Mobility Paratransit and Call-a-Ride	2%

MARC: Maryland Area Regional Commuter

MTA: Maryland Transit Administration

Source: Maryland Open Data

MTAPF serves to maintain safety throughout the MTA transit system. MTA Police patrol MTA’s vehicles, stations, facilities, and property, and investigate State law, and city and county code violations occurring there. Crimes reported by the MTA Police for calendar 2020 and 2021 are shown in **Exhibit 1.2**.

Exhibit 1.2
Maryland Transit Administration Police Crime Totals
Calendar 2020-2021

<u>Crime Type</u>	<u>2020</u>	<u>2021</u>
Homicides	0	0
Shootings	0	0
Rapes	0	0
Aggravated assaults	32	15
<i>Subtotal: Crimes against Persons</i>	32	15
Breaking and entering	9	2
Vehicle thefts	2	5
Robberies	17	19
Larcenies/Thefts	61	51
Arson	2	0
<i>Subtotal: Crimes against Property</i>	91	77

Source: Maryland Transit Administration Police

The MTA Police work in cooperation with police departments of the political subdivisions that encompass MTA facilities under memorandums of understanding that establish coordinated services.

MTAPF has about 232 employees overall, comprised of about one-quarter civilians and three-quarters sworn personnel. The focus of this evaluation is the sworn personnel within MTAPF. Sworn personnel typically work an eight-hour shift. They may be assigned to one of three modes: patrol (in a vehicle); light rail; and Metro (where they typically are assigned to specific stations). Law enforcement actions across these modes may result in arrests or criminal citations, as summarized in **Exhibits 1.3** and **1.4**.

Exhibit 1.3
Arrests and Criminal Citations by MTA Police
Calendar 2020-2021

	<u>2020</u>	<u>2021</u>
Adult arrests	748	682
Juvenile arrests	31	15
Criminal citations	142	114
Total enforcement actions	921	811

MTA: Maryland Transit Administration

Source: Maryland Transit Administration Police

Exhibit 1.4
Citations (noncriminal) Issued by MTA Police
Calendar 2020-2021

<u>Citation Type</u>	<u>2020</u>	<u>2021</u>
Moving	1,464	2,041
Parking	2,478	3,680
State*	2,744	1,610
Total Citations	6,686	7,331

* State citations refer to transit-related citations for violations of Maryland's [Md. TRANSPORTATION Code Ann. § 7-705](#), which enumerates prohibited acts. Of the State citations in 2021, 901 (or 56%) were for fare evasion.

MTA: Maryland Transit Administration

Source: Maryland Transit Administration Police

For fiscal 2022, MTAPF has an authorized strength of 182 sworn personnel, ranging from the rank of Chief to Officer. As of December 31, 2021, MTAPF had 21 sworn vacancies and 161 filled sworn positions. Because this evaluation examines employment related to the demographic characteristics of employees, calculations refer to filled positions unless otherwise noted.

To give a sense of the relative size of MTAPF, approximately 16,000 sworn police are employed in the State of Maryland.³ **Exhibit 1.5** lists a selection of law enforcement agencies in Maryland.

³ Maryland Police and Correctional Training Commission, May 4, 2022.

Exhibit 1.5
Number of Sworn Personnel in MTAPF and Selected Other Law Enforcement Agencies in Maryland

Baltimore City Police	2,260
Baltimore County Police	1,922
Maryland State Police	1,454
Maryland Transportation Authority Police	423
Metro Transit Police	388
Maryland Natural Resources Police	250
Maryland Transit Administration Police Force**	182
Baltimore City Sheriff	126
Baltimore City School Police	83
Baltimore County Sheriff	75
Maryland Capitol Police	75
Maryland Department of Health	48

** MTAPF authorized sworn positions for fiscal 2022.

MTAPF: Maryland Transit Administration Police Force

Source: Maryland Police and Correctional Training Commission, May 4, 2022.

MTAPF Sworn Personnel Have Eight Classifications

MTA categorizes the sworn personnel in its police force into eight broad classifications (or titles), as follows:^{vi}

Colonel/Chief of Police: The Chief is the executive officer of the police force. The Chief is the final authority in all matters of policy, operations, and discipline. Among other responsibilities, the chief is accountable for the enforcement of rules and regulations within the police force.

Lieutenant Colonel/Deputy Chief of Police: The Deputy Chief is the second in command of the police force. In the absence of the Chief, the Deputy is the final authority in all matters of policy, operations, and discipline.

Major: Subject to direction from the Chief, a Major has direct control over all sworn personnel and employees under his/her command. A Major functions as the Bureau Commander. A Major is responsible for planning, directing, coordinating, controlling, and staffing activities of his/her assigned Bureau, for its efficient operation, and for the enforcement of rules and regulations within the police force.

Captain: Subject to direction from the Chief, a Captain has direct control over all sworn personnel and employees under his/her command. A Captain functions as the District/Division Commander with responsibility for the entire police operation and function during his/hour tour of duty. Among other areas of performance, a Captain is responsible for organizing and assigning personnel and for discipline and morale, including the fair and impartial enforcement of discipline. Captains prepare performance appraisals for all members reporting to them, as well as development plans for personnel following performance appraisals. There are six captains.

Lieutenant: Subject to direction from the command above them, a Lieutenant has direct control over all sworn personnel and employees under his/her command. A Lieutenant functions as the shift/unit commander. Among other duties, a Lieutenant is responsible for scheduling personnel to cover all patrol assignments. A Lieutenant is also responsible for closely supervising his/her subordinates' work and giving guidance and direction to their activities. A Lieutenant also serves as the Permanent Hearing Board Chairperson for all hearings scheduled through the applicable grievance and hearing processes. There are 10 lieutenants.

Sergeant: A Sergeant has the same responsibilities as his/her superiors, subject to higher authority. Among other duties, a Sergeant is responsible for supervising his/her subordinates, assuring good order, conduct, discipline, and efficiency, and assisting and instructing subordinates as needed. A Sergeant is also responsible for personnel complaints. A Sergeant must inquire into personnel complaints against members and employees under his/her command in accordance with the Standard Operating Procedures (SOP). A Sergeant will serve as Hearing Board Prosecutor when appointed to do so by the permanent chairperson or higher authority. There are 25 sergeants.

Corporal: A Corporal has the same responsibilities as his/her superiors, subject to higher authority. A Corporal functions as the senior patrol officer on the shift. A Corporal has the same responsibilities as an Officer but may have additional duties and responsibilities as delegated by the Sergeant. There have typically been about four corporals (ranging from two to six over the six-year period).

Officer: The basic authority, duties and responsibilities of a police officer include apprehending individuals who are, or appear to be, involved in the action of causing damage, destruction, injury, or any other type of hostility to MTA property, equipment, employees, or the public within MTA facilities. There are typically about 134 officers.

The salary schedule (base wage and steps above base) is aligned with the salary schedule for the Maryland Department of Natural Resources Police.

MTAPF also includes civilian positions whose responsibilities are described in their SOP.

MTAPF Sworn Personnel Are Governed by a Unique Set of Employment Factors

Employment practices governing sworn personnel in MTAPF differ from those governing other State employees and other State and local police forces because of a unique combination of employment-related systems, agreements, and laws. These are summarized in **Exhibit 1.6** and described briefly in the sections that follow.

Standard Operating Procedures

All MTAPF sworn personnel are governed by MTAPF's SOP. This guiding document governs the MTAPF's organization, authority, responsibilities, and all matters involving administration and operational activities.

Management vs. Non-management Positions

Over the 2016-2021 period, MTAPF sworn personnel in management positions (rank of Sergeant and above) have been non-union positions in MDOT's independent Transportation Service Human Resources System and subject to those personnel rules, regulations, and standards.

Union Representation

During the 2016-2021 period, MTAPF sworn personnel in non-management positions (Officers and Corporals) have been a bargaining unit employed under the terms of the collective bargaining agreement (CBA) between MTA and the American Federation of State, County and Municipal Employees Council #67, Local 1859 (AFSCME Local 1859).^{vii} While the State Personnel and Pensions Article, Title 3 governs collective bargaining rights for many State employees, the State's collective bargaining law does not apply to the MTAPF sworn personnel.

Exhibit 1.6
MTAPF Sworn Personnel Classifications, with Related Employment Systems, Procedures, and Agreements

Classification/ Title	182 Auth. FTE for FY 21-22¹	Management vs. Non-management	Promotional Processes	Union Representation:		LEOBR
				2016-2021	Starting 7/01/2022²	
Colonel/ Chief of Police	1					
Lieutenant Colonel/ Deputy Chief	1	Management	Promotions managed by Chief of Police	Non-union (TSHRS)	Non-union (TSHRS)	Yes: Applicable to all MTAPF sworn personnel (and other police in Maryland)
Major	1					
Captain	6					
Lieutenant	10					
Sergeant	25		Promotional recommendatio ns provided by OHR to Chief ³		Union: MCEA Local 1935*	
Corporal Officer	4 134	Non-management		Union: AFSCME Local 1859		

AFSCME: American Federation of State, County, and Municipal Employees

FTE: full-time equivalent

LEOBR: Law Enforcement Officers' Bill of Rights (Maryland Public Safety Article § 3-103)

MCEA: Maryland Classified Employees Association Local 1935, a local affiliate of the American Federation of Teachers

MTAPF: Maryland Transit Administration Police Force

OHR: Maryland Transit Administration's Office of Human Resources

TSHRS: Transportation Service Human Resources System

¹ Total authorized full-time equivalent sworn positions.

² Per House Bill 580, Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants, enacted in 2022 legislative session.

³ Per MTAPF Standard Operating Procedures, Sec. 7.12.

In the 2022 legislative session, the Maryland General Assembly enacted House Bill 580, Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants, which authorizes MTAPF Sergeants to enter into a CBA between the Maryland Classified Employees Association Local 1935 (a local affiliate of the American Federation of Teachers) and MTA, effective July 1, 2022.

Promotional Processes

The process of promoting Officers to the ranks of Corporal and Sergeant, or Corporals to Sergeant, has been governed by the promotional process outlined in the SOP (Section 7.12). This process involves written and oral examinations managed by the Office of Human Resources (OHR). OHR uses composite scores from these exams to generate a ranked list of candidates to recommend to the Chief of Police. The Chief considers these ranked scores, in combination with additional information such as past job performance, to make final promotion selections.

The Chief of Police appoints sworn personnel to positions above the rank of Sergeant (Lieutenant, Captain, Major, and Lieutenant Colonel) without examination in accordance with COMAR 11.02.01.02B (16), as outlined in the SOP (Sec. 7.12.16). Therefore, the promotional process for these promotion selections does not involve OHR.

All promotional selections for all sworn positions are made by the Chief, no matter the promotional process preceding it.

Law Enforcement Officers' Bill of Rights

Over the 2016-2021 period, MTAPF sworn personnel were covered by Maryland's version of the Law Enforcement Officers' Bill of Rights (LEOBR), codified in Md. Public Safety Code Ann. § 3-103, which guarantees certain procedural safeguards in some proceedings that could lead to disciplinary action, demotion, or dismissal.^{viii} LEOBR also applied to other police in Maryland.

House Bill 670, enacted during the 2021 regular session, repealed LEOBR and established new provisions relating to police accountability and disciplinary matters against a law enforcement officer for alleged misconduct occurring after July 1, 2022. Therefore, some MTAPF procedures that applied to sworn personnel for 2016-2021 will be modified in the implementation of House Bill 670.

ⁱ The Federal Bureau of Investigation defines sworn personnel as individuals who carry a firearm and a badge, have full arrest powers, and are paid from government funds specifically set aside for sworn law enforcement representatives. See: *National Sources of Law Enforcement Employment Data* (April 2016 | NCJ 249681, Bureau of Justice Statistics) p. 7, <https://bjs.ojp.gov/content/pub/pdf/nsleed.pdf>.

ⁱⁱ *Measuring Excellence: Planning and Managing Evaluations of Law Enforcement Initiatives*, K. Ward et al, U.S. Department of Justice Office of Community Oriented Policing Services (COPS), June 2007, p.4; retrievable from <https://cops.usdoj.gov/RIC/Publications/cops-p129-pub.pdf>.

ⁱⁱⁱ “The federal Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40 [...]” EEOC website; retrieved on 5/11/2022 from www.eeoc.gov/age-discrimination#:~:text=The%20Age%20Discrimination%20in%20Employment,younger%20workers%20from%20age%20discrimination.

^{iv} *FY 2023 Proposed Operating Budget Detail by Agency*, Maryland Department of Budget and Management; retrieved from <https://dbm.maryland.gov/budget/Pages/operbudget/FY2023-Agency.aspx>.

^v Dataset: MTA Fiscal Year Ridership, Maryland Open Data Portal; retrieved on 6/1/2022 from <https://opendata.maryland.gov/Transportation/MTA-Fiscal-Year-Ridership/57zf-pd4t/data>.

^{vi} MTA Police Force Standard Operating Procedures, Article I, Section 1.

^{vii} Collective bargaining agreement between the Maryland Transit Administration and American Federation of State, County and Municipal Employees Council #67 Local No. 1859, Effective January 1, 2020, through December 31, 2023 (signed 11/05/2021).

^{viii} More than a dozen states have versions of LEOBR written into their statutes. Maryland’s version of LEOBR is codified here: PUBLIC SAFETY ARTICLE, TITLE 3. LAW ENFORCEMENT, SUBTITLE 1 - LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS of the Annotated Code of Maryland (Md. PUBLIC SAFETY Code Ann. § 3-103).

Chapter 2. Disproportionality or Disparity by Race, Sex, or Age

The Office of Program Evaluation and Government Accountability (OPEGA) compared employment data over the 2016-2021 period for Maryland Transit Administration Police Force (MTAPF) sworn personnel, disaggregated by race/ethnicity, sex, and (where feasible) age over 40, to look for disproportionality or disparity. A *disproportionality* refers to the over or underrepresentation of a particular race or other group in a program or system as compared to their representation in the general population. A *disparity* is a condition of being unequal and refers to a difference in outcomes and conditions among specific groups as compared to other groups due to unequal treatment.

Our review considered:

1. the overall demographic profile of sworn personnel employed by MTAPF, using data provided by the Maryland Department of Transportation (MDOT) and Maryland Transit Administration (MTA);
2. MTA's 2019 analysis of employment disparities in its mandated report to the U.S. Federal Transit Administration (FTA) entitled *MTA Title VII EEO/AA Plan 2019-2023*; and
3. detailed employment data from MDOT, Office of Human Resources (OHR), and MTAPF on:
 - compensation;
 - training;
 - discipline;
 - recruitment of new sworn personnel;
 - promotion of current sworn personnel; and
 - turnover and tenure among sworn personnel.

Demographic Profile of Sworn Personnel in the MTA Police Force, 2016-2021

Over the six-year period of 2016-2021, 273 individuals were employed as sworn personnel at MTAPF: some were employed continuously; some were new hires during the period; and some separated during the period. **Exhibits 2.1** and **2.2** show the demographic profile by race/ethnicity and sex of all 273 individuals.

Exhibit 2.1
The Race/Ethnicity of all MTAPF Sworn Employees
Calendar 2016-2021

Individual's Highest Classification (as of 12/31/2021 or Date of Separation from MTAPF)	<u>Black or African American</u>	<u>White</u>	<u>Hispanic or Latino</u>	<u>Asian or Asian American</u>	<u>Multi- Racial</u>	<u>Unknown</u>	<u>Total</u>
Colonel (Chief)		1					1
Lieutenant Colonel		1					1
Major	1						1
Captain	5	6			1		12
Lieutenant	11	2			1		14
Sergeant	18	14					32
Corporal	8	1					9
Officer	160	25	3	1		14	203
Total	203	50	3	1	2	14	273
% of Total	74%	18%	1%	0%	1%	5%	

MTAPF: Maryland Transit Administration Police Force

Exhibit 2.2
The Sex of All MTAPF Sworn Employees
Calendar 2016-2021

Individual's Highest Classification (as of 12/31/2021 or Date of Separation from MTAPF)	<u>Female</u>	<u>Male</u>	<u>Total</u>
Colonel (Chief)		1	1
Lieutenant Colonel		1	1
Major		1	1
Captain	2	10	12
Lieutenant	4	10	14
Sergeant	5	27	32
Corporal	3	6	9
Officer	42	161	203
Total	56	217	273
% of Total	21%	79%	

MTAPF: Maryland Transit Administration Police Force

Management/Non-management Comparisons

OPEGA compared the portion of MTAPF sworn personnel in management vs. non-management positions, by race/ethnicity, sex, and age over 40. the rank of Sergeant is classified as a Management position, as shown in **Exhibit 2.3**.

Exhibit 2.3 MTAPF Sworn Personnel Classifications 2016-2021

Management (Non-union employees governed by MDOT's TSHRS)	Colonel/ Chief of Police	Promotional process into these positions is managed by Chief.
	Lieutenant Colonel/ Deputy Chief	
	Major	
	Captain	
	Lieutenant	
Non-management (Union employees subject to Collective Bargaining Agreement)	Sergeant	Promotional process of Officers into Corporal and Sergeant is managed by OHR, subject to Chief approval.
	Corporal	
	Officer	

MDOT: Maryland Department of Transportation
 MTAPF: Maryland Transit Administration Police Force
 OHR: Office of Human Resources
 TSHRS: Transportation Service Human Resources System

Over the 2016-2021 period, Officers and Corporals have been union employees governed by the collective bargaining agreement (CBA) between the American Federation of State, County and Municipal Employees Local #1859, and MTA. They may receive overtime pay. In contrast, sworn personnel in management classifications (Sergeant and above) are governed by MDOT's Transportation Service Human Resources System and may not receive overtime pay.

Another distinction between classifications of sworn personnel is the promotional process used. The promotional process into Corporal and Sergeant is governed by MTA's Standard Operating Procedures (SOP) (Sec. 7.12). The Chief of Police appoints sworn personnel into the classifications of Lieutenant and higher without examination; therefore, OHR is not involved in

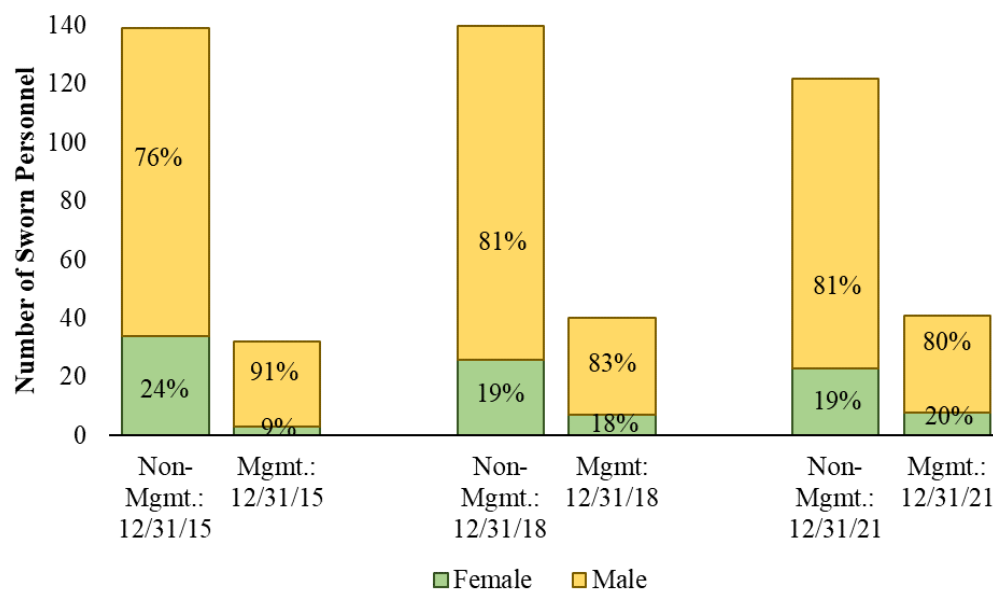
their promotional process.ⁱ The SOP further states that on termination of an appointment as a Lieutenant, Captain, Major, or Lieutenant Colonel, the police employee shall be offered the opportunity to be administratively reduced to the rank of Sergeant (as long as the employee is not eligible for service retirement and previously held the rank of Sergeant earned through the MTAPF competitive examination process).ⁱⁱ

Observation #1: Females decreased from 22% to 19% of MTAPF sworn personnel between 2015 and 2021, but more female sworn personnel served as MTAPF managers in 2021 as compared to 2015.

OPEGA compared the demographic profile of sworn officers in management vs. non-management categories as of December 31, 2015, and December 31, 2021. As shown in **Exhibit 2.4**, the proportion of females in management positions grew from 9% (3 of 32 management positions, as of December 31, 2015) to 20% (8 of 41 management positions, as of December 31, 2021).

The portion of female sworn personnel in management positions was proportionate to their representation overall among sworn personnel. As of December 31, 2021, female sworn personnel comprised about 19% of non-management positions and about 20% of management positions.

Exhibit 2.4
Sex of Sworn Personnel in MTAPF
Management vs. Non-management Positions



Although female sworn officers represented a disproportionately small part of MTAPF relative to females in the regional labor force, this is typical of many law enforcement agencies (LEAs). **Exhibit 2.5** ranks several Maryland LEAs by the percentage of sworn personnel who are female.

Exhibit 2.5
Sex of Sworn Personnel in Maryland Law Enforcement Agencies
2020

	Percent of Total Officers	
	<u>Female officers</u>	<u>Male officers</u>
MTAPF	18%	82%
Baltimore Police Department	16%	84%
Department of Natural Resources Police	16%	84%
Maryland State Police	7%	93%
Maryland Transportation Authority Police	6%	94%
Comptroller of the Treasury Field Enforcement Division	5%	95%

MTAPF: Maryland Transit Administration Police Force

Source: Federal Bureau of Investigation, Uniform Crime Reporting program 2020, Crime Data Explorer (<https://crime-data-explorer.app.cloud.gov/pages/le/pe>). Employment data by race and ethnicity is not collected in the *Uniform Crime Report*.

Observation #2: As of December 31, 2021, MTAPF Black or African American sworn personnel comprised about 80% of non-management positions and about 56% of management positions. More Black or African American sworn personnel served as managers in 2021, as compared to 2015.

Overall, as of December 31, 2021, 74% (120 of 163) of MTAPF sworn personnel were Black or African American and 20% (32 of 163) were White. One sworn employee was Hispanic or Latino and none were Asian.

Exhibits 2.6 and 2.7 disaggregate the sworn personnel into management (rank of Sergeant and up) versus non-management positions.

The portion of Black or African American sworn personnel in management positions was disproportionate to their representation overall among sworn personnel, as shown in Exhibit 2.6. As of December 31, 2021, Black or African American sworn personnel comprised about 80% of non-management positions and about 56% of management positions. In contrast, White sworn

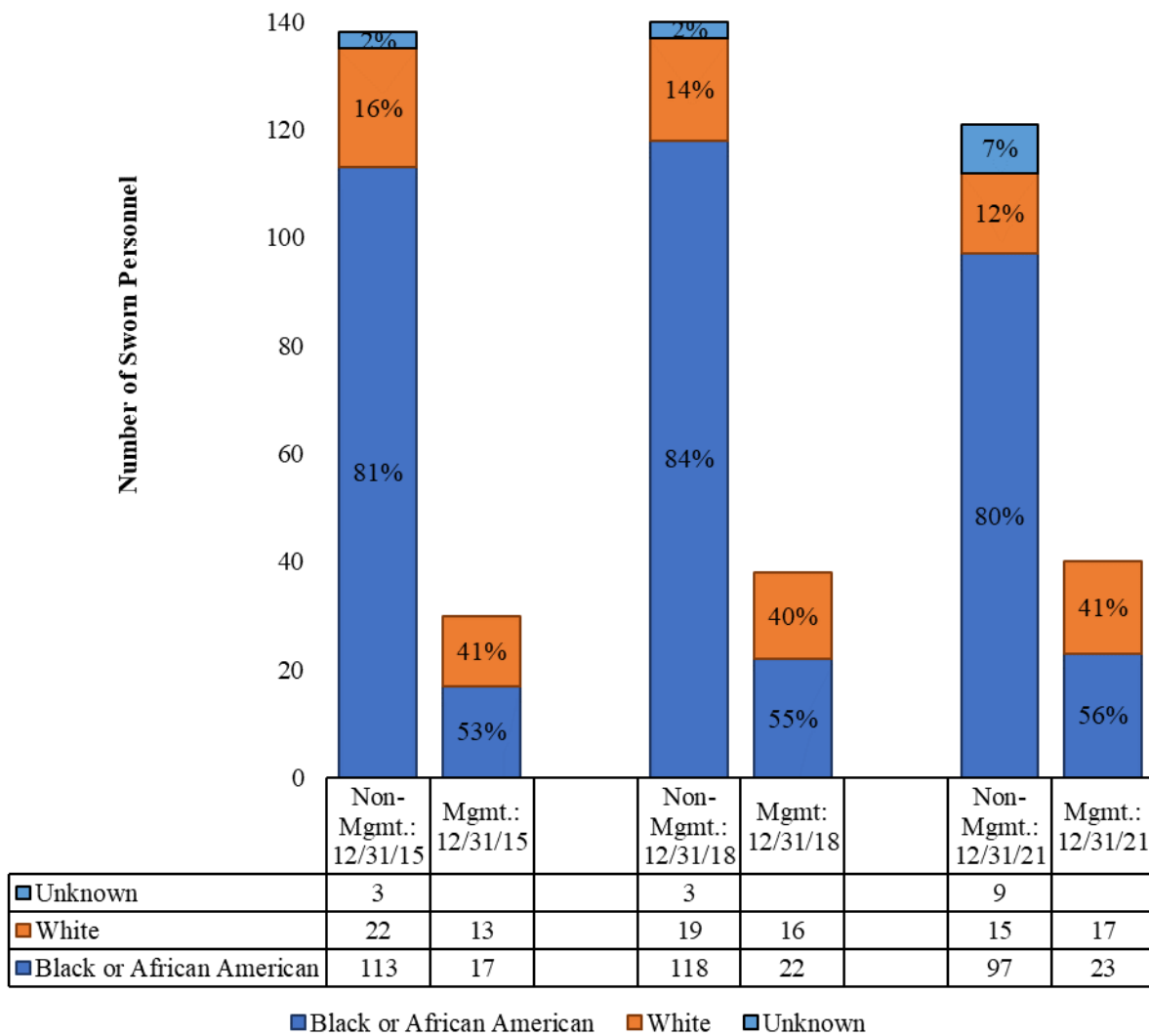
personnel comprised about 12% of non-management positions and about 41% of management positions.

Exhibit 2.6
Sworn Personnel in Management vs. Non-management Positions by
Race/Ethnicity
December 31, 2021

	<u>Black or American</u>	<u>White</u>	<u>Hispanic or Latino</u>	<u>Multi- Racial</u>	<u>Unknown</u>	<u>Total</u>
Non-management	97	15	1		9	122
	80%	12%	1%	0%	7%	100%
Management	23	17		1		41
	56%	41%	0%	2%	0%	100%
Total Sworn Personnel	120	32	1	1	9	163
	74%	20%	1%	1%	6%	100%

The number and proportion of Black or African American sworn personnel who served as managers at MTAPF increased during the six-year period. Exhibit 2.7 compares sworn personnel in management vs. non-management positions by race/ethnicity at three points in time: December 2015; December 2018; and December 2021. The percentage of Black or African American sworn personnel in management positions grew from 53% (17 of 32 management positions, as of December 31, 2015) to 56% (23 of 41 management positions, as of December 31, 2021). The percentage of White sworn personnel in management positions was about 40% over the period. No sworn personnel in management positions were Asian, Hispanic, or Latino.

Exhibit 2.7
Race and Ethnicity of Sworn Personnel in MTAPF Non-management and
Management Positions
2015, 2018, and 2021



MTAPF: Maryland Transit Administration Police Force

Note: Categories of race and ethnicity with fewer than two sworn employees are not shown.

Source: Maryland Transit Administration Office of Human Resources

Comprehensive data on the race and ethnicity of sworn personnel in Maryland's other State and local LEAs was not publicly available at the time of this report so OPEGA could not make a direct comparison. In 2016, the federal Bureau of Justice Statistics surveyed a sample of LEAs, including 20 local or county police departments (out of approximately 130), seven county sheriff's offices, and the Maryland State Police. Among those surveyed agencies, 71% of sworn personnel were White, 23% were Black, and 5% were Hispanic. Among immediate supervisors and Sergeants (or equivalent rank), approximately 80% were White, 16% were Black, and 2% were Hispanic.^{iii,iv} **Exhibit 2.8** compares the sworn officers in MTAPF to a survey of other State/local LEAs, disaggregated by race and ethnicity.

Exhibit 2.8
Demographic Profile of Sworn Officers in MTAPF Compared to a Survey of Other State/Local Law Enforcement Agencies

	<u>Black</u>	<u>White</u>	<u>Hispanic</u>	<u>Other or Unknown</u>	<u>Total</u>
All sworn officers employed:					
MTAPF, as of 12/31/2021*	74%	20%	1%	5%	100%
Survey of other State and local LEAs**	23%	71%	5%	1%	100%
Sworn officers in management positions:					
MTAPF, as of 12/31/2021*	56%	41%	0%	3%	100%
Survey of other State and local LEAs**	16%	80%	2%	2%	100%

MTAPF: Maryland Transit Administration Police Force

Data Sources:

*Maryland Transit Administration Office of Human Resources.

**Bureau of Justice Statistics, 2016 Law Enforcement Management and Administrative Statistics survey of law enforcement agencies in Maryland.

Source: Bureau of Justice Statistics; Maryland Transit Administration Office of Human Resources

MTA Title VII EEO/AA Plan 2019-2023

As a recipient of FTA financial assistance, MTA must show that its policies and administrative actions comply with federal equal employment opportunity (EEO) requirements. MTA must prepare an *Equal Employment Opportunity Program and Affirmative Action Plan* (EEO/AA Plan) every four years. Federal guidance dictates the format and analyses for these plans.¹ The most recent plan is the *MTA Title VII EEO/AA Plan 2019-2023*, reflecting MTA employment data from fiscal 2019. The next scheduled EEO/AA plan will cover 2023-2027,

¹ Federal Transit Administration Circular 4704.1A (FTA C 4704.1A), Rev. 1, April 20, 2017.

reflecting MTA employment data from fiscal 2023. These plans include all MTA employees, including MTAPF sworn personnel.

According to MTA, the EEO/AA plans also meet the requirements of “the Governor’s Code of Fair Practices, which requires each executive branch agency to develop and implement policies that promote equal employment opportunity and workforce diversification reflective of the availability of women, minorities and persons with disabilities in the relevant labor market.”^v

In the EEO/AA plans, FTA requires that recipient agencies identify job categories with an underutilization or concentration of minorities and women relative to the availability of people in those groups in the relevant labor market. This “utilization analysis” also creates the framework for goals and timetables to correct employment practices that contributed to any identified underutilization or concentration. MTAPF sworn personnel appear in four of the eight broad job categories defined in EEO regulations, as shown in **Exhibit 2.9** excerpted from the *MTA Title VII EEO/AA Plan 2019-2023*.

Exhibit 2.9
MTA Job Group Analysis for Sworn Personnel
June 30, 2019

Job Groups including MTAPF Sworn Personnel		All Employees					Males					Females					Total.	% of
	MTA Police Job Titles	Total	Male	Female	White	Black	Hisp.	Asian	Other	2+	White	Black	Hisp.	Asian	Other	2+	Minority	Total
1C:	Chief	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0%
Officials and Administrators	Lieutenant																	
	Colonel	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0%
2C:	Major	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	100%
Technical Professionals	Captain	6	5	1	2	2	0	0	0	1	0	1	0	0	0	0	4	67%
	Lieutenant	10	8	2	2	5	0	0	0	1	0	2	0	0	0	0	8	80%
3A:																		
Technicians	Sergeant	21	17	4	10	7	0	0	0	0	0	4	0	0	0	0	11	52%
4A:	Corporal	6	4	2	1	3	0	0	0	0	0	2	0	0	0	0	5	83%
Protective Service Workers – Sworn	Police Officer	136	110	26	17	93	0	0	0	0	2	24	0	0	0	0	117	86%
Subtotal:																		
# MTAPF Sworn Personnel		182	147	35	34	111	0	0	0	2	2	33	0	0	0	0	146	80%
% of Sworn Personnel			81%	19%	19%	61%	0%	0%	0%	1%	1%	18%	0%	0%	0%	0%		
Total: MTA Workforce		3,263	2,040	1,223	454	1,527	20	20	14	5	74	1,136	1	5	5	2	2,735	84%
% of MTA Workforce			63%	37%	14%	47%	1%	1%	0%	0%	2%	35%	0%	0%	0%	0%		

MTA: Maryland Transit Administration
MTAPF: Maryland Transit Administration Police Force

Source: MTA EEO/AA Plan 2019-2023, p. 241-249

As required by FTA, MTA's *EEO/AA Plan 2019-2023* estimated the proportion of each sex and race/ethnic group available and qualified for employment at MTA for a given job group in the relevant labor market during the 2019-2023 period. FTA has defined availability as the approximate level at which each race/ethnic and sex group could be expected to be represented in a job group if MTA's employment decisions are being made without regard to gender, race, or ethnic origin, assuming qualified individuals exist in each group.

Federal Uniform Guidelines for Employee Selection Procedures have set a "Four-Fifths" (or "Eighty Percent") rule of thumb for determining adverse impact on a group based on whether the employer hires a protected group (e.g., an ethnic minority, women) at a rate that is less than four-fifths (80%) the rate at which the majority group is hired.

As shown in **Exhibit 2.10**, using the methodology required by FTA, MTA's *EEO/AA Plan 2019-2023* identified areas of adverse impact for the follow groups: White males; Black females; Hispanic males and females; and Asian males. The plan set goals and timetables to overcome the areas of adverse impact identified in the plan.^{vi}

In 2023, MTA will prepare the next EEO/AA plan for FTA.

Exhibit 2.10
Four-Fifths Analysis of Applicants vs. Hires for Job Group 4A – Protective
Service Workers – Sworn
Fiscal 2019

Category	Total Gender		Total Race		White		Black		Hisp.		Asian		AI/AN		NHOPI		2+	
	M	F	W	Min	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Applicants	1243	719	259	1703	222	37	827	614	69	18	38	1	11	5	5	4	71	40
Hires	21	4	1	24	0	1	20	3	0	0	1	0	0	0	0	0	0	0
Selection Rate	1.7%	6.0%	0.4%	1.4%	0.0%	2.7%	2.4%	0.5%	0.0%	0.0%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Ratio to Highest Rate	100.0%	32.9%	27.4%	100.0%	0.0%	100.0%	89.5%	18.1%	0.0%	0.0%	97.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Potential Adv. Impact	No	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Adv: Adverse

AI/AN: American Indian and Alaska Native

EEO/AA: Equal Employment Opportunity/Affirmative Action

F: Female

Hisp.: Hispanic

M: Male

Min: Minority

MTA: Maryland Transit Administration

NHOPI: Native Hawaiian and Other Pacific Islander

Source: *MTA EEO/AA Plan 2019-2023*, p. 289 of 330

Observation #3: MDOT has not distributed its MTA EEO/AA Plans to the State's depository libraries, as required by Md. Education Code Ann. § 23-303.

State law (Md. Education Code Ann. § 23-301 et seq) established the State Publications Depository and Distribution Program, which requires that State agencies provide copies of their publications, including any reports to federal agencies, to the State's depository libraries. To date, MDOT has not provided copies of Title VII EEO/AA Plans to the State Depository Program.

Recommendation #1: MDOT should distribute past and future copies of MTA Title VII EEO/AA Plans to the State's depository libraries, as required by Md. Education Code Ann. § 23-303.

To facilitate ongoing review and oversight by the Maryland General Assembly and the public of MTA's Title VII EEO/AA planning, OPEGA recommends that MDOT-MTA provide copies of all prior and future MTA Title VII EEO/AA Plans to all State depository libraries via the State Depository Program, as required by State law.

Aspects of Employment Reviewed for This Evaluation

Compensation

OPEGA reviewed the base compensation for MTAPF sworn personnel in management and non-management positions. During 2016-2021, sworn personnel in executive service positions (Lieutenant and above) received an annual salary and were ineligible for overtime. Personnel in career service positions were union employees and eligible for overtime (voluntary and involuntary).

Observation #4: Officers of the same rank receive generally similar base compensation.

Exhibits 2.11 and 2.12 summarize the base compensation (without overtime) for sworn employees as of December 31, 2021. Salaries for managers are shown as an hourly wage calculated by dividing the average annual salaries by 2,080 hours. Except for a group of nine officers of unknown race, who are paid 85% of the average wage for that position, the difference between sexes or race and ethnicity is not greater than 6%. That group of nine officers of unknown race have an average tenure almost half of the group average, which may explain their lower wage.

Exhibit 2.11
Average (Mean) Base Pay of MTAPF Sworn Employees by
Classification and Sex
December 31, 2021

<u>Employment Classification</u>	<u>Average (Mean) Hourly Wage, or Equivalent*</u>	<u>Average (Mean) Tenure as of December 31, 2021</u>	<u>Number of Employees in Classification**</u>
Management Positions	\$54.58	17 years	41
Captains	\$64.65	20 years	6
Male	\$64.65	20 years	6
Lieutenants	\$61.21	21 years	10
Female	\$61.79	19 years	4
Male	\$60.83	22 years	6
Sergeants	\$48.76	14 years	24
Female	\$48.78	13 years	4
Male	\$48.76	15 years	20
Non-management Positions	\$36.67	8 years	122
Corporals	\$55.35	28 years	2
Male	\$55.35	28 years	2
Officer	\$36.36	7 years	120
Female	\$34.63	6 years	23
Male	\$36.77	8 years	97
Total			163

MTAPF: Maryland Transit Administration Police Force

*Management positions receive an annual salary; the equivalent hourly rate has been estimated here by dividing the average annual salary by 2,080 hours.

**Classifications with fewer than two employees are not shown.

Source: Maryland Transit Administration Office of Human Resources

Exhibit 2.12
Average (Mean) Base Pay of MTAPF Sworn Employees,
by Classification and Race/Ethnicity
December 31, 2021

Employment Classification	Average (Mean) Hourly Wage, or Equivalent*	Average (Mean) Tenure As of December 31, 2021	Number of Employees in Classification**
Management Positions	\$54.58	17 years	41
Captains	\$64.65	20 years	6
Black	\$66.14	22 years	2
White	\$63.60	19 years	3
Lieutenants	\$61.21	21 years	10
Black	\$61.94	22 years	8
White	\$58.31	17 years	2
Sergeants	\$48.76	14 years	24
Black	\$49.09	13 years	12
White	\$48.44	16 years	12
Non-management Positions	\$36.67	8 years	122
Corporals	\$55.35	28 years	2
Black	\$55.35	28 years	2
Officers	\$36.36	7 years	120
Black	\$37.05	8 years	95
White	\$35.84	7 years	15
Unknown	\$30.97	4 years	9
Total			163

MTAPF: Maryland Transit Administration Police Force

*Management positions receive an annual salary; the equivalent hourly rate has been estimated here by dividing the average annual salary by 2,080 hours.

**Classifications with fewer than two employees are not shown.

Source: Maryland Transit Administration Office of Human Resources

Recommendation #2: OPEGA recommends that the Maryland General Assembly require MDOT to conduct a pay equity audit of MTAPF sworn personnel and submit it to the Maryland General Assembly for review by January 1, 2023, and subsequently within six months of every new CBA with sworn personnel.

A pay equity audit (PEA) involves comparing the compensation to employees doing comparable work in an organization (accounting for reasonable differences, such as work experience, credentials, and job performance), and investigating the causes of any pay differences. OPEGA recommends that MGA require MDOT conduct a PEA to review total compensation (disaggregated into base pay, overtime pay, and other pay) to MTAPF sworn personnel by job classification and by race, ethnicity, and gender. OPEGA further recommends that MDOT conduct a PEA following every new CBA, to ensure that compensation remains equitable for all sworn personnel.

Overtime Pay

OPEGA reviewed data on overtime payments to MTA sworn personnel compiled for this evaluation by the MDOT and MTA payroll offices. The data was broken down into two groups of MTA sworn personnel: Represented (union employees); and TSHRS (non-union employees). In 2019, MDOT changed the payroll system used to handle MTA Represented (union employees) from “System K” to “ADP Vantage.” This system change makes it difficult to track data across the full scope of the evaluation review period (calendar 2016-2021), with 2019 being a transition year that used both systems. Therefore, the demographic analysis for this portion of the evaluation will focus on overtime hours worked by the largest group of MTA sworn personnel, union employees (Officers and Corporals), from 2016 to 2018.

Observation #5: Overtime hours worked by union employees (Officers and Corporals) from 2016 to 2018 is roughly proportional to the demographic profile of the MTA Police workforce by sex and by race/ethnicity.

Exhibit 2.13 shows that during calendar 2016-2018 female sworn employees made up 22% of the MTA Police union workforce and worked 18% of the overtime hours, whereas male sworn employees made up 78% of the MTA Police union workforce and worked 82% of the overtime hours.

Exhibit 2.13
MTA Police Overtime Hours Worked by Union Employees
(Officers and Corporals) by Sex
Calendar 2016-2018

	Number of Represented Sworn Personnel	Percent of Represented Sworn Personnel	Number of Overtime Hours Worked	Percent of Overtime Hours Worked
Female	47	22% (47 of 209)	15,379	18%
Male	162	78% (162 of 209)	70,657	82%
Total	209		86,036	

MTA: Maryland Transit Administration

Exhibit 2.14 shows the overtime hours worked by MTA Police union employees (Officers and Corporals) during calendar 2016-2018 broken down into racial classifications. African American/Black sworn personnel made up the highest percentage of these employees (80%) and worked the highest percentage of overtime hours (87%).

Exhibit 2.14
Overtime Hours Worked by MTA Police Union Employees (Officers and
Corporals) by Race
Calendar 2016-2018

	Number of Represented Sworn Personnel	Percent of Represented Sworn Personnel	Number of Overtime Hours Worked	Percent of Overtime Hours Worked
African American or Black	167	80% (167 of 209)	74,507	87%
White	33	16% (33 of 209)	9,689	11%
Hispanic or Latino	2	1% (2 of 209)	467	1%
Asian	1	0% (1 of 209)	0	0%
Unknown	6	3% (6 of 209)	1,372	2%
Total	209		86,035	

MTA: Maryland Transit Administration

Observation #6: Overtime pay in 2020 and 2021 made up 19% of the total pay earned by MTA Police union employees. OPEGA found instances where individuals earned an extraordinary amount of overtime pay.

OPEGA used the 2020 and 2021 ADP system data to compare overtime pay to other forms of pay received by MTA Police union employees. For the purposes of this analysis, regular pay is the same as an individual's base salary, overtime is generally paid at a rate of 1.5 times an officer's base hourly rate, and all other forms of pay encompass any other dollars earned by an officer through their employment with the MTA Police.² **Exhibit 2.15** shows a breakdown of the MTA Police payroll information by type of pay earned in calendar 2020 and 2021.

Exhibit 2.15
MTA Police Union Employee's (Officers and Corporals) Payroll Information

	CY 2020		CY 2021	
	<u>Dollar Amount</u>	<u>Percent of Total Pay</u>	<u>Dollar Amount</u>	<u>Percent of Total Pay</u>
Regular pay	\$7,462,158	57%	\$7,356,655	53%
Overtime pay	2,499,787	19%	2,644,333	19%
All other forms of pay	3,057,946	23%	3,772,401	27%
Total pay	\$13,019,890		\$13,773,389	

MTA: Maryland Transit Administration

Furthermore, OPEGA looked for instances where represented sworn personnel earned an extraordinary amount of overtime pay, defined here as more than two standard deviations above the mean among those Officers and Corporals who earned at least some overtime pay in that year. **Exhibit 2.16** shows the breakdown of this extraordinary overtime pay for calendar 2020 and 2021.

² The ADP system currently has close to 60 different earnings codes to capture the various types of pay that may be owed to an MTA Police union employee. Some examples include Admin Leave Pay, Attend Court Pay, Holiday, Supplemental, and Vacation sold.

Exhibit 2.16
MTA Police Union Employee's (Officers and Corporals) Extraordinary Overtime Pay

	<u>CY 2020</u>	<u>CY 2021</u>
Total OT pay	\$2,499,787	\$2,644,333
Mean OT pay	\$18,655	\$19,024
Standard deviation	\$18,876	\$23,402
Two standard deviations above the mean OT	\$56,406	\$65,828
Number of sworn personnel earning OT greater than two standard deviations of mean OT pay	7	4
Highest amount of OT pay earned by an individual	\$129,215	\$210,731

MTA: Maryland Transit Administration
OT: overtime

As shown in Exhibit 2.16, in calendar 2021 four of the represented sworn personnel earned more than \$65,828 in overtime (OT), in addition to their base salary.

One employee in 2021 earned \$210,731 in OT in addition to their base salary and averaged well over 80 hours of work per week for the year. This individual also had a sustained complaint against them for sleeping on the job.

Recommendation #3: MTAPF management should examine whether the use of overtime hours is necessary and appropriate.

Training

OPEGA reviewed the training completed by MTAPF sworn personnel during calendar 2016-2021, as well as training requested but denied, and looked for differences between subgroups by race/ethnicity and sex. To attend training, a sworn officer must complete a Training Request/Interest Form (MTAP#19), which requires review by six individuals in the sworn chain of command. The ultimate decision to approve or disapprove any request rests with the Chief of Police.

Observation #7: Sworn personnel of different sex and race or ethnicity completed similar amounts of training.

To isolate extra training that might better enable an employee to advance in their career, OPEGA extracted the training hours and training courses completed by sworn personnel beyond completion of the Entry Level Recruit Class and the Entry Level Field Training Program.

Exhibits 2.17 and **2.18** show the number of training hours beyond basic training completed by MTAPF sworn employees, disaggregated by sex and race/ethnicity. **Exhibit 2.19** and **2.20** show the number of training courses beyond basic training completed by these employees.

Exhibit 2.17
Training Hours Completed (Above Basic Training) by MTAPF Sworn
Employees, by Race and Ethnicity
Calendar 2016-2021

Demographic Profile of Employees Completing Training	<u>Black or African American</u>	<u>White</u>	<u>Hispanic or Latino</u>	<u>Multi- Racial</u>	<u>Unknown</u>	Total Number of Training Hours (Above Basic)
Total number of training hours (above basic)	19,536	5,798	76	33	576	26,018
Percent of total training hours	75%	22%	0%	0%	2%	
Sworn employees in this subgroup (2016-2021)*	74% (203 of 273)	18% (50 of 273)	1% (3 of 273)	1% (2 of 273)	5% (14 of 273)	

MTAPF: Maryland Transit Administration Police Force

*See Exhibits 2.1 and 2.2.

Source: MTA Police Training Report CY 2016-2021, MTAPF (3/15/22)

Exhibit 2.18
Training Hours Completed (Above Basic Training) by MTAPF Sworn
Employees, by Sex
Calendar 2016-2021

<u>Sex of Employees</u> <u>Completing Training</u>	<u>Total Number of</u> <u>Training Hours</u> <u>(Above Basic)</u>	<u>Percent of Total</u> <u>Training Hours</u>	<u>Sworn Employees in</u> <u>This Subgroup</u> <u>(2016-2021)*</u>
Male	20,758	80%	79% (217 of 273)
Female	5,260	20%	21% (56 of 273)
Total number of training hours (above basic)	26,018		

MTAPF: Maryland Transit Administration Police Force

*See Exhibits 2.1 and 2.2.

Source: MTA Police Training Report CY2016-2021, MTAPF (3/15/22)

Exhibit 2.19
Training Courses Completed (Above Basic Training) by MTAPF Sworn
Employees, by Race and Ethnicity
Calendar 2016-2021

<u>Demographic</u> <u>Profile of</u> <u>Employees</u> <u>Completing</u> <u>Courses</u>	<u>Black or</u> <u>African</u> <u>American</u>	<u>White</u>	<u>Hispanic</u> <u>or Latino</u>	<u>Multi-</u> <u>Racial</u>	<u>Unknown</u>	<u>Total</u> <u>Number of</u> <u>Courses</u> <u>Completed</u>
Total number of courses completed	1,166	349	6	4	41	1,566
Percent of total courses	74%	22%	0%	0%	3%	
Sworn employees in this subgroup (2016-2021)*	74% (203 of 273)	18% (50 of 273)	1% (3 of 273)	1% (2 of 273)	5% (14 of 273)	

MTAPF: Maryland Transit Administration Police Force

*See Exhibits 2.1 and 2.2.

Source: MTA Police Training Report CY2016-2021, MTAPF (3/15/22)

Exhibit 2.20
Training Courses Completed (Above Basic Training) by MTAPF Sworn
Employees, by Sex
Calendar 2016-2021

<u>Demographic Profile of Employees Completing Courses</u>	<u>Total Number of Courses Completed</u>	<u>Percent of Total Courses Completed</u>	<u>Sworn Employees in This Subgroup (2016-2021)*</u>
Male	1,257	80%	79% (217 of 273)
Female	309	20%	21% (56 of 273)
Total number of courses completed	1,566		

MTAPF: Maryland Transit Administration Police Force

*See Exhibits 2.1 and 2.2.

Source: MTA Police Training Report CY 2016-2021, MTAPF (3/15/22)

OPEGA reviewed all denied training requests from MTAPF sworn personnel during calendar 2016-2021 and looked for differences between subgroups disaggregated by sex and race/ethnicity. In total, 43 training requests by 28 unique sworn personnel were denied by the Chief of Police during the review period. Note that OPEGA did not compare how often personnel in these subgroups requested training and members of one subgroup may or may not have been more likely than those in another subgroup to have requested training.

The data showed the following differences during calendar 2016-2021:

- Male sworn personnel were more likely than female sworn personnel to have been denied a training request by the Chief.
 - 12% (25 of 217) of male employees had been denied a training request by the Chief (although not all males requested training).
 - 5% (3 of 56) female employees had been denied a training request by the Chief (although not all females requested training).
- White sworn personnel were more likely than Black or African American sworn personnel to have been denied a training request by the Chief.

- 22% (11 of 50) of White employees had been denied a training request by the Chief (although not all White employees requested training).
- 7% (15 of 203) of Black or African American employees had been denied a training request by the Chief (although not all Black employees requested training).

The demographic breakdown of the 28 sworn personnel who had a training request denied are shown in **Exhibits 2.21** and **2.22**.

Exhibit 2.21
Demographic Profile of MTAPF Sworn Employees* Denied a Training Request, by Race and Ethnicity
Calendar 2016-2021

Demographic Profile of Employees Denied a Training Request	<u>Black or African American</u>	<u>White</u>	<u>Hispanic or Latino</u>	<u>Multi-Racial</u>	<u>Unknown</u>	Number of Employees Denied a Training Request
Number of employees denied a training request	15	11	0	0	2	28
Percent employees denied a training request	54% (15 of 28)	39% (11 of 28)	0%	0%	7% (2 of 28)	
Sworn employees in this subgroup (2016-2021)**	74% (203 of 273)	18% (50 of 273)	1% (3 of 273)	1% (2 of 273)	5% (14 of 273)	
Portion of subgroup who experienced a training request denial	7% (15 of 203)	22% (11 of 50)	0%	0%	14% (2 of 14)	

MTAPF: Maryland Transit Administration Police Force

*Some employees were denied more than one training request.

**See Exhibits 2.2 and 2.2.

Source: MTA Police Archived Training Document Records

Exhibit 2.22
Demographic Profile of MTAPF Sworn Employees* Denied a Training Request, by Sex
Calendar 2016-2021

Demographic Profile of Employees Denied a Training Request	Number of Employees Denied a Training Request	Percent Employees Denied a Training Request	Sworn Employees in This Subgroup (2016-2021)**
Male	25	89% (25 of 28)	79% (217 of 273)
Female	3	11% (3 of 28)	21% (56 of 273)
Number of employees denied a training request	28		

MTAPF: Maryland Transit Administration Police Force

*Some employees were denied more than one training request.

*See Exhibits 2.1 and 2.2.

Source: MTA Police Archived Training Document Records

Discipline

The Professional Standards Unit (PSU) of the MTA Police oversees the investigative process for complaints levied against MTA sworn employees. These complaints may be initiated by members of the public or by another MTA employee, such as a supervisor or peer. As shown in **Exhibit 2.23**, most complaints reviewed for this report were initiated from within the agency, primarily by sworn personnel in a management position. (OPEGA was unable to determine whether the manager was a direct supervisor of the subject of the complaint at the time the complaint was filed.)

Exhibit 2.23
Number of Complaints (Filed by Members of the Public or Other MTA Employees) Investigated by the MTAPF Professional Standards Unit
Calendar 2016-2021

	<u>Number of Complaints</u>
Complaints initiated by another employee	246
made by management*	204
made by non-management	42
Complaints initiated by member of public	88
Other (complainant unknown)	1
Total	335

MTA: Maryland Transit Administration

MTAPF: Maryland Transit Administration Police Force

*Complainants with the rank of Sergeant or higher, as listed in the PSU Disposition Assessment Matrix at the time the complaint was filed.

Source: MTA Police Force Internal Affairs Case Disposition Assessment, Professional Standards Unit.

The allegations made in the complaints span a wide range of topics, from absenteeism to making an improper arrest.

Exhibit 2.24 summarizes all 335 complaints filed against MTAPF sworn employees during calendar 2016-2021, categorized by the allegation stated in the complaint and ranked by the most frequent allegations. Exhibit 2.24 also shows whether PSU found those allegations to be sustained, not sustained, or another investigatory finding. (Note that “violation of policy” is a broad designation that can include other allegation types such as neglect of duty or failure to obey an order; OPEGA reported the allegations as they were noted in PSU records.) Overall, about half of the complaints were sustained.

Exhibit 2.25 summarizes the subset of complaints, which were initiated by another MTAPF employee. Sixty three percent of these complaints were sustained.

Exhibit 2.26 summarizes the subset of complaints, which were initiated by a member of the public. Nine percent of these complaints were sustained.

Exhibit 2.24
All Complaints (Initiated by MTAPF Employees or by Members of the Public) and Investigated by the MTAPF Professional Standards Unit
Calendar 2016-2021

Allegation Stated in the Complaint	Number of Complaints with This Allegation	Total Complaints					
		Investigatory Findings		Number		Percent	
		Number Sustained	Percent Sustained	Not Sustained	Not Sustained	Number of Other Finding	Percent of Other Findings
Violation of policy	78	46	59%	18	23%	14	18%
Misconduct	59	7	12%	28	47%	24	41%
Care of equipment	35	29	83%	0	0%	6	17%
Neglect of duty	34	22	65%	7	21%	5	15%
Excessive use of force	30	1	3%	28	93%	1	3%
Accidental discharge of a weapon	17	16	94%	0	0%	1	6%
Missed court	17	15	88%	1	6%	1	6%
Fail to obey an order	9	1	11%	1	11%	7	78%
Insubordination	7	5	71%	1	14%	1	14%
Fail to follow procedure(s)	4	4	100%	0	0%	0	0%
Assault	4	0	0%	1	25%	3	75%
Fail to notify	4	1	25%	3	75%	0	0%
Off post	4	3	75%	1	25%	0	0%
Sleeping on duty	4	4	100%	0	0%	0	0%
Dereliction of duty	3	1	33%	1	33%	1	33%
Domestic	3	1	33%	0	0%	2	67%
Hostile work environment	3	1	33%	2	67%	0	0%
Inappropriate comments	3	2	67%	0	0%	1	33%
Absent without leave	2	1	50%	0	0%	1	50%
Brutality	2	0	0%	2	100%	0	0%
Fail to report an accident	2	0	0%	2	100%	0	0%
False imprisonment	2	0	0%	2	100%	0	0%
Harassment	2	1	50%	0	0%	1	50%
Incompetence	2	1	50%	1	50%	0	0%
Civil rights violation	1	0	0%	1	100%	0	0%
Common Assault/Domestic Related	1	0	0%	1	100%	0	0%
Driving under the influence	1	1	100%	0	0%	0	0%
False arrest	1	0	0%	1	100%	0	0%
Improper arrest	1	0	0%	1	100%	0	0%
Total # Complaints*	335	163	49%	103	31%	69	21%

MTAPF: Maryland Transit Administration Police Force

*One complaint was made anonymously.

Exhibit 2.25
Complaints Initiated by an MTAPF Employee* and Investigated by the
MTAPF Professional Standards Unit
Calendar 2016-2021

Allegation Stated in the Complaint	Number of Complaints with This Allegation	Investigatory Findings				Other Finding	
		Sustained		Not Sustained			
		#	%	#	%	#	%
Violation of policy	74	44	59%	18	24%	12	16%
Misconduct	25	4	16%	10	40%	11	44%
Care of equipment	34	29	85%	0	0%	5	15%
Neglect of duty	26	20	77%	5	19%	1	4%
Excessive use of force	2	1	50%	1	50%	0	0%
Accidental discharge of a weapon	17	16	94%	0	0%	1	6%
Missed court	17	15	88%	1	6%	1	6%
Fail to obey an order	9	1	11%	1	11%	7	78%
Insubordination	7	5	71%	1	14%	1	14%
Fail to follow procedure(s)	4	4	100%	0	0%	0	0%
Assault	0	0		0		0	
Fail to notify	4	1	25%	3	75%	0	0%
Off post	4	3	75%	1	25%	0	0%
Sleeping on duty	4	4	100%	0	0%	0	0%
Dereliction of duty	1	1	100%	0	0%	0	0%
Domestic	1	0	0%	0	0%	1	100%
Hostile work environment	3	1	33%	2	67%	0	0%
Inappropriate comments	3	2	67%	0	0%	1	33%
Absent without leave	2	1	50%	0	0%	1	50%
Brutality	1	0	0%	1	100%	0	0%
Fail to report an accident	2	0	0%	2	100%	0	0%
False imprisonment	0	0		0		0	
Harassment	2	1	50%	0	0%	1	50%
Incompetence	2	1	50%	1	50%	0	0%
Civil rights violation	0	0		0		0	
Common Assault/Domestic Related	0	0		0		0	
Driving under the influence	1	1	100%	0	0%	0	0%
False arrest	0	0		0		0	
Improper arrest	1	0	0%	1	100%	0	0%
Total Number of Complaints	246	155	63%	48	20%	43	17%

MTAPF: Maryland Transit Administration Police Force

*Complaints initiated by members of the public are excluded from this exhibit.

Exhibit 2.26
Complaints Initiated by a Member of the Public* and Investigated by the
MTAPF Professional Standards Unit
Calendar 2016-2021

<u>Allegation Stated in the Complaint</u>	Number of Complaints with This Allegation	Investigatory Findings					
		Sustained		Not Sustained		Other Finding	
	#	%	#	%	#	%	
Violation of policy	3	2	67%	0	0%	1	33%
Misconduct	34	3	9%	18	53%	13	38%
Care of equipment	1	0	0%	0	0%	1	100%
Neglect of duty	8	2	25%	2	25%	4	50%
Excessive use of force	28	0	0%	27	96%	1	4%
Accidental discharge of a weapon	0	0		0		0	
Missed court	0	0		0		0	
Fail to obey an order	0	0		0		0	
Insubordination	0	0		0		0	
Fail to follow procedure(s)	0	0		0		0	
Assault	4	0	0%	1	25%	3	75%
Fail to notify	0	0		0		0	
Off post	0	0		0		0	
Sleeping on duty	0	0		0		0	
Dereliction of duty	2	0	0%	1	50%	1	50%
Domestic	2	1	50%	0	0%	1	50%
Hostile work environment	0	0		0		0	
Inappropriate comments	0	0		0		0	
Absent without leave	0	0		0		0	
Brutality	1	0	0%	1	100%	0	0%
Fail to report an accident	0	0		0		0	
False imprisonment	2	0	0%	2	100%	0	0%
Harassment	0	0		0		0	
Incompetence	0	0		0		0	
Civil rights violation	1	0	0%	1	100%	0	0%
Common Assault/Domestic Related	1	0	0%	1	100%	0	0%
Driving under the influence	0	0		0		0	
False arrest	1	0	0%	1	100%	0	0%
Improper arrest	0	0		0		0	
Total Number of Complaints	88	8	9%	55	63%	25	28%

MTAPF: Maryland Transit Administration Police Force

*Complaints initiated by another MTA employee are excluded from this exhibit.

Sustained cases resulted in some form of discipline. The MTA Chief of Police makes the final determination of the discipline assigned to subjects of a sustained allegation. When determining the appropriate discipline, the Chief reviews an investigatory report prepared by PSU, which includes (1) the disciplinary history for the individual who is the subject of the allegation and (2) a historical list (the “Norms” list) of discipline previously assigned to other sworn employees for similar sustained allegations in the past. PSU prepares a Norms list for all the sustained cases to provide the Chief with a reference on which to base the final disciplinary decision.

Disciplinary actions during 2016-2021 included restitution payments for lost or damaged equipment, fines, loss of pay, letters of reprimand, mandatory trainings, ineligibility for promotion, suspensions, and terminations. Due to the individualized nature of each person’s prior disciplinary history, OPEGA was unable to adequately compare the severity of the disciplinary action for sworn officers with different demographic characteristics. OPEGA reviewed the 163 sustained cases for subgroup differences, disaggregated by sex and race/ethnicity of the sworn employees who were the subject of the complaint. OPEGA focused on complaints initiated from within the agency and excluded from review the 8 sustained cases initiated by members of the public. One hundred thirty-seven unique individuals were the subject of complaints between 2016 and 2021; of these, 102 unique individuals were the subject of complaints that were sustained.

Exhibit 2.27 shows the unique individuals who were the subject of a complaint initiated by another employee, disaggregated by sex and race, as compared to the overall sworn employee workforce. Half (50%) of the sworn personnel were the subject of a complaint filed by another employee (which may include a supervisor or a peer).

Exhibit 2.27
Comparative Likelihood of an MTAPF Sworn Employee being the Subject of
a Complaint Filed by Another Employee, by Sex and Race
Calendar 2016-2021

	<u>Female</u>	<u>Male</u>	<u>Totals</u>	
Number of unique sworn employees who were subject of a complaint filed by another sworn employee of any rank (including a supervisor)	26	111	137	
Total MTAPF sworn employees	56	217	273	
Percent of total employees who were subject of complaint filed by another employee	46%	51%	50%	
	<u>Black or African American</u>	<u>White</u>	<u>Other and Unknown</u>	<u>Totals</u>
Number of unique sworn employees who were subject of a complaint filed by another sworn employee of any rank (including a supervisor)	105	31	1	137
Total MTAPF sworn employees	203	50	20	273
Percent of total employees who were subject of complaint filed by another employee	52%	62%	5%	50%

MTAPF: Maryland Transit Administration Police Force

Exhibit 2.28 shows the portion of complaints initiated by another employee, *which were sustained following an investigation*. Overall, 63% (155 of 246) of such complaints were sustained. (Note: some individuals were the subject of more than one complaint.)

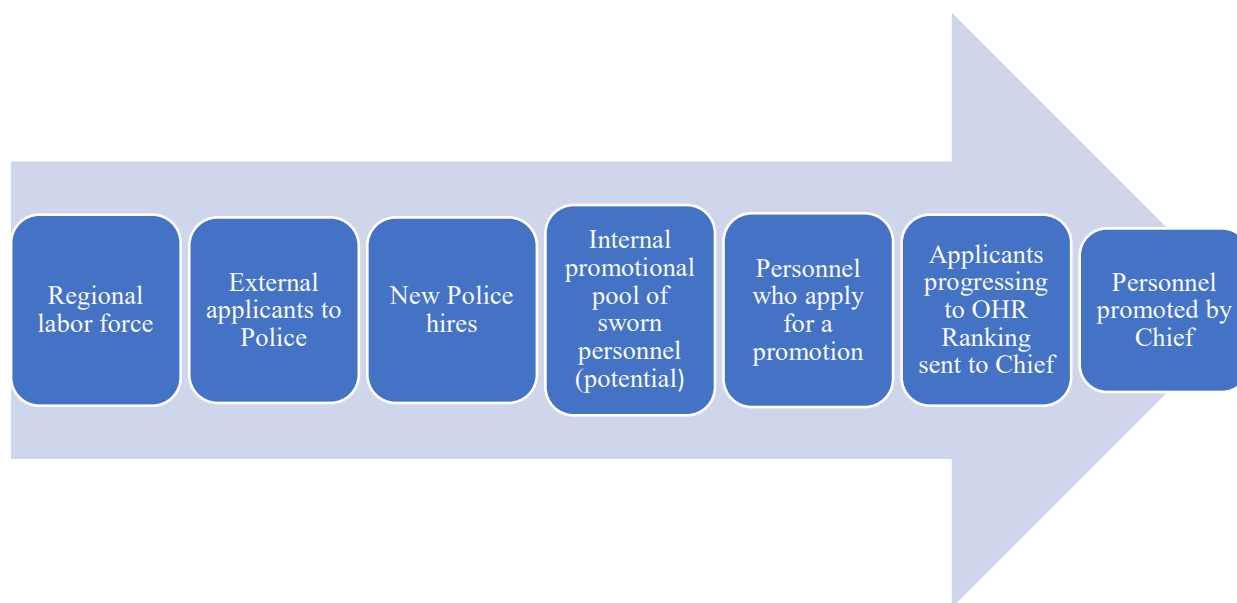
Exhibit 2.28
Comparative Likelihood of a Complaint from an Employee Against Another
Sworn Employee being Sustained, by Sex and Race
Calendar 2016-2021

Sex of Employee Who Is Subject of Complaint	<u>Female</u>	<u>Male</u>	<u>Total Number of Employees</u>	
Number of sustained complaints filed by a sworn employee against a sworn employee	36	119	155	
Total number of complaints filed by a sworn employee against a sworn employee	53	193	246	
Percent of total complaints with a finding of 'sustained'	68%	62%	63%	
Race/Ethnicity of Employee Who Is Subject of Complaint	<u>Black or African American</u>	<u>White</u>	<u>Other and Unknown</u>	<u>Total # Employees</u>
Number of sustained complaints filed by a sworn employee against a sworn employee	130	25	0	155
Total number of complaints filed by a sworn employee against a sworn employee	203	42	1	246
Percent of total complaints with a finding of 'sustained'	64%	60%	0%	63%

Police Recruitment and Promotion

The pipeline of employment begins with agency recruitment from among the available labor force. Initial hires create the pool of those who may later choose to apply for internal promotions, as illustrated in **Exhibit 2.29**.

Exhibit 2.29 Employment Pipeline



Recruitment of New Sworn Personnel (External)

A fundamental human resource process for a law enforcement organization is the recruitment of a sufficient pool of qualified and diverse applicants. Successful recruitment establishes the foundation for every other function in the organization, starting with the opportunity for leadership to make well-qualified and diverse appointments.^{vii}

Overall, 12% (72 of 616) of all applicants to entry-level positions were hired.

Over the six-year period 2016-2021, MTAPF appointed a total of 102 new hires to sworn positions. **Exhibits 2.30** and **2.31** disaggregate these appointments by sex, race/ethnicity, and age.

Exhibit 2.30
Cumulative Number of Appointments to Sworn Positions in the MTAPF, by
Race/Ethnicity and Sex
Calendar 2016-2021*

	<u>Black or African American</u>	<u>Asian</u>	<u>Hispanic or Latino</u>	<u>White</u>	<u>Unknown</u>	<u>Total</u>	<u>Percent of Total</u>
Male	60	1	2	13	8	84	82%
Female	13	0	0	2	3	18	18%
Total	73	1	2	15	11	102	
Percent of Total	72%	1%	2%	15%	11%		

MTAPF: Maryland Transit Administration Police Force

*As of May 2022, no appointments had been made for 2021.

Source: MTA Police Hires-Proms CY 2016-2021 generated report by Brian Hoffmaster, MTA HR, 4/26/22.

Exhibit 2.31
Cumulative Number of Appointments to Sworn Positions in the MTAPF, by
Age and Sex
Calendar 2016-2021*

	<u>Under 40</u>	<u>40 or Older</u>	<u>Total</u>	<u>Percent of Total</u>
Male	71	13	84	82%
Female	16	2	18	18%
Total	87	15	102	
Percent of Total	85%	15%		

MTAPF: Maryland Transit Administration Police Force

*As of May 2022, no appointments had been made for 2021.

Source: MTA Police Hires-Proms CY 2016-2021 generated report by Brian Hoffmaster, MTA HR 4/26/22.

Observation #8: OHR does not maintain applicant race and ethnicity data.

To assess whether the appointments to sworn positions (shown in Exhibits 2.30 and 2.31) represent a disproportionality by race/ethnicity, sex, or age, OPEGA:

1. compared the demographic profile of those appointed to that of the applicant pool;
2. compared the demographic profiles of applicants and those appointed to the regional labor force; and
3. reviewed appointments for examples of selections made outside the standard hiring process.

MTAPF leadership makes appointments to sworn positions from among its applicant pool.

MTA includes a section in its employment application for union positions requesting that applicants voluntarily provide information about their gender, date of birth, race/ethnic identification, and a description of any physical disability and/or behavioral/mental illness.^{viii} OPEGA requested data on the gender, age, and race/ethnicity of its applicants to MTA sworn positions. OHR told OPEGA that it has not saved data on the race/ethnicity of applicants. The information is requested (as an optional section on the application forms), but OHR has not saved it. Therefore, OPEGA was only able to compare the applicants to MTAPF sworn positions by sex and age.

Exhibits 2.32 and 2.33 compare the applicants and hires (appointments) to MTAPF sworn positions for calendar 2016-2020 by sex and age. (At the time of this report, MTAPF had not yet made appointments from among the 2021 applicants pending the completion of all background checks; therefore, Exhibits 2.32 and 2.33 sum only the applicants and hires for the period 2016-2020.)

Exhibit 2.32
Applicants and Hires to MTAPF Sworn Positions, by Sex
Calendar 2016-2020

MTAPF Candidates:			Male		Female		Sex
<u>CY 2016-2020 SUM</u>		<u>Total</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Unknown</u>
Entry-level	Applicants	616	458	74%	156	25%	2
	Hires	72	60	83%	11	15%	1
	Percent of applicants hired	12% (72 of 616)	13% (60 of 458)		7% (11 of 156)		
Lateral*	Applicants	56	47	84%	8	14%	1
	Hires	2	1	50%	1	50%	0
	Percent of applicants hired	4% (2 of 56)	2% (1 of 47)		13% (1 of 8)		

MTAPF: Maryland Transit Administration Police Force

*A lateral hire refers to the hiring of an experienced police officer from another law enforcement agency.

Note: At the time of this report, MTAPF had not yet made appointments from among the 2021 applicants.

Source: MTAPF, 3/30/2022.

Exhibit 2.33
Applicants and Hires to MTAPF Sworn Positions, by Age
Calendar 2016-2020

MTAPF Candidates:		Age <40			Age 40+		Age Unknown	
<u>CY 2016-2020 SUM</u>		<u>Total</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Entry-level	Applicants	616	495	80%	86	14%	35	6%
				(495 of 616)		(86 of 616)		(35 of 616)
	Hires	72	58	81%	9	13%	5	7%
				(58 of 72)		(9 of 72)		
	Percent of applicants hired	12% (72 of 616)	12% (58 of 495)		10% (9 of 86)		14% (5 of 35)	
Lateral*	Applicants	56	33	59%	20	36%	3	5%
	Hires	2	1	50%	1	50%	0	0%
	Percent of applicants hired	4% (2 of 56)	30% (1 of 33)		5% (1 of 20)		0%	

MTAPF: Maryland Transit Administration Police Force

*A lateral hire refers to the hiring of an experienced police officer from another law enforcement agency.

Note: At the time of this report, MTAPF had not yet made appointments from among the 2021 applicants.

Source: MTAPF, 3/30/2022.

Although females comprise 50% of the regional work force, female applicants comprised 25% of the applicant pool (156 females out of 616 total applicants), as shown in Exhibit 2.33.

Overall, 12% (72 of 616) of all applicants to entry-level positions were hired. Disaggregated by sex and by age, the differences were as follows:

- Sex:
 - 13% (60 of 458) of male entry-level applicants were hired.
 - 7% (11 of 156) of female entry-level applicants were hired.
- Age (over/under age 40):
 - 12% (58 of 495) of entry-level applicants under age 40 were hired.
 - 10% (9 of 86) of entry-level applicants age 40 and older were hired.

Sources of Demographic Disproportionality among Applicants

Many factors affect how job seekers hear of openings and why they choose to apply to certain openings but not others. Internal agency factors can impact recruitment success, such as who recruits on behalf of the agency, the medium used to communicate with prospective employees, and whether the agency can offer a benefits package that meets or exceeds applicant expectations.^{ix} Departments may employ a variety of recruitment techniques because a recruitment approach that captures one person's attention may be ineffective with another.^x Factors outside an agency can also affect recruitment success, including the available labor pool, economic conditions, social issues, and perceived working conditions.^{xi}

EEO/Affirmative Action laws require efforts to recruit women and minorities. Beyond only compliance, however, recruiting for a diverse workforce offers organizational benefits. For example, research has found that more diverse law enforcement organizations maintain better public relations and provide better service to the community.^{xii}

MTAPF is headquartered in Baltimore and the MTA transit system it serves to protect operates in the Baltimore-Washington Metropolitan Area. MTAPF sworn personnel cannot typically work remotely; therefore, recruits must come primarily from workforce participants living within a reasonable commute of these areas.

OPEGA compared the demographic profile of MTAPF's new hires to the demographic profile of the workforce in the State and in Baltimore-Columbia-Towson Metropolitan Area, as shown in **Exhibit 2.34**. OPEGA observed that, as of December 31, 2021:

- Gender: relative to the workforce in the State and region, females are underrepresented, and males are overrepresented among MTAPF sworn personnel; and

- Race/ethnicity: relative to the State and regional workforce, people who identify as Hispanic/Latino, Asian, and White are underrepresented, and people who identify as Black or African American are overrepresented among MTAPF sworn personnel.

Exhibit 2.34
Regional Workforce Participation Rates by Race/Ethnicity and Sex, as
Compared to Sworn Personnel in MTAPF as of December 31, 2021, and Total
Appointments
Calendar 2016-2020

	<u>Black or African American</u>	<u>White</u>	<u>Asian</u>	<u>Multi- Racial</u>	<u>Hispanic or Latino</u>	<u>Female</u>	<u>Male</u>
Profile of Maryland workforce participants	33%	62%	7%	3%	11%	49%	51%
Profile of workforce participants in Baltimore-Columbia-Towson Metro Area	31%	69%	6%	3%	6%	50%	50%
Profile of MTAPF Sworn Personnel, as of 12/31/2021.	74%	20%	0%	1%	1%	19%	81%
Profile of appointments (new hires) to MTAPF sworn positions, CY 16-20	72%	15%	1%		2%	18%	82%

MTAPF: Maryland Transit Administration Police Force

Note: Workforce participation rates based on estimates from the 2019 five-year American Community Survey (ACS); in the ACS, population of Hispanic or Latino origin may be of any race, therefore percentages do not total 100%. Data on number of MTAPF sworn personnel and new appointments from MTA OHR, April 21, 2022.

Another benchmark for assessing the racial and ethnic diversity of MTAPF sworn officers is to compare their demographic profile to that of MTA riders (customers). Having an organization comprised of members who are representative of the community is critical for a police department to build trust and relations with the people it serves.^{xiii}

As required by FTA, MDOT periodically produces a Title VI Program report. MDOT's 2017-2020 Title VI Program reported the race/ethnicity of MTA riders as shown in **Exhibit 2.35**.^{xiv}

Exhibit 2.35
Race/Ethnicity of MTA Riders

<u>Race</u>	<u>MARC</u>	<u>Light Rail</u>	<u>Metro Subway</u>	<u>Core Bus</u>	<u>Commuter Bus</u>
Caucasian/White	55%	35%	22%	22%	40%
African American/Black	26%	52%	69%	67%	39%
Asian	9%	4%	2%	4%	13%
Hispanic/Latino	6%	4%	2%	-	-
Multiracial	2%	2%	2%	-	-
American Indian/Alaskan Native	-	-	-	1%	1%
Other	2%	2%	1%	6%	6%

MARC: Maryland Area Rail Commuter

MDOT: Maryland Department of Transportation

MTA: Maryland Transit Administration

Source: *MDOT Title VI Program 2017-2020*, Table 33, p. 81.

As shown in Exhibit 2.35 about 80% of the MTA transit system's ridership occurs on the Core Bus and Metro Subway in Baltimore, and about 68% of these riders are Black or African American. By this measure, the 74% of MTA Police Force sworn personnel who are Black or African American (as of December 31, 2021) is more proportionate than using the regional workforce as a benchmark.

Recommendation #4: MTA should consider retaining and analyzing the race/ethnicity data on its applicants to the MTA Police Force to better assess its efforts to recruit applicants from a variety of races and ethnicities.

Promotion of Current Sworn Personnel (Internal)

Over the period calendar 2016-2021 (December 31, 2015 – December 31, 2021), 41 sworn personnel received at least 1 internal promotion at MTAPF, resulting in 53 internal promotion actions over the six-year period, as shown in **Exhibit 2.36**.

Exhibit 2.36
Internal Promotion Actions Among MTAPF Sworn Personnel
Calendar 2016-2021

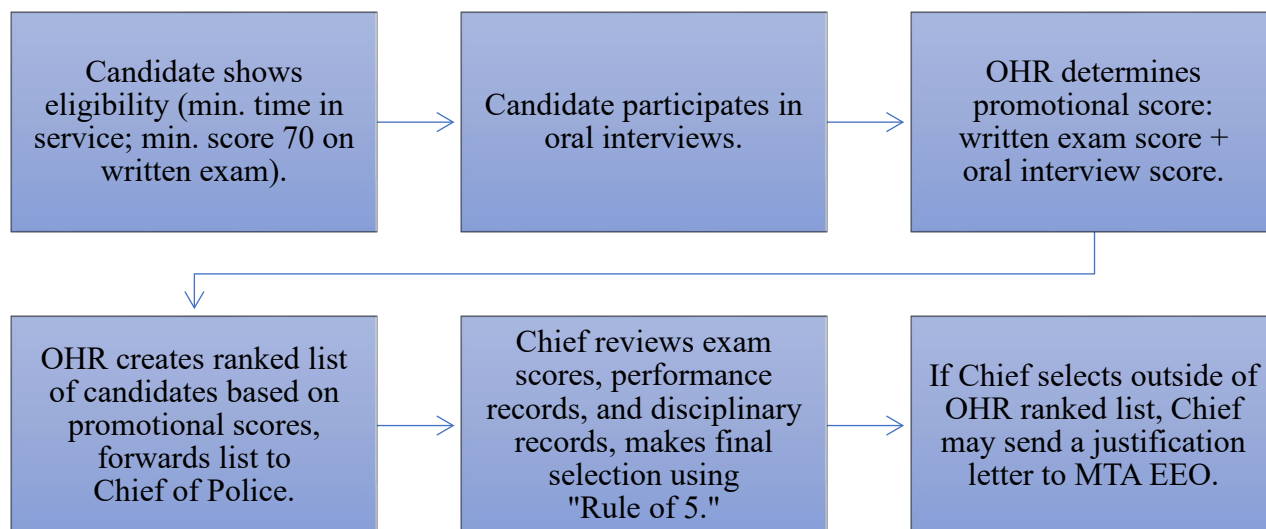
	Female		Male			
	#	Average	#	Average		
	Employees	Tenure at	Employees	Tenure at	Total #	Average
	Promoted	Promotion	Promoted	Promotion	Employees	Tenure at
	<u>Female</u>	<u>Female</u>	<u>Male</u>	<u>Male</u>	<u>Promoted</u>	<u>Promotion</u>
Captain			6	17 years	6	17 years
Black or African American			2	18 years	2	18 years
Multi-Racial			1	17 years	1	17 years
White			3	18 years	3	18 years
Lieutenant	4	17 years	9	18 years	13	18 years
Black or African American	4	17 years	6	19 years	10	18 years
White			3	17 years	3	17 years
Sergeant	8	12 years	20	10 years	28	10 years
Black or African American	8	12 years	10	10 years	18	11 years
White			10	9 years	10	9 years
Corporal	3	6 years	3	16 years	6	11 years
Black or African American	3	6 years	2	13 years	5	9 years
White			1	20 years	1	20 years
Total	15	12 years	38	13 years	53	

Source: Maryland Transit Administration Office of Human Resources; Maryland Department of Transportation

Of these 53 internal promotions, 34 promotions were into the Corporal and Sergeant ranks. The other 19 promotions were to the rank of Lieutenant and above and did not involve the MTA OHR promotional testing process.

The promotional process for Corporal and Sergeant selections is governed by Sec. 7.12 of the MTAPF SOP, illustrated in **Exhibit 2.37**.

Exhibit 2.37
MTAPF Promotional Process into the Ranks of Corporal and Sergeant



MTA's OHR administers a written exam for sworn personnel seeking a promotion to Corporal or Sergeant. (Following the written exam, candidates have an opportunity to compare their written answers to the correct answers and challenge any question, per SOP 7.12.13.1.) Candidates must score at least 70 on the written exam to qualify for the oral interviews. OHR gives each candidate a promotional score based on the written exam score combined with the oral interview score, to generate a ranked candidate list. OHR forwards the ranked list of candidates as a recommendation to the Chief of Police.

The Chief of Police considers the promotional scores of the candidates, together with the employee's current rank, records of performance, discipline, and length of service, factors that are not considered by OHR in creating the promotional ranking based on testing alone. The MTAPF's SOP states the Final Selection Process as follows:

The Chief of Police will select sworn personnel for promotion from the eligibility list. Personnel to be promoted will be selected using the Rule of 5. The "Rule of 5" means the Chief of Police has selected one eligible candidate from the top 5. Then the Chief of Police can move to the next group of 5 for selection for each rank. Promotions shall be announced in an MTAPF Personnel Order, stating the effective date for the promotion. (SOP Sec. 7.12.12)

The Chief of Police has the authority to make final promotion decisions. Promotional selections by the Chief are informed by (but not bound by) OHR's candidate rankings derived

from written examinations and oral interviews. The Chief considers additional factors such as employee seniority and past job performance, which are factors not reflected in the OHR promotional rankings.

Observation #9: Over 2016-2021, the Chief of Police usually, but not always, made promotions into Corporal and Sergeant positions based on the ranking order recommended by MTA OHR. When they exercised their “Rule of 5” authority to select from outside the order, they provided a written justification for the decision to OHR.

OPEGA reviewed the ranking scores provided by MTA OHR to the Chief of Police for each promotion to Corporal and Sergeant during the six-year period 2016-2021, observing that:

- The Chief usually prioritized Corporals over Officers in promotions to Sergeant. Because the MTAPF decreased its use of Corporals as a job classification, however, many Officer candidates bypassed the Corporal rank and were promoted directly to Sergeant.
- When the Chief selected from other than the candidate order recommended by OHR based on exam scores, the Chief or his Deputy Chief provided a written justification for the final selection to the MTA Equal Employment Opportunity officer explaining their decision.

Tenure

Differences in average and median tenure (or length of service) among subgroups can affect patterns in other factors for subgroups, such as compensation and promotion into management. Per SOP 3.27.11.4, seniority affects priority for voluntary overtime opportunities. Seniority can also break a tie for promotion (promotional score being equal), per SOP 7.12.9.2.

Exhibits 2.38 through 2.42 show the average and median tenure (length of service) at MTAPF for all sworn personnel, by classification, sex, and race/ethnicity, as of December 31, 2021.

Exhibit 2.38
Average (Mean) and Median Tenure at MTAPF of Sworn Personnel, By Sex
December 31, 2021

	<u>Female</u>	<u>Male</u>
Total of 163 employed	31	132
Average tenure	9 years	10 years
Median tenure	5 years	6 years

MTAPF: Maryland Transit Administration Police Force

Exhibit 2.39
Average (Mean) and Median Tenure at MTAPF of Sworn Personnel
(as of December 31, 2021), by Race/Ethnicity*

	<u>Black or African American</u>	<u>White</u>	<u>Unknown</u>
Total of 163 employed	120	32	9
Average tenure	10 years	12 years	4 years
Median tenure	6 years	7 years	2 years

MTAPF: Maryland Transit Administration Police Force

*Categories of race/ethnicity for which there were fewer than one employee are not shown.

Exhibit 2.40
Average (Mean) and Median Tenure at MTAPF
(as of December 31, 2021), by Employee Classification and Sex

Tenure at MTAPF in Years (as of 12/31/2021)	Female			Male			Median Tenure (Years)		
	<u>Avg. Tenure</u>	<u>Median Tenure</u>	<u>#</u>	<u>Avg. Tenure</u>	<u>Median Tenure</u>	<u>#</u>	<u>Avg. Tenure</u>	<u>Median Tenure (Years)</u>	<u># Empl.</u>
Sergeant	13 years	12 years	4	15 years	12 years	20	14 years	12 years	24
Corporal				28 years	28 years	2	28 years	28 years	2
Officer	6 years	4 years	23	8 years	5 years	97	7 years	4 years	120

MTAPF: Maryland Transit Administration Police Force

Exhibit 2.41
Average (Mean) Tenure at MTAPF (as of December 31, 2021), by Employee Classification and Race/Ethnicity*

Average Tenure at MTAPF in Years (as of 12/31/2021)	Black or African American		White		Unknown Race/Ethnicity		Avg. (Mean) Tenure	# Empl.*
	<u>Avg. Tenure</u>	<u>#</u>	<u>Avg. Tenure</u>	<u>#</u>	<u>Avg. Tenure</u>	<u>#</u>		
Sergeant	13 years	12	16 years	12			14 years	24
Corporal	28 years	2					28 years	2
Officer	8 years	95	7 years	15	4 years	9	7 years	120

MTAPF: Maryland Transit Administration Police Force

*Categories of race/ethnicity for which there was only one employee are not shown.

Exhibit 2.42
Median Tenure at MTAPF (as of December 31, 2021), by Employee Classification and Race/Ethnicity*

Median Tenure in Years (as of 12/31/2021)	Black or African American		White		Unknown Race/Ethnicity		Median Tenure (Years)	# Empl.*
	<u>Median Tenure</u>	<u>#</u>	<u>Median Tenure</u>	<u>#</u>	<u>Median Tenure</u>	<u>#</u>		
Sergeant	12 years	12	13 years	12			12 years	24
Corporal	28 years	2					28 years	2
Officer	5 years	95	5 years	15	2 years	9	4 years	120

MTAPF: Maryland Transit Administration Police Force

*Categories of race/ethnicity for which there was only one employee are not shown.

Turnover

Employee turnover is a measure of the number of employees who leave an organization during a specified period. The *turnover rate* refers to the percentage of positions that experienced an employee separation over the period.

Turnover can measure the total number of employees who separate from an organization. Turnover can also be measured by subgroups such as employees within a unit, employees in certain job types, or protected classes of employees.

Turnover is natural for any organization. Separations may be voluntary or involuntary. Reasons for separation may include an employee's retirement, death, departure to take another job offer, or termination for cause.

Staff turnover can have costs and benefits for an organization. Costs include recruitment to fill the vacated positions; training for new hires; and overtime for existing employees to cover all needed shifts while vacancies are being filled. Turnover can benefit an organization in that it presents an opportunity for faster change in organizational culture and more staff diversity as new hires are selected.

Overall, there were 112 separations of MTAPF sworn personnel over the 2016-2021 period. The turnover rate among MTAPF sworn personnel averaged about 11% per year over the six-year period 2016-2021. **Exhibit 2.43** below disaggregates the separations by the sex and race/ethnicity of the employee and the reason listed for the separation.

Exhibit 2.43
Separations of Sworn Personnel from MTAPF
Calendar 2016-2021

	<u>Failed to Report</u>	<u>Retired</u>	<u>Deceased</u>	<u>Resign- Family</u>	<u>Resign- Reason Unknown</u>	<u>Other Reasons</u>	<u>Total</u>	<u>Percent of Total</u>
Total # Employees Separated	1	49	1	1	36	24	112	100%
Black or African American	1	35	1		28	18	83	74%
	100%	71%	100%		78%	75%		
White		11			5	4	20	18%
		22%			14%	17%		
Hispanic or Latino		1			1		2	2%
		2%			3%			
Asian or Asian American				1			1	1%
				100%				
Multi-Racial		1					1	1%
		2%						
Unknown		1			2	2	5	5%
		2%			6%	8%		
Total # Employees Separated.	1	49	1	1	36	24	112	100.0%
Female		13			7	5	25	22%
		27%			19%	21%		
Male	1	36	1	1	29	19	87	78%
		73%			81%	79%		

MTAPF: Maryland Transit Administration Police Force

OPEGA disaggregated by sex and race/ethnicity the 87 separations by the reason for separation. **Exhibit 2.44** shows separations for retirement, and **Exhibit 2.45** shows non-retirement separations.

Separation for Retirement

The 49 employees who retired typically did so after 24 years of service, as shown in Exhibit 2.44. Compared to their overall portion of the MTAPF, Black or African American sworn employees were underrepresented among retirees, but the Black or African American employees had an average tenure below the MTAPF average, so a smaller proportion would have been eligible for retirement.

Exhibit 2.44
Sex and Race/Ethnicity* of Sworn Employees who Retired from
MTAPF During the Period
Calendar 2016-2021

	Female		Male		Total	Subgroup	
	Number of <u>Retirees</u>	Average Tenure at <u>Retirement</u>	Number of <u>Retirees</u>	Average Tenure at <u>Retirement</u>	Number of Retirees in <u>Subgroup*</u>	Percent of all <u>Retirees*</u>	Average Tenure at <u>Retirement</u>
Black or African American	12	25 years	23	23 years	35	71%	24 years
White			11	24 years	11	22%	24 years
Total number of retirees in subgroup	13	24 years	36	24 years	49 total retirees*		
Subgroup percent of all retirees	27%		73%				

MTAPF: Maryland Transit Administration Police Force

*Categories of race/ethnicity for which there was only one employee are not shown.

Separations for Reasons Other Than Retirement

Sixty-one sworn employees separated from MTAPF over the 2016-2021 period for reasons other than retirement, as shown in Exhibit 2.45. Reasons for these separations included “Resign-Family,” “Resign-Reason Unknown,” and “Other Reasons,” and each category was a mix of voluntary and involuntary separations.

MTAPF terminated eight sworn employees over the six-year period because of the findings of an investigation of a complaint against the employee; of these, six were Black or African American and two were of unknown race/ethnicity. (Seven of these investigations were for complaints filed by sworn personnel and one was for a complaint filed by a member of the public.) Another eight sworn employees resigned from MTAPF while an internal investigation of a complaint against them was underway; all were Black or African American.

Exhibit 2.45
Sex and Race/Ethnicity* of Sworn Employees who Separated from MTAPF
During the Six-year Period Calendar 2016-2021 for Reasons Other Than
Retirement**

	Female		Male		Median			
	<u>Number</u> <u>of</u> <u>Separated</u>	<u>Average</u> <u>(Mean)</u> <u>Tenure</u>	<u>Number</u> <u>of</u> <u>Separated</u>	<u>Average</u> <u>(Mean)</u> <u>Tenure</u>	<u>Tenure at</u> <u>Separation</u> <u>(Subgroup)</u>	<u>Total</u> <u>Number of</u> <u>Separated*</u>	<u>Percent of</u> <u>Separated</u> <u>Employees*</u>	<u>Average</u> <u>(Mean)</u> <u>Tenure</u>
Black or African American	9	7 years	37	5 years	Median tenure: 4 years	46	75%	5 years
White	*	*	8	9 years	Median tenure: 2 years	9	15%	7 years
Unknown Race/Ethnicity	2	5 years	2	1 year	Median tenure: 1 year	4	7%	3 years
Total by Sex	12	6 years	49	5 years				
Subgroup % of total	20%	Median tenure females: 7 years	80%	Median tenure males: 2 years		61 employees separated (for reasons other than retirement**)		

MTAPF: Maryland Transit Administration Police Force

*Categories of race/ethnicity or sex for which there was only one employee are not shown.

**Separation reason shown in table include "Resign-Family," "Resign-Reason Unknown," and "Other Reasons;" table excludes separations for: "Retired," "Deceased," or "Failed to Report."

Recommendation #5: The MTA Police should consider establishing a more consistent and formal process for exit interviews to understand the reasons that sworn personnel leave and where retention efforts could be improved.

OPEGA recommends that MTAPF develop formal procedures for exit interviews conducted by a third-party other than the supervisor. Formal exit interviews should be encouraged for all personnel separating for any reason, including voluntary and involuntary separations. According to research by the U.S. Department of Justice, exit interviews can help a law enforcement agency improve their retention efforts, obtain honest information delivered without fear of retaliation, and provide greater insights into the work environment.^{xv}

ⁱ MTAPF Standard Operating Procedures, Section 7.12.

ⁱⁱ MTAPF Standard Operating Procedures, Section 7.12.16.1.5.

ⁱⁱⁱ Law Enforcement Management and Administrative Statistics (LEMAS) survey, federal Bureau of Justice Statistics. The LEMAS survey is irregularly conducted, with the most recent survey in 2016 and the most immediate prior ones in 2013 and 2007. At the time of this report, it was the most comprehensive State level data available on law enforcement officer demographics.

^{iv} *Racial and Equity Impact Note: 2021 Maryland Police Reform Proposals*, Department of Legislative Services, Maryland General Assembly 2021 Session (pp. 5–6). Retrieval from <https://mgaleg.maryland.gov/pubs/BudgetFiscal/2021RS-Maryland%20Police%20Reform%20Proposals.pdf>.

^v *Ibid.*, p. 9.

^{vi} *Ibid.*, p. 11.

^{vii} *Recruitment, Retention, and Turnover of Police Personnel: Reliable, Practical, and Effective Solutions*, by W. Dwayne Orrick (Charles C. Thomas Publishers, Springfield, IL, 2008) p. 3.

^{viii} Maryland Transit Administration Employment Application (Form MJ45, Revised 03/2013) p. 4 of 4; retrieved on 6/9/2022 from <https://s3.amazonaws.com/mta-website-staging/mta-website-staging/files/Employment/MJ45-Appl-Rev5-2013.pdf>.

^{ix} Orrick 2008, p. 9.

^x Orrick 2008, p. 8.

^{xi} Orrick 2008, p. 11.

^{xii} Orrick 2008, p. 13.

^{xiii} Orrick 2008, p. 130.

^{xiv} *MDOT Title VI Program 2017-2020*, Table 33, p. 81.

^{xv} *Deliberative and Pre-decisional, Chapter 2. Law Enforcement Recruitment and Training*, (Office of Community Oriented Policing Services, U.S. Dept. of Justice DOJ COPS, 2020) p. 21; retrieved from www.justice.gov/file/1354581/download.

Chapter 3. Complaints

Background: Categories of Employment Complaints

In legal terms, a complaint is the initial formal document where a complainant states the basis for a claim that they have experienced an adverse impact from another's act or from an order. A complainant may be from inside or outside the agency, and a complaint might allege a wide variety of actions that may or may not be discriminatory in nature. Each complaint type has distinct rules and procedures.

Typical categories of complaints are described below and shown in **Exhibit 3.1**.

1. Complaint about a sworn employee that was initiated by a member of the public. A complaint from a member of the public, such as a transit customer (a.k.a. patron), may allege misconduct by a Maryland Transit Administration Police Force (MTAPF) sworn officer that is criminal or administrative in nature and involves actions when the officer was on duty or off duty. Complaints from the public are referred to MTAPF's Professional Standards Unit (PSU) for investigation. An outside law enforcement agency may also investigate, depending on the allegation and the jurisdiction in which the alleged misconduct occurred.
2. Complaint about a sworn employee that was initiated from within agency. An MTAPF sworn officer may file an employment-related complaint against another MTAPF sworn officer. Such complaints may be investigated internally by the agency or by an external entity, depending on the nature of the claim.
 - Internal Maryland Transit Administration (MTA) investigations may be conducted by a supervisor for minor incidents or by PSU for more serious incidents.
 - External criminal investigations may be conducted by a District Attorney or other law enforcement agency.
3. Complaint filed by a sworn employee alleging illegal discrimination or retaliation. If an officer files an employment-related complaint alleging illegal discrimination against a person in a protected class, the allegations may be investigated both inside and outside MTA.
 - Internally by the MTA Fair Practices Officer or Equal Employment Opportunity Officer.
 - Externally by the Maryland Commission for Civil Rights or the U.S. Equal Employment Opportunity Commission (EEOC).

This complaint category includes allegations of illegal retaliation for having filed a prior discrimination complaint.

4. Union grievances. An MTAPF sworn officer who is a union employee may file an employment grievance against MTA through their union alleging a violation of the collective bargaining agreement terms. A single union grievance may relate to one or many sworn personnel. Union grievances are sometimes referred to as “complaints.”

Exhibit 3.1

Types of Formal Complaints Related to Sworn Personnel in MTAPF

Complaint Types		Complaint Source	
		Complaint initiated by a member of public	Complaint initiated by a sworn officer
		about a sworn officer	about another sworn officer
	Criminal*	Investigation by District Attorney or other outside law enforcement agency re: civil litigation	
Internal	Minor	Investigation by MTA supervisor, MTA District Office, or	
Administrative	Infraction*	MTAPF’s Professional Standards Unit	
	Major	(depending on the severity of the complaint)	
	Infraction*	Investigation internally (by MTA Fair Practices Officer or PSU) or externally (by MCCR, U.S. EEOC)	
Allegation of Illegal Discrimination or Retaliation			

EEOC: Equal Employment Opportunity Commission

MCCR: Maryland Commission on Civil Rights

MTA: Maryland Transit Administration

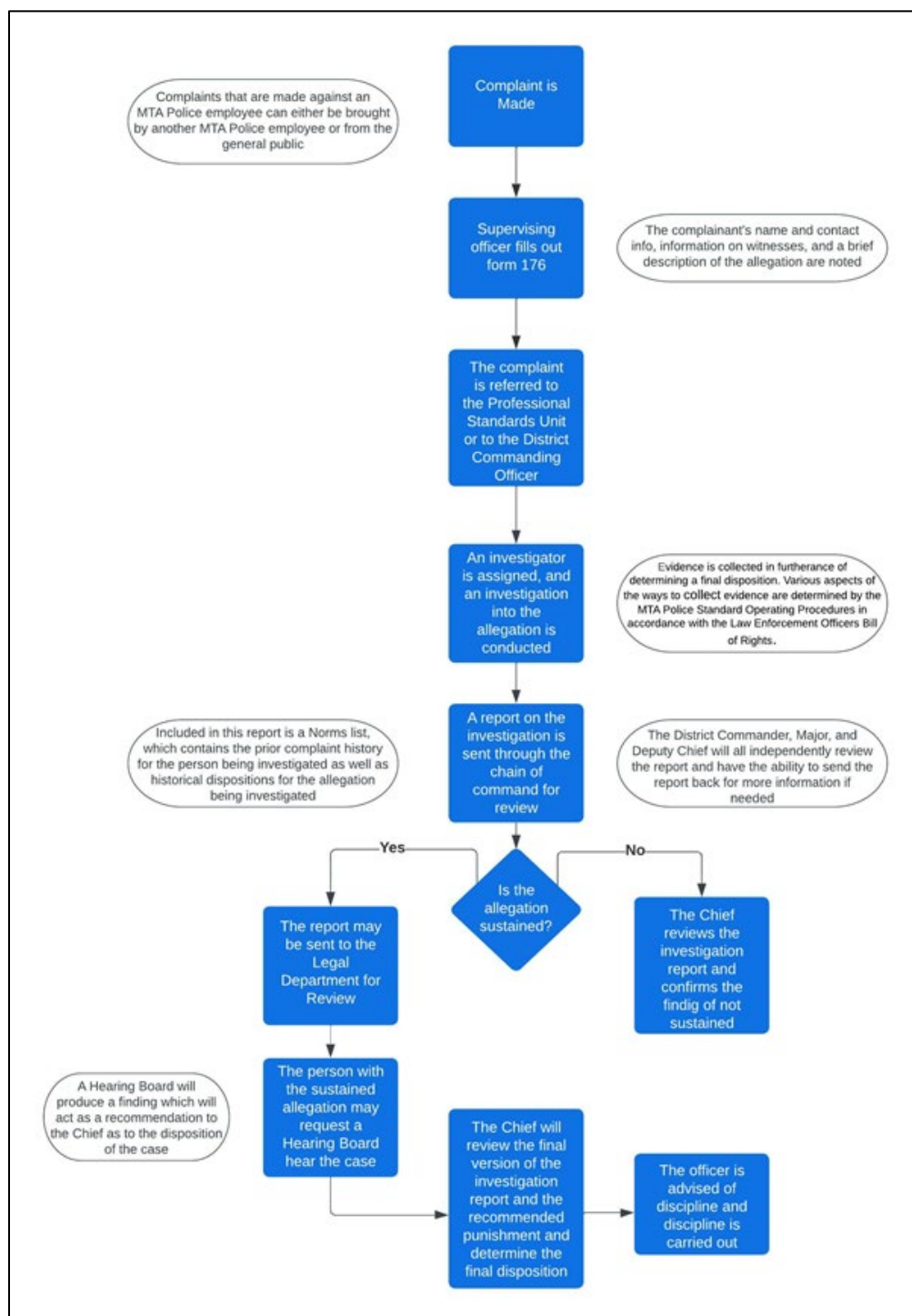
MTAPF: Maryland Transit Administration Police Unit

PSU: Professional Standards Unit

*Alleged misconduct by an officer may have occurred when officer was off-duty or on-duty.

Exhibit 3.2 shows the MTAPF complaint process, from the point of initial complaint to the investigation findings and final disposition.

Exhibit 3.2 MTAPF Process for Investigating Complaints



Employment Complaints Filed by MTAPF Sworn Personnel, 2016-2021

Over the six-year period 2016-2021, MTAPF sworn personnel formally filed 258 complaints, comprised of 12 complaints filed externally to EEOC or the Maryland Commission on Civil Rights (MCCR) and 246 complaints filed internally with MTAPF's PSU, as shown in **Exhibit 3.3**.¹ Because some sworn personnel filed more than one complaint, the number of complaints exceeds the number of unique complainants.

Exhibit 3.3 Summary of Employment-related Complaints Filed by MTAPF Sworn Personnel Calendar 2016-2021

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	Total Number of Complaints Filed
External – Complaints filed with EEOC/MCCR*	3	1	0	3	2	3	12
Internal – Complaints filed with MTAPF Professional Standards Unit**	71	24	31	47	44	29	246
Total number of complaints filed	74	25	31	50	46	32	258

EEOC: Equal Employment Opportunity Commission

MCCR: Maryland Commission for Civil Rights

MTAPF: Maryland Transit Administration Police Force

Note: Some sworn personnel filed more than one complaint. Complaints in this table exclude complaints from the public. For calendar 2016, four complaints initiated in 2015 are included as they were assigned a 2016 case number by the MTAPF Professional Standards Unit.

*Source: Fair Practices Officer, MTA Office of Human Resources

**Source: MTA Police Force Internal Affairs Case Disposition Assessment Matrix, MTAPF Professional Standards Unit

¹ Prior to 2022, MTAPF sworn personnel could request the expungement of a complaint filed within the agency, but MTAPF told the Office of Program Evaluation and Government Accountability (OPEGA) that no complaints were expunged during calendar 2016-2021.

To assess whether the MTAPF sworn personnel who had filed a complaint subsequently experienced a negative impact on their employment after filing, OPEGA developed the following methodology:

First, OPEGA reviewed all complaints filed by MTAPF sworn personnel during 2016-2021 to identify the complainants who may have experienced a negative impact from having filed a complaint. OPEGA counted the following complainants:

- a. 7 MTAPF sworn employees filed an external complaint to EEOC or MCCR.
- b. 47 MTAPF sworn employees filed an internal complaint with PSU about another MTAPF employee for any reason.

Some individuals filed both an external and an internal complaint over the period. In total, OPEGA identified 51 unique individual complainants.

Second, OPEGA looked for evidence of whether the complainants experienced a negative employment impact within a year and a day of the date they filed a complaint, defined as the following:

- a. A complaint made against them by another MTAPF employee (regardless of the investigatory findings of their initial complaint).
- b. A complaint made against them by another MTAPF employee culminating in an investigatory finding of “sustained.” (This is a subset of (a.))
- c. A denial of a training request.
- d. A denial of promotion.

Note that this methodology examined whether a negative impact occurred after an employee filed a complaint but does not establish a causal link between the two events. Evidence for causation would have to be investigated on a case-by-case basis, such as is done through the EEOC or MCCR investigatory process.

All employees who are the subject of a complaint allegation must go through the investigatory process and, regardless of the ultimate finding, have their name linked to the allegation in the MTAPF IA Case Disposition Assessment matrix.

The 51 complainants identified represented 19% (51 of 275) of all sworn personnel employed by MTAPF at any point during the period 2016-2021. Eighteen of the 51 complainants (35%) had a subsequent complaint filed against them by another employee within a year and a day of filing their initial complaint.

Complaints resulting in a sustained finding include some form of disciplinary action (as previously discussed in the discipline section of this report). Ten of the 51 complainants (20%) had a complaint filed against them by another employee within a year and a day of filing their initial complaint that resulted in a sustained finding.

Six of the 51 complainants (12%) had a training request denied within a year and a day of filing their initial complaint. **Exhibit 3.4** shows the overall outcome of OPEGA’s review of negative impact on the 51 MTAPF complainants who made either an internal or external complaint between calendar 2016 and 2021.

Exhibit 3.4
Evidence of Negative Employment Impacts on MTAPF Sworn Employees
Within a Year and a Day After They Filed a Complaint
Calendar 2016-2021

<u>MTAPF Employed 275 Individuals as Sworn Personnel during CY 2016-2021</u>		<u>Percent of MTAPF Complainants</u>	<u>Percent of All MTAPF Sworn Personnel</u>
MTAPF sworn employees who made a complaint (“MTAPF complainants”)	51		19% (51 of 275)
MTAPF complainants who subsequently had a complaint filed against them within 1 year and 1 day	18	35% (18 of 51)	7% (18 of 275)
MTAPF complainants who subsequently had a complaint filed against them within 1 year and 1 day – that was sustained.	10	20% (10 of 51)	4% (10 of 275)
MTAPF complainants who subsequently had a request for training denied within 1 year and 1 day*	6	12% (6 of 51)	2% (6 of 275)
MTAPF complainants who subsequently were denied a promotion within 1 year and 1 day*	1	2% (1 of 51)	<1% (1 of 275)

MTAPF: Maryland Transit Administration Police Force

*Not all MTAPF complainants requested training within a year and a day of filing their complaint. Additionally, not all MTAPF complainants who did request training applied for a promotion within a year and a day of filing their complaint.

Note: The existence of a disciplinary action, a denial of a training request, or a denial of promotion within a year and day of an employee filing a complaint does not establish causal evidence of any negative employment impact directly resulting of having filed the complaint. Formal complaints alleging retaliation must be investigated on a case-by-case basis to establish causality.

Observation #10: During 2016-2021, sworn personnel who filed a complaint may have been more likely to subsequently have a complaint filed against them by another employee, as compared to a sample of sworn personnel who had never filed a complaint.

To assess whether employees who filed a complaint (“Complainants”) were more or less likely to subsequently have a complaint filed against them, as compared to employees who never filed a complaint (“Non-complainants”), OPEGA used the following methodology:

First, OPEGA counted the number of sworn employees during the six-year period calendar 2016-2021 who filed a complaint (“Complainants”). Fifty-one unique individuals met this criterion. Some of these individuals filed more than one complaint during the period.

Second, OPEGA defined four sample time periods (each lasting one year plus one day) within the six-year period calendar 2016-2021 and counted the number of employees in each period who never filed a complaint (“Non-complainants”). Four hundred seventy-seven employees were counted using this method because many were counted more than once as they were employed throughout the multiple review windows.

Third, OPEGA counted the Complainants and Non-complainants who subsequently had a complaint filed against them. To make this comparison, OPEGA counted (1) the subset of Complainants who subsequently had a complaint filed against them by another employee *within a year and a day of their initial complaint* and (2) the subset of Non-complainants who had a complaint filed against them by another employee *during each sample period*. For Complainants, this counts complaints filed within a year and a day from the day of their complaint, whereas for Non-complainants this counts complaints filed within a year and a day from the randomly selected date that begins each review window. The review period for Complainants is the full six-year period calendar 2016-2021. The sampled review windows for Non-complainants are four one-year sample periods.

As shown in **Exhibit 3.5** below, 35% (18 of 51) of sworn employees who made a complaint (“Complainants”) subsequently had a complaint filed against them by another employee within a year and a day. In contrast, 21% (100 of 477) of sworn employees who never made a complaint (“Non-complainants”) subsequently had a complaint filed against them by another employee within a year and a day of the start of each sample review window. It is unclear whether this difference represents a meaningful distinction. It cannot be stated with any certainty that the 14% difference represents retaliatory practices. While it is possible to file a complaint as retaliation against someone who had previously made a complaint, this is not evidence that any of these complaints were retaliatory.

Exhibit 3.5
Comparing Complaints Filed Against Complainants vs. Non-complainants
Calendar 2016-2021

	<u>Total</u>	<u>Number with a Complaint Against Within 1yr. + 1day</u>	<u>Percent with a Complaint Against Within 1yr. + 1 day</u>
Sworn officers who made a complaint between calendar 2016-2021 ("Complainants")*	51	18****	35%
Sworn officers who did not make a complaint between calendar 2016-2021 ("Non-complainants") and were part of a sample group**	477***	100*****	21%

*Complainants may have filed their complaint at any point during the six-year period calendar 2016-2021.

**OPEGA created four sample groups comprised of Non-complainants employed at MTAPF for 1 year and 1 day starting from the following dates: 2/1/2016, 7/1/2017, 8/1/2018, and 1/1/2020.

***Many sworn officers were included more than once as they were employed for the full duration of multiple review windows.

****Duration of 1 year and 1 day starting from the day the sworn officer made a complaint.

*****1 year and 1 day measured from 2/1/16, 7/1/17, 8/1/18, and 1/1/20.

Observation #11: Complaints filed with EEOC involving MTAPF sworn personnel have on average taken over a year to be resolved.

MTAPF sworn personnel have filed a total of 12 complaints with the U.S EEOC. OPEGA observed that these cases have on average taken well over a year from date of filing to date of resolution.

The Department of Justice (DOJ) Office of the Inspector General has found that the long duration of the EEO process contributes to negative perceptions of the EEO complaint process and can deter employees from reporting discrimination. A 2018 DOJ study found that 25% of those who said they would not or were unsure whether they would file an EEO complaint reported length of time for the EEO process as a reason. This effectively limits the EEO process as a tool to address discrimination.ⁱ

In March 2022, the [Maryland] House Appropriations Committee expressed concern about the backlog cases to be processed by MCCR and requested a report on MCCR's investigator staffing and caseload trends. [MCCR works under contract with EEO].

Recommendation #6: The MTAPF Equity, Diversity, and Inclusion Committee could consider, in its next Workplace Climate Survey, asking employees if they ever chose not to file a formal complaint following an incident, and if not why.

This survey question could help determine whether the EEO complaint process is working effectively at MTA to address any discrimination.

Observation #12: The Standard Operating Procedures (SOP) defines two disposition categories. The PSU has used eight disposition categories over the 2016-2021 period.

According to DOJ, findings in completed investigations should result in one of four resolutions, also known as disposition categories:

1. Sustained or founded. “Sustained” or “founded” adjudication means the allegations are true by a preponderance of the evidence and that the conduct at issue is a violation of the agency rule.
2. Not sustained or not resolved or unresolved. A “not sustained” or “not resolved” or “unresolved” adjudication means that the allegations cannot be proven true or untrue by a preponderance of the evidence.
3. Exonerated. “Exonerated” means that the conduct at issue occurred but is not a violation of agency rules.
4. Unfounded. An “unfounded” adjudication means that the allegations are not true.

In contrast, the MTAPF’s SOP defines two disposition categories, as follows:

1. **“Non-Sustained.** The investigation fails to disclose sufficient evidence to clearly prove the allegations made in the complaint — which includes unfounded, exonerated, and not involved findings.” (SOP Sec. 6.3.1.15)
2. **“Sustained.** A finding that an investigation disclosed sufficient evidence to substantiate the allegation made in the complaint.” (SOP Sec. 6.3.1.20)

Because the SOP defines the term “Non-Sustained” to include exonerated complaints, the category labels do not distinguish between a finding that an allegation could not be proven as true or untrue, as compared to a finding that the alleged conduct was proven to have occurred and violated no agency rules. This ambiguity could lead to the misperception that some exonerated complaints were unresolved for lack of evidence, when in fact they were resolved.

During 2016-2021, the MTAPF PSU used eight categories of findings in its records, as follows:

- a. Closed Administratively;
- b. Drawn in Error;
- c. Non-sustained;
- d. Resigned Pending Termination;
- e. Suspended;
- f. Sustained;
- g. Unfounded; and
- h. Withdrawn.

Recommendation #7: MTA should consider revising the SOP to define disposition categories aligned with DOJ recommended best practices.

MTA officials told OPEGA they expect to adopt new management software to track investigations in the coming year. This software transition may offer an opportunity to categorize the outcomes of completed investigations in alignment with DOJ recommended best practices.ⁱⁱ DOJ recommends using four basic resolution categories in completed investigations: (1) sustained or founded; (2) not sustained or not resolved or unresolved; (3) exonerated; or (4) unfounded.ⁱⁱⁱ

MTAPF may wish to consider using the planned software transition as an opportunity to align its disposition categories with DOJ recommended best practices and revise the SOP to reflect this. For example, the MTAPF could structure and define its finding categories as follows:

1. **Unfounded.** An “unfounded” adjudication means that the allegations are not true.
2. **Sustained.** “Sustained” (or “founded”) adjudication means the allegations are true by a preponderance of the evidence and that the conduct at issue is a violation of the agency rule.
3. **Not sustained.** A “not sustained” adjudication means that the allegations cannot be proven true or untrue by a preponderance of the evidence.
4. **Exonerated.** “Exonerated” means that the conduct at issue occurred but is not a violation of agency rules.
5. **Investigation closed prior to a finding and disposition:**
 - a. Closed Administratively;
 - b. Drawn in Error;
 - c. Withdrawn; and
 - d. Resigned Pending Termination.

Exhibit 3.6 compares the finding categories use by MTAPF with three sample law enforcement agencies.^{iv}

Exhibit 3.6
Comparison of Internal Affairs Adjudication Procedures Used by MTA Police Force and Select Law Enforcement Agencies

<u>Category</u>	<u>MTA Police</u>	Law Enforcement Entity		
		<u>Metropolitan Police Department (Washington, DC)</u>	<u>Atlanta Police Department</u>	<u>Chicago Police Department</u>
IA makes findings (sustained, not sustained, etc.)?	Yes	Yes	Yes	Yes
Complaints go back through the Chain of Command for adjudication:	Yes	Yes, depending on severity	Yes	No, review only. Alternate recommendation can be made.
Who makes final disposition?	Chief of Police	Either involved member's C/O or Dept. Disciplinary Review Officer	Chief of Police or Designee	Superintendent
Categories of findings:	Closed Administratively, Drawn in Error, Non-Sustained, Resigned Pending Termination, Suspended, Sustained, Unfounded, Withdrawn	Sustained, Insufficient Facts, Exonerated, Unfounded.	Sustained, Not Sustained, Exonerated, Unfounded, Exceptionally Closed	Sustained, Not Sustained, Unfounded, Exonerated, Non-cooperation

IA: Internal Affairs

MTA: Maryland Transit Administration

Source: Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice, Appendix A (COPS, DOJ); retrievable from <https://cops.usdoj.gov/ric/Publications/cops-pl64-pub.pdf>.

ⁱ Review of Gender Equity in the Department's Law Enforcement Components, June 2018, Evaluation and Inspections Division 18-03, Office of the Inspector General, U.S. Department of Justice, p.40.

ⁱⁱ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, (Appendix A: A Sampling of Major City Police Force Discipline Policies, pp. 61-76), Office of Community Oriented Policing Services (COPS), U.S. Department of Justice, Washington, DC; retrieved from <https://cops.usdoj.gov/ric/Publications/cops-p164-pub.pdf>.

ⁱⁱⁱ *Standards and Guidelines for Internal Affairs* (COPS, DOJ) p. 50; retrieved from <https://cops.usdoj.gov/ric/Publications/cops-p164-pub.pdf>.

^{iv} *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, Appendix A (COPS, DOJ); retrievable from <https://cops.usdoj.gov/ric/Publications/cops-p164-pub.pdf>.

Chapter 4. Management Practices

Observation #13: The Equity, Diversity, and Inclusion Committee inaugural Workplace Climate Survey found that responses from the police showed the highest rates of dissatisfaction in the Maryland Transit Administration (MTA).

In October 2020, MTA internally established a 20-member Equity, Diversity, and Inclusion Committee (EDIC) with the purpose of defining and infusing equity into education, hiring, outreach, and employee recognition.ⁱ MDOT also began development of a new position entitled Diversity, Equity & Inclusion Officer.ⁱⁱ

As part of this initiative, in 2021, MTA asked all employees, civilian and sworn, to complete its first MTA Climate Survey to share perspectives about equity, diversity, and inclusion in the MTA work environment. (Diversity, in the context of this survey, referred to experiences or identities including but not limited to race, color, nationality, gender, language, ability, and sexuality.) This initial workplace survey was administered via iPads, and anonymous responses were not possible. According to MTA officials, about 16% of MTA personnel participated.

Among the survey findings, MTA reported that 22% of the Maryland Transit Administration Police Force (MTAPF) respondents somewhat or strongly disagreed that MTA had “done a good job providing training programs that promote diversity, equity, and inclusion.” Among all MTA respondents, 32% said that they “have experienced or witnessed prejudice from colleagues within the agency, while working at MTA.”

MTA also reported agency-wide responses by demographic group, including the following:

- Female survey respondents were more likely to disagree that employees of diverse backgrounds are encouraged to apply for higher positions.
- Survey respondents who self-identified as Black or African American were more likely to indicate that they feel excluded or not heard. On contrast, respondents who self-identified as White overwhelmingly indicated feeling included and heard.
- Survey respondents who self-identified as Black or African American were more likely to disagree that MTA is excelling in the realm of equity, diversity, and inclusion than the overall responses.

These survey responses suggest that further surveys are warranted to learn more. EDIC has recommended that the EDIC Climate Survey be conducted annually to track progress over time and that future surveys include more questions for frontline employees.

Several MTA officials told the Office of Program Evaluation and Government Accountability (OPEGA) that they were dissatisfied because of pay compression and inversion among sworn personnel. Pay compression refers to a situation where there is little difference in the standard rate of pay between staff members despite large differences in responsibilities, skills, experience, performance, seniority, or tenure.¹ Pay inversion occurs when the base pay for less experienced staff is higher than the base pay for more experienced colleagues or supervisors.

The risk of pay compression or pay inversion can grow when separate pay schedules govern pay for subordinates and supervisors, such as when a collective bargaining agreement (CBA) governs the subordinate's pay but not the supervisor's pay. Union employees receive adjustments to base pay under the terms of their CBA with MTA. In contrast, the base pay for managers is subject to the salary adjustments allowed by State government. When officers in non-management positions (which are union jobs) are promoted into a management position (which is non-union), pay compression or inversion can occur when the new manager leapfrogs past existing managers in terms of base pay.

Leaders can ensure their organization is paying employees fairly by conducting a pay equity audit to examine whether salaries are internally consistent among peer positions and between supervisors and supervisees.ⁱⁱⁱ

Recommendation #8: To build on current EDIC efforts, future MTA workplace climate surveys should be annual, allow anonymous responses, and offer additional ways to take the survey.

OPEGA concurs with the EDIC's recommendation for an annual workplace climate survey. To build on the progress made with this inaugural climate survey and increase the response rate in future surveys, OPEGA recommends allowing anonymous responses, and facilitating surveys in more formats, such as paper forms and surveys that can be completed on a smartphone.

Recommendation #9: MTA should consider querying employees about pay equity in future workplace climate surveys and conducting a formal pay equity audit of base pay for sworn personnel.

ⁱ MDOT 2020 Sustainability Report: A 2017 2019 Update (April 2021), p. 16; retrieved from https://s3.amazonaws.com/mta-website-staging/mta-website-staging/files/Sustainability/Transit_Roots_Report_2020.pdf.

ⁱⁱ J00H01 MDOT Maryland Transit Administration FY 2023 Operating Budget Response to the Department of Legislative Services Budget Analysis, Feb 24, 2021, Slide 10; retrievable from <https://dbm.maryland.gov/budget/FY2023Testimony/J00H01.pdf>.

ⁱⁱⁱ *How to Identify — and Fix — Pay Inequality at Your Company*, by Amii Barnard-Bahn (Harvard Business Review, November 03, 2020); retrievable from <https://hbr.org/2020/11/how-to-identify-and-fix-pay-inequality-at-your-company>.

¹ Salary compression excludes consideration of any pay from overtime as that is not part of the standard rate of pay.

Appendix A. Response from the Maryland Transit Authority Police Force



Mission Statement

The mission of the Maryland Transit Administration Police Force is to professionally enforce the law, protect its transit community, employees, and facilities with dignity and respect.

Colonel Jerome E. Howard, Jr.
Chief of Police

September 16, 2022

Mike Powell
Director, Office of Program Evaluation and Government Accountability
Department of Legislative Services
Maryland General Assembly

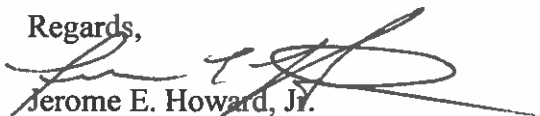
Dear Mr. Powell,

I want to thank you and your OPEGA staff for the professionalism and patience displayed as we worked in coordination with the other departments within the Maryland Transit Administration to provide the information needed for this evaluation.

We appreciate the recommendations offered by OPEGA and will be establishing reasonable goals of achievement based on the observations provided. My team is in the process of reviewing our internal processes to address issues directly under my control such as overtime review, standardized exit interviews, and adopting the Department of Justice disposition categories relating to internal affairs cases. (Recommendations #3, #5, #7). Additionally, we are working with the other departments within the MTA to examine and address as necessary any pay inequities, as discussed in Recommendation #2.

Since my appointment as Chief of Police in February 2022, I have been reorganizing the command structure of the MTA Police Force with the goal of increasing diversity, improving performance, and providing the highest level of transparency and accountability possible. In addition, I am fully committed to ensuring that the MTA Police will continue its engagement with MTA's Equity, Diversity, and Inclusion Committee to develop and promote an environment within the MTA that resolves issues that negatively affect or may be perceived as negatively affecting our employees.

Regards,


Jerome E. Howard, Jr.
Chief of Police
Maryland Transit Administration Police Force

410.454.1600

Appendix B. Evaluation Request Letter



DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY
MARYLAND GENERAL ASSEMBLY

Victoria L. Gruber
Executive Director

Michael Powell
Director

January 10, 2022

Major Jerome E. Howard, Jr.
Acting Chief of Police
Maryland Transit Administration
6 St. Paul St.
Baltimore, MD 21202-1614

Dear Major Howard:

The Joint Audit and Evaluation Committee has requested that the Office of Program Evaluation and Government Accountability conduct an evaluation of the Maryland Transit Administration Police.

The program evaluation process, authorized by Chapters 510 and 511, Laws of Maryland 2019, and codified in State Government Article, § 2-1234, directs this office to evaluate the efficiency, effectiveness, and economy of governmental activities or units. While the scope of this evaluation is subject to change, we expect it to initially focus on personnel matters.

I will reach out to your office to schedule an initial meeting. I expect this evaluation to be done expeditiously and with a minimum of interruption to your operations.

Sincerely,

Michael Powell
Director
Office of Program Evaluation and
Government Accountability
Department of Legislative Services

MCP

cc: Senator Clarence K. Lam, Senate Chair of the Joint Committee on Audit and Evaluation
Delegate Carol L. Krimm, House Chair of the Joint Committee on Audit and Evaluation
Ms. Victoria L. Gruber, Esq., Executive Director, Department of Legislative Services
Ms. Sandra Brantley, Esq., Office of the Attorney General
Mr. Gregory Slater, Secretary, Maryland Department of Transportation
Ms. Holly Arnold, Administrator, Maryland Transit Administration
Ms. Elizabeth Allison, Department of Legislative Services

Ms. June Chung, Department of Legislative Services
Mr. Andrew Garrison, Department of Legislative Services



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT AUDIT AND EVALUATION COMMITTEE

January 10, 2022

Mr. Michael Powell
Director, Office of Program Evaluation and Government Accountability
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Dear Mr. Powell:

Consistent with §2-1234 of the State Government Article, we are directing that the Office of Program Evaluation and Government Accountability conduct a performance evaluation of the Maryland Transit Administration Police.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to be "Clarence K. Lam".

Senator Clarence K. Lam
Senate Chair

Sincerely,

A handwritten signature in black ink, appearing to be "Carol L. Krimm".

Delegate Carol L. Krimm
House Chair

CKL:CLK/EJA/mta

cc: Joint Audit and Evaluation Committee, Members and Staff
Ms. Victoria L. Gruber