



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Secretary

Harold M. Bartlett
Deputy Secretary

September 28, 2010

The Honorable Edward J. Kasemeyer
Acting Chairman, Senate Budget and Taxation Committee
5205 East Drive, Suite H
Arbutus MD 21227

The Honorable Norman Conway
Chairman, House Appropriations Committee
131 Lowe House Office Building
Annapolis MD 21401-1991

Dear Chairmen:

I write to request favorable consideration of a delay in the November 1 submission of the Joint Chairmen's Report (pp. 65 and 66) which directs the Maryland Transportation Authority, Maryland Department of Transportation and the Maryland State Police to jointly report on legislative oversight of transportation law enforcement. Specifically, the language directs:

"The Maryland Transportation Authority (MDTA) Police are the second largest State law enforcement agency in Maryland and the only one to operate off-budget. As a nonbudgeted entity, the General Assembly has little oversight of the jurisdiction, policies, and budget of MDTA Police. MDTA, in consultation with the Maryland Department of Transportation (MDOT) and the Maryland State Police (MSP), should submit a report on the following:

- *The number of positions by sworn versus civilian personnel, by agency and by fiscal year for MDTA Police, Maryland Transit Administration (MTA) Police, and MSP from fiscal 2002 through 2011;*
- *The total police budget by agency and by fiscal year for MDTA Police, MTA Police, and MSP from fiscal 2002 through 2011;*
- *The total number of patrol vehicles by agency and by fiscal year from MDTA Police, MTA Police, and MSP from fiscal 2002 through 2011;*
- *The total number of lane-miles and acreage included in the police jurisdiction for MDTA Police and MSP;*
- *A listing by agency of all available incentive programs or benefits available to employees of MDTA Police, MTA Police, and MSP, such as college incentive programs, special skills pay, and physical fitness incentives;*
- *The methods used to determine appropriate staffing levels for MDTA Police, MTA Police, and MSP;*
- *The current cost-sharing agreement between MDTA and MDOT for law enforcement services;*
- *The feasibility and costs of transferring MDTA Police to MDOT or MSP, including the vehicles and equipment of MDTA Police;*
- *The advantages and disadvantages of transferring MDTA Police to MDOT or to MSP, and of consolidating MDTA Police with MTA Police; and*
- *The expected timeline for such a transfer or consolidation to take place."*

My telephone number is 410-865-1000
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

The Honorable Edward J. Kasemeyer
The Honorable Norman Conway
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The three agencies are working together to produce this report, however, due to the complexity and sensitivity of the issues associated with a transfer or consolidation of any police force, additional time is needed for coordination with the agencies focused in the report. We respectfully request your concurrence in allowing the agencies to extend the report due date to December 10, 2010.

I look forward to hearing back from you in response to this request. If you have any questions, or wish to discuss further, please call Mr. Harold Bartlett at 410-537-1001. Of course, you should always feel free to contact me directly.

Sincerely,



Beverley K. Swaim-Staley
Secretary

cc: Members of the Budget Committees
Mr. Harold K. Bartlett, Deputy Secretary, Maryland Department of Transportation and
Acting Executive Secretary, Maryland Transportation Authority
Chief Marcus L. Brown, Chief, Maryland Transportation Authority Police
Col. Terrance Sheridan, Superintendent, Maryland State Police



Maryland Department of Transportation
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December 10, 2010

The Honorable Edward J. Kasemeyer
Chairman, Senate Budget and Taxation Committee
5205 East Drive, Suite H
Arbutus MD 21227

The Honorable Norman Conway
Chairman, House Appropriations Committee
131 Lowe House Office Building
Annapolis MD 21401-1991

Dear Chairmen:

The language in the 2010 Joint Chairmen's Report, pages 65 and 66 directs the Maryland Transportation Authority (MDTA), Maryland Department of Transportation (MDOT) and the Maryland State Police (MSP) to jointly report on legislative oversight of transportation law enforcement. Therefore, on behalf of the MSP, the MDTA and MDOT, I hereby submit the following report as required in the 2010 Joint Chairmen's Report, pages 65 and 66. Specifically, the language directs:

"The Maryland Transportation Authority (MDTA) Police are the second largest State law enforcement agency in Maryland and the only one to operate off-budget. As a nonbudgeted entity, the General Assembly has little oversight of the jurisdiction, policies, and budget of MDTA Police. MDTA, in consultation with the Maryland Department of Transportation (MDOT) and the Maryland State Police (MSP), should submit a report on the following:

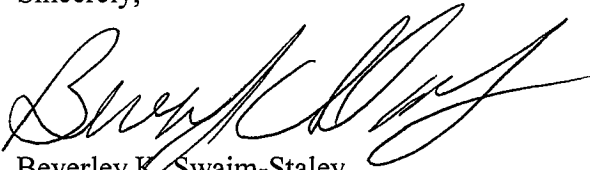
- *The number of positions by sworn versus civilian personnel, by agency and by fiscal year for MDTA Police, Maryland Transit Administration (MTA) Police, and MSP from fiscal 2002 through 2011;*
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The Honorable Norman Conway
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- *The feasibility and costs of transferring MDTA Police to MDOT or MSP, including the vehicles and equipment of MDTA Police;*
- *The advantages and disadvantages of transferring MDTA Police to MDOT or to MSP, and of consolidating MDTA Police with MTA Police; and*
- *The expected timeline for such a transfer or consolidation to take place.”*

If you have any questions, or wish to discuss further, please call Col. Terrance Sheridan, Secretary, MSP at 410-486-3101; Mr. Harold Bartlett, Acting Executive Secretary, MDTA at 410-537-1001, or Chief Marcus Brown, MDTA Police Chief at 410-537-7756. Of course, you should always feel free to contact me directly.

Sincerely,



Beverley K. Swaim-Staley
Secretary

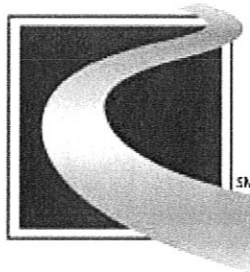
cc: Col. Terrance Sheridan, Secretary, Maryland Department of State Police
Chief Marcus L. Brown, Chief, Maryland Transportation Authority Police
Mr. Harold K. Bartlett, Deputy Secretary, Maryland Department of Transportation and
Acting Executive Secretary, Maryland Transportation Authority

A Report to the Maryland General Assembly

Senate Budget & Taxation Committee
and
House Appropriations Committee

regarding

Maryland Transportation Authority Police
(2010 JCR, pp. 65 & 66)



Maryland
Transportation
Authority

Submitted by: Maryland Transportation Authority Police

In consultation with:

Maryland Department of Transportation, Maryland State Police & Maryland
Transit Administration Police

November 2010

Maryland Transportation Authority Police
(2010 JCR, pp. 65 & 66)

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Maryland Transportation Authority Police (2010 JCR, pp. 65 & 66)

I. INTRODUCTION

This report was prepared in response to language included in the 2010 Joint Chairmen's Report (page 65). Specifically, the language directs that:

“The Maryland Transportation Authority (MDTA) Police are the second largest State law enforcement agency in Maryland and the only one to operate off-budget. As a nonbudgeted entity, the General Assembly has little oversight of the jurisdiction, policies, and budget of MDTA Police. MDTA, in consultation with the Maryland Department of Transportation (MDOT) and the Maryland State Police (MSP), should submit a report on the following:

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- *The expected timeline for such a transfer or consolidation to take place.”*

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II. BACKGROUND

◀ The Maryland Transportation Authority

The legislature established the Maryland Transportation Authority (MDTA) as a State agency in 1971 to finance, construct, manage, operate, maintain and improve the State's toll facilities, as well as to finance new revenue-producing transportation projects for the Maryland Department of Transportation. The MDTA is subject to the State's personnel and procurement laws. All of the MDTA's operations, projects and services are funded through tolls and revenues paid by customers who use the agency's facilities. The MDTA's Trust Agreement, for the benefit of its bondholders, outlines how these funds may be used and keeps the agency positioned with strong bond ratings to help finance transportation solutions for Maryland's citizens. The MDTA Board consists of Maryland's Secretary of Transportation who presides as the MDTA's Chairman, and eight citizens appointed by the Governor with the advice and consent of the State Senate. This group, representing Maryland's geographic regions and a variety of professional disciplines, serves as MDTA's policy-setting, decision-making and governing body.

◀ Police Consolidation Overview

Throughout this report, there is discussion of resources and responsibility of the Maryland Transportation Authority Police (MDTAP) and Maryland Transit Administration (MTA) Police and Maryland State Police (MSP). As this report is reviewed, contemplate the following topics when considering the feasibility, advantages and disadvantages of consolidating or transferring of any of the police departments.

- **Mission & Philosophy:** No two police agencies share an identical law enforcement mission or philosophy -- one department may focus on a specific mission or special programs and initiatives, while another may have a single community-oriented, problem-solving approach. If two agencies merge or consolidate, the new agency must blend these into one overarching agency philosophy that meets the needs of all stakeholders.
- **Cost Sharing & Allocation:** Who will pay for what? Will costs associated with indirect services such as administration be charged by one department or jurisdiction and at what rate?
- **Cultures:** Law enforcement agencies develop unique cultures: department-wide perspectives, attitudes, and informal coping mechanisms. The culture of each department must be assessed and considered during the consolidation study to determine if training and other programs need to be established to ensure a smooth transition.

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- **Operational Services & Deployment:** How will officers be deployed? How will patrol sectors or districts be designed? How will patrol allocation per shift and sector be determined? How will preliminary deployment decisions be evaluated after implementation?
- **Training and Educational Standardization:** All future training and educational requirements would have to be standardized and each officer in the new agency must have access to and participate in requisite training and educational courses.
- **Procedures, Policies, and Protocols:** All new agency procedures, policies, and protocols must be in place and personnel trained on them before consolidation occurs. In this process, there would be opportunities to blend the best of prior agency policies into improved and updated policies.

◀2010 Joint Chairmen's Report Consolidation Issues: The Agencies

The primary focus of this report is to respond to inquiries focused on the feasibility of transferring or consolidating certain State law enforcement operations involving the Maryland Department of Transportation, the Maryland Transportation Authority, Maryland Transit Administration Police and the Maryland State Police. The following background information on each agency is provided:

Maryland Transportation Authority Police (MDTAP)

The MDTAP force is a nationally accredited law enforcement agency, comprised of 516 sworn officers and 142 civilian employees.

The MDTAP plays a vital role in the defense of Maryland's homeland security and protection of critical transportation infrastructure by providing law enforcement services to the State's high-level terror targets such as major bridges and tunnels; the Port of Baltimore; Baltimore-Washington International Thurgood Marshall Airport; the Motor Vehicle Administration (MVA) Headquarters; and the World Trade Center. The MDTAP also provides limited police services for Maryland's commuter railway system in conjunction with and in support of the MTA Police.

The Maryland Toll Facilities Police was created in 1971 and charged with the responsibility of providing law enforcement services at the William Preston Lane Jr. Memorial (Bay) Bridge, Thomas J. Hatem Memorial Bridge, Baltimore Harbor Tunnel, and Governor Harry W. Nice Memorial Bridge. In 1977, the Maryland Toll Facilities Police was given law enforcement responsibility for the Francis Scott Key Memorial Bridge, followed in 1985 with the Ft. McHenry Tunnel. In 1988, the Commercial Vehicle Safety Unit was established to ensure that commercial vehicles are maintained and operated in good condition, meets size, weight and cargo restrictions and are operated by drivers who meet all requirements and conditions for vehicle operations. In 1994, the Maryland Toll Facilities Police were renamed to the Maryland Transportation Authority Police (MDTAP). In that same year, the MDTAP assumed law enforcement responsibility for the Maryland Aviation Administration (MAA) for the

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Baltimore-Washington International Thurgood Marshall Airport. The Maryland Port Administration Police were merged into the MDTAP in 1998. The MDTAP assumed law enforcement responsibilities at the Maryland Vehicle Administration (MVA) Headquarters in November 2008. In March of 2010, the MDTA and MTA entered into an MOA which provides three (3) law enforcement officers who are designated as MTA Visible Intermodal Protection and Response Team (VIPR) Officers.

The MDTAP is a nationally accredited law enforcement agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA). As such, it is the largest statewide law enforcement agency in Maryland to hold this distinction. Re-accreditation is performed on a three-year cycle. The MDTAP was awarded re-accreditation status in 2004, 2007 and in 2010.

Maryland Transit Administration Police (MTA Police)

The MTA Police Force was established by Legislation in 1971 as the Mass Transit Administration Police Force. The name was changed to the Maryland Transit Administration Police Force in 2002. The mission of the MTA Police Force is to professionally enforce the law, protect its transit community, employees and facilities with dignity and respect. The MTA Police Force is made up of 160 sworn officers and 127 civilian employees, dedicated to providing high quality law enforcement to the State of Maryland. This is a multi-jurisdictional agency that patrols transit facilities in Baltimore and the surrounding counties. The MTA Police have taken a broad-based approach to maintaining a safe transit system, resulting in a 28 percent reduction in crime (comparing the periods of January – September 2010 to January – September 2008). This was accomplished by using several strategies such as:

- Partnerships and Memorandums of Understanding (MOU's) have been established with local, State and federal allied law enforcement agencies
- Uniform patrol and plain clothes units
- Weekly Zone Enforced Unified Sweeps
- Homeland Security Drills
- Use of Video Surveillance
- Bicycle Patrol Squad
- A Motorcycle Unit that patrols MARC properties and enforces all traffic and law enforcement regulations
- A team of highly trained Transportation Security Administration (TSA) K9's that travel throughout the transit system, whose primary objective is to provide security and law-enforcement services to the public and property
- "See Something, Say Something" citizen transit awareness program for citizens to report suspicious or criminal activity
- Follow up utilizing the MTA Comp Stat process to identify trends and rapidly deploy resources
- Use of Fare Inspectors and Security Guards throughout its system to perform many security related functions and fare enforcement. They are on the same communications channel.

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Maryland Department of State Police (MSP)

For the purposes of this analysis, this report does not include the Office of the State Fire Marshal and the Vehicle Theft Prevention Council. The MSP is made up of nearly 2,400 sworn and civilian employees and provides a full range of law enforcement services to the people of Maryland.

The MSP enforces State motor vehicle and criminal laws and safeguards the lives and safety of all persons within the State. The MSP protects property and assists all persons to secure the equal protection of law. The MSP also preserves the public peace; detects and prevents crime; and enforces the laws and ordinances of the State and its local subdivisions. It apprehends and arrests criminals and lawbreakers, and preserves order in public places. In addition, the MSP maintains the safe, orderly flow of traffic on public streets and highways and cooperates with, and assists other law enforcement agencies. The MSP has statewide jurisdiction except in incorporated municipalities.

The MSP has a long history, initially serving as agents for the Commissioner of Motor Vehicles in 1921 and becoming an independent entity in 1935. Over the years—especially after the events of September 11, 2001—the Department’s mission has evolved into that of a full-service law enforcement entity with diverse statewide authority and responsibility. The MSP operates with direct budget authority of its State funding and federal grant funding. It charges regulatory fees, service fees, and indirect costs for some specialized services. Sworn personnel participate in the MSP Retirement System, and civilians participate in the State’s Pension System.

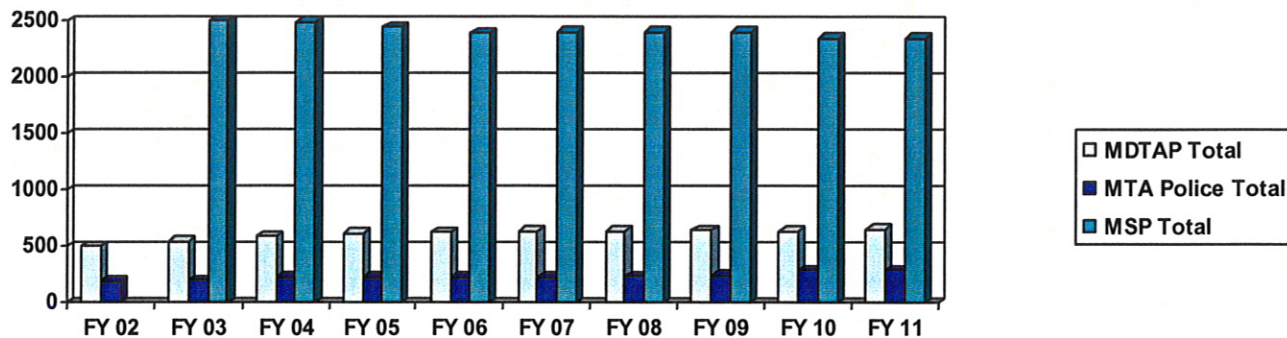
III. Responses to Request for Information

A. Positions: The number of positions by sworn versus civilian personnel, by agency and fiscal year for the MDTAP, MTA Police and MSP from fiscal 2002-2011. The chart below reflects actual budgeted pins.

	<i>FY 02</i>	<i>FY03</i>	<i>FY 04</i>	<i>FY 05</i>	<i>FY 06</i>	<i>FY 07</i>	<i>FY 08</i>	<i>FY 09</i>	<i>FY 10</i>	<i>FY 11</i>
<i>Agency</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>	<i>MDTAP</i>
# Sworn	379	429	446	467	480	480	487	486	493	516
# Civilian	123	120	149	149	150	152	153	155	143	142
Total	502	549	595	616	630	632	640	641	636	658
<i>Agency</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>	<i>MTA</i>
# Sworn	154	154	151	150	152	149	147	160	160	160
# Civilian	40	44	75	76	72	75	85	82	127	127
Total	194	198	226	226	224	224	232	242	287	287
<i>Agency</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>	<i>MSP</i>
# Sworn	1630	1623	1624	1593	1591	1591	1590	1590	1567	1570
# Civilian	*	874	862	850	798	806	808	808	776	778
Total	*	2497	2486	2443	2389	2397	2398	2398	2343	2348

* MSP Civilian data for FY 02 not available.

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Total MDTAP staffing, including civilian and sworn personnel, increased by one hundred fifty-six (156) from FY 2002 compared to FY 2011, as follows:

- Federally mandated increases:
 - Fifty Eight (58) positions, which account for the majority of real growth and were a result of federally mandated security requirements at BWI Thurgood Marshall Airport and the Port of Baltimore following September 11, 2001.
- Additional responsibilities:
 - Thirty two (32) positions were added during this period and included additional positions such as K9 patrol teams, Telecommunication Operators, Patrol officers at the Bay Bridge and ICC, Electronic Enforcement Unit and needed support positions all funded by the MDTA.
 - Six (6) positions in FY 2011 were added to provide law enforcement at the MVA Headquarters. The added positions replaced MVA special police officer positions per existing MOA.
- Operational decisions with net neutral increases to MDTA:
 - Twenty five (25) of these positions were an operational decision to transfer existing Telecommunication Operator positions from the MDTA Operations budget to the MDTAP budget.
 - Thirty one (31) part-time training positions were created to allow the efficient training of Officer Candidates during entry level Academy training. The positions are funded for nine (9) months.
- Federal Grant funded positions:
 - Four (4) federal grant funded positions for Visible Inter-Modal Protection and Response Team (VIPR) and a K9 Team for participation in the National Explosive Detection Canine program were added. These positions directly support our Homeland Security efforts at and along critical transportation infrastructure of the State of Maryland.

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B. BUDGET: The total police budget by agency and by fiscal year for MDTAP, MTA Police, and MSP from FY 2002-2011

Fiscal Year	MDTAP	MTA Police	MSP
FY02	\$43,628,677*	\$17,676,095	\$264,489,154
FY03	\$50,890,337*	\$18,527,909	\$274,499,633
FY04	\$48,297,218*	\$16,932,822	\$282,525,157
FY05	\$52,633,384*	\$18,860,644	\$270,144,411
FY06	\$57,757,667*	\$19,029,379	\$280,721,847
FY07	\$66,816,542*	\$19,415,000	\$305,865,787
FY08	\$71,194,000*	\$21,418,300	\$306,736,775
FY09	\$70,406,233*	\$21,359,737	\$247,871,429
FY10	\$69,291,100*	\$22,484,840	\$273,060,249
FY11	\$73,177,982*	\$23,597,202	\$269,377,359

*The above budget figures for the MDTAP include the law enforcement services provided to MAA, MTA, MPA and MVA, which are agreed to and reimbursed via memoranda of agreements. The reimbursed expenses for these services are \$24,128,104, representing 33% of the total FY 2011 MDTAP budget. The above MDTA figures do not include funds budgeted for MSP to provide services on the JFK Highway, which is \$8,589,888 in FY 2011.

In comparing FY 2002 to FY 2011, the total MDTAP budget increased by \$29.5 million, as follows:

- \$25.5 million of the increase in costs is attributable to the increase of 156 positions (discussed on the previous page), and the associated salaries and benefits related to these positions, as well as cost of living increases for all MDTAP employees and DBM

Maryland Transportation Authority Police (2010 JCR, pp. 65 & 66)

mandated increases to pension and healthcare contribution rates, for all MDTAP employees during this period.

- \$1.6 million of the increase in costs is attributable to the fact that a shifting of most of the equipment costs from the capital budget to the operating budget.
- \$2.4 million of the increase in costs is attributable to operating expenses such as uniforms and police operating supplies, fuel costs and energy costs, as well as the additional office costs associated with policing the ICC and MVA.

C. VEHICLES: The total number of patrol vehicles by agency and by fiscal year for FY 2002- FY 2011

	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11
Agency	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP	MDTAP
# of Vehicles	205	206	209	212	265	266	267	267	267	267
Agency	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE	MTA POLICE
# of Vehicles	53	53	53	53	52	52	59	57	57	57
Agency	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP
# of Vehicles	*	*	*	**	**	**	**	**	**	**
				1114	1214	1356	1297	1318	1315	1315

* Complete MSP data not provided at this time.

** The MDTA and MTA numbers above reflect total fleet of vehicles. The numbers provided by MSP reflect patrol fleet only excluding vehicles assigned to investigative and administrative units and functions.

D. LANE MILES AND ACREAGE: The total number of lane-miles and acreage

	Lane Miles	Land Acreage	Water Acreage
MDTA	647	6,171	7,417
MSP	15,279*	*	**

* MSP does not capture data on lane miles or acreage. Lane mileage data has been provided by SHA. It would be difficult to specifically identify the acreage for MSP jurisdiction. Furthermore, use of acreage data is not a meaningful criteria for comparison purposes.

** Aviation Command is the first responder to water related emergencies as designated within the MSP MOU with United States Coast Guard.

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The total MDTAP lane miles are 647. These lane miles do not include the first segment of the ICC (approximately 6 miles of 6 lane freeway to open in late calendar year 2010 or early calendar year 2011, which would be an additional 36 lane miles). Approximately 78 of the 647 lane miles incorporate roadways associated with the operations at the Port of Baltimore, BWI Thurgood Marshall Airport and MVA. The total acreage within the MDTAP jurisdiction, including all the MDTA facilities, the Port of Baltimore, BWI Thurgood Marshall Airport and MVA is 6,171 acres. The total water acreage patrolled by the MDTAP is 7,417 acres, which includes the Francis Scott Key Bridge, Governor Thomas J. Hatem Memorial Bridge, William Preston Lane Jr. Memorial (Bay) Bridge, Governor Harry W. Nice Memorial Bridge, and the Port of Baltimore.

MSP does not patrol all 15,279 lane miles throughout the State that are maintained by SHA. Many of these roads and highways are patrolled by local police forces. All lanes miles owned and maintained by the MDTA are patrolled by the MDTAP on a continuous and daily basis, with the exception of the 50 miles of I-95 between Baltimore and Delaware. This portion of the highway is patrolled by MSP on behalf of the MDTA.

- E. INCENTIVE PROGRAMS OR BENEFITS:** A listing by agency of all available incentive programs or benefits available to employees of MDTAP, MTA Police and MSP, such as college incentive programs, special skills pay, and physical fitness incentives.

The Government Affairs Unit of the MSP produced a compensation review entitled *Salary & Benefits Survey*, reflecting data provided by responding police departments as of November 30, 2008 and including salary and benefit increases through January 1, 2009. The survey provides data on salary, health care benefits, benefits, pay policies, retirement benefits, line of duty death benefits and educational benefits. The surveyed law enforcement agencies included various Maryland police departments as well as regional State and local law enforcement agencies. The MSP survey can be used to benchmark MDTAP and MTA Police salary and benefits.

- **Salary Comparison by Rank**

Currently, the MDTAP and MTA Police have pay parity with the MSP through the rank of First Sergeant. MDTAP and MTA Police ranks for Lieutenant and above are paid at one grade lower than the MSP. For example, an MDTAP Major is paid at the MSP Captain rate.

Benefits & Retirement

The MDTAP and MTA Police have similar benefits as the MSP benefits with two major exceptions: "take home vehicles" and retirement benefits.

The sworn personnel of the MDTAP and MTA Police are members of the Law Enforcement Officers Pension System (LEOPS) of the State Retirement and Pension System of Maryland while the sworn personnel of the MSP are

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members of the State Police Retirement System (SPRS). The benefits afforded to the MSP are greater than those afforded to the sworn personnel of the MDTAP and MTA. The benefits and/or contributions as a percent of salary are outlined in the following table.

	State Police Retirement System (MSP)	LEOPS (MDTAP & MTA)
Retirement Eligibility	22 years @ 56.1%	25 years @ 50%
Maximum Eligibility	28 years @ 71.4 %	30 years @ 60 %
Employee Contribution Rate	8 %	4 %
DROP* Program	Yes	Yes

* Deferred Retirement Option Program (DROP).

In comparing these retirement benefits, several differences should be noted. The MDTAP and MTA Police participate in the Social Security program making them eligible for both a retirement and Social Security benefits. The MDTAP officer and MTA Police officer as well as the MDTA and MTA each contribute 7.65 percent to the FICA Program. This breaks down to 6.2 percent for Social Security and 1.45 percent for Medicare.

The MSP does not participate in the Social Security program. The MSP officer and the MSP each contribute only 1.45 percent to the Medicare program. Therefore, the MSP employment will not create eligibility for Social Security retirement benefits; however, prior and/or subsequent employment to MSP services could still result in the MSP officer's eligibility for Social Security benefits.

The following table summarizes the combined effect of the pension and Social Security contributions by employees. The figures represent the contribution as a percent of salary.

	MSP	MDTAP & MTA Police
Retirement Contributions	8.00%	4.00%
FICA	1.45%*	7.65%
TOTAL	9.45%	11.65%

* For those officer's hired after April 1986.

All three agencies have the same line of duty death and health benefits.

- **Pay Policies, Incentives & Education**

All three agencies have similar pay policies as reported in the survey. Certain skills-related pay is provided by all three agencies, as each agency deems appropriate in the following areas: shift differential pay, clothing allowances, bi-lingual pay, flight-medical pay, and field training officer pay. The State of Maryland's Educational Reimbursement Program is statutorily applicable to all three agencies.

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The differences in pay policies are MDTAP have skills-related pay for detective pay, officer-in-charge pay and specialized skills pay and MSP does not. In addition the MDTAP's policies provide for college education bonus payments upon graduation.

- F. STAFFING LEVELS:** The methods used to determine appropriate staffing levels for MDTAP, MTA Police, and MSP.

MDTAP

The MDTA Police staffing model is contingent upon the subjective analysis of three factors listed below and is consistent with law enforcement best practices as outlined by the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the International Association of Chiefs of Police (IACP). The IACP and CALEA recognize that ready-made universally applicable staffing models for the nation's police departments do not exist and that it is appropriate for assessments to be made through a deliberate subjective process based on the department's mission and goals.

- Officer availability (Northwestern University Staffing Model)
 - Number of working hours/days available in a year including leave, training, etc.
- Workload
 - Includes time on calls for service, issuance of citations, criminal arrests, etc.
- Policy Decisions
 - MDTAP has the following set of goals unique to the Authority that directly impact the analysis:
 - To secure and protect transportation assets
 - To promote highway safety and the efficient flow of traffic
 - To apprehend criminals and terrorists
 - To assist travelers, customers, and co-workers
 - To employ, train, and equip a superior workforce

The MDTA Police reviews these factors on an ongoing basis to determine how to use current officers most efficiently and determine where new positions are warranted.

MTA Police

The MTA Police Force has used two different methodologies to examine its resource allocation:

Minimum Staffing: Each shift has an amount of required post that has to be covered. The minimum number of posts to be covered creates that shift's constant. Each Commander is required to track and ensure that his personnel numbers always meet the constant.

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Staffing Analysis: In order to analyze the most effective shift configuration for the MTA Police, the Calls for Service and Part I (major felonies) Crime trends were analyzed. The available sworn personnel were assigned percentage based on Calls for Service and Part I Crimes. The hours of the shifts were created to match the percentage of the calls for service, i.e. the lowest calls for service fell between 1:00 a.m. and 9:00 a.m. (13 percent), therefore, those hours were designated the midnight shift and allocated roughly 13 percent of the available personnel.

The MTA Police Force uses the Comstat Process to analyze and evaluate its deployment of personnel on a weekly basis.

MSP

Due to the unique configuration, no single approach staffing plan integrates well with the MSP's diversified mission. Dependent upon what the local duties and responsibilities of any particular installation require effects the staffing for an individual location. The following factors are used in determining appropriate staffing levels:

- Workload in terms of calls for service
- Geographic area of responsibility
- Mission profile by installation – (full law enforcement countywide or interstate highway or combinations)
- Other police personnel available in the geographic jurisdiction
- Minimum staffing requirements, officer safety
- Minimum compliment necessary to staff 24/365 operations
- Current MOU's with partner jurisdictions
- Manpower obligations by MOU -- JFK highway, local/regional task force operations, Resident Trooper program
- Specialized funding and manpower requirements for special funded programs: Automotive Safety Enforcement Division (ASED), Commercial Vehicle Enforcement Division (CVED), and Aviation
- Grant funded programs, Vehicle Theft Prevention, Maryland Coordination and Analysis Center (MCAC), Cold Case

G. COST SHARING: The current cost-sharing agreement between MDTA and MDOT for law enforcement services.

The MDTA Police, as specified under a Memorandum of Agreement (MOA), provide law enforcement services and security for the Maryland Port Administration, the Maryland Aviation Administration, the Motor Vehicle Administration and the Maryland Transit Administration. The administrative or indirect costs of operating the police department are currently funded by the MDTA while direct operational costs are shared on a proportional basis

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by each transportation modal agency. The current model of cost sharing is appropriate since the MDTA provides the required daily oversight over the police department.

	SHA	MAA	MPA	MVA	MTA	MDOT
MDTA/ Law Enforcement Services	N/A	Per Signed MOA	Per Signed MOA	Per Signed MOA	Per Signed MOA	N/A
Annual Budget	N/A	\$17,100,000	\$5,736,437	\$875,000	\$416,667	N/A

Note: MSP has an MOA with the MDTA to provide services on the JFK Highway. Their budget for FY 2011 is \$8,589,888.

Below is a summary of the above mentioned MOA's:

MOA between MAA and MDTA – The MDTA will provide law enforcement, Airport security, traffic control and dispatching services to the MAA at designated properties owned, leased and operated by the MAA at Baltimore/Washington International Thurgood Marshall Airport (BWI). The MAA will fund those services (as stated in Agreement). The Agreement became effective on July 1, 2009. The Agreement will automatically renew for subsequent one-year periods.

MOA between MDTA and MPA – The MDTA will provide and assign to the MPA, the necessary uniformed and civilian staff. Effective July 1, 1998, the initial staff will consist of thirty-six (36) sworn officers and eight (8) civilian personnel. The functions and duties of the MDTA police officers assigned to the MPA will include: patrol of the MPA facilities, including enforcement of any and all laws, ordinances and regulations; security of all buildings and other facilities at MPA port facilities; criminal investigation; supervision of contractual security personnel; and support and enforcement of all objectives and goals of the MPA and all rules and regulations of the MPA.

MOA between MVA and MDTA –The MDTAP and MVA agree to provide eighteen (18) officers and one (1) civilian. The personnel will provide law enforcement, security, traffic control and dispatching services to the MVA at designated properties owned, leased and operated by the MVA. The MVA will fund those services to the extent provided in the Agreement. The MDTAP will develop a specialized Detachment (“the MVA Detachment”) for the provision of law enforcement services at MVA facilities and property as authorized by statute and Executive Order 01.01.2004.28. The Agreement became effective on November 19, 2008. The Agreement will automatically renew for subsequent one-year periods.

MOA between MTA and MDTA – The MDTA will provide three (3) law enforcement officers to the Visible Intermodel Protection and Response Team (VIPR) on the Maryland Area Regional Commuter Train Service (MARC) for the Maryland Transit Administration Police (MTA). The MTA will fund those services as stated in the agreement in accordance with the

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Project Management Plan for the FY 2008 Transit Security Grant Program. The Agreement became effective on March 24, 2010. The Agreement will remain in affect until June 30, 2012, and will be reviewed each year. This grant was given to support the two teams established by grants in the MTA Police Force to conduct Mobile Explosive Screening and its own VIPR Team.

H. FEASIBILITY AND COSTS OF TRANSFERRING: The feasibility and costs of transferring MDTA Police to MDOT or MSP, including the vehicles and equipment of MDTA Police

To determine the feasibility of transferring MDTAP to MDOT or MSP the following issues need to be reviewed and resolved:

The cost and complexity of addressing two separate pension systems

The costs associated with shifting over 500 police officers to the State Police Retirement System (SPRS) from the Law Enforcement Officer Pension System (LEOPS) are unknown. An actuarial study would have to be conducted by the Maryland State Retirement Agency. It is believed that the costs associated with this issue will be significant; however, any transfer will result in increased and enhanced retirement benefits for current MDTA officers. Additionally, the impact on LEOPS would have to be studied. MDTAP is one of the larger organizations in LEOPS. Another option to investigate is allowing existing MDTAP sworn officers to stay in their current pension system.

The responsibility for the cost to re-outfit the MDTAP to MSP or MDOT

The transfer of MDTAP to MSP or MDOT would result in certain one-time costs to unify the Departments. A transfer to MSP has an estimated one-time cost of \$11.2 million. These costs include outfitting the police under the MSP insignia, re-stripping existing MDTAP equipment, and purchasing MSP choice of firearms and radios and take home vehicles. Outfitting the police and re-stripping existing equipment is estimated at \$2.3 million and the acquiring additional equipment and take home vehicles is estimated at \$8.9 million.

A transfer to MDOT has an estimated one-time cost of \$233,000. The cost includes patches, badges, re-stripping and decals for vehicles, changes to website and changes to literature. Costs associated with such items as uniform transition or vehicle changeover could be held to a minimum if phased in over a two or three-year period with minimal design change. Certification and accreditation agencies, such as the Maryland Police Correctional & Training Commissions (MPCTC) and the Commission on Accreditation of Law Enforcement Agencies (CALEA), will require document changes and various minor non-substantive, but time-consuming, changes to policy and procedures. Agreements with the Criminal Justice Information Systems (CJIS), National Crime Information Center (NCIC), Capital Wireless Information Network (CapWIN), and other law enforcement databases would have to be addressed as would agreements with US Department of Homeland Security and its subordinate organizations. The impact on the budget must be analyzed, as the MDTAP is a non-budget

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agency, the MTA Police is funded through the Transportation Trust Fund, and the MSP is funded through the General Fund.

Annual Operating Costs and Cost-sharing Agreements

A transfer of the MDTAP to the MSP would increase annual operating costs for MDTA and MDOT by \$12.0 million. Approximately \$8.0 million of this amount would be incurred by MDTA and \$4.0 million by MDOT. The increased annual operating costs are primarily related to salary costs for the rank of Lieutenant and above, pension costs, take home vehicle expenses, and MSP indirect overhead charges. The cause for the cost differences for the rank of Lieutenant and above, pension costs and take home vehicles were discussed in Section E. These costs would be slightly offset by the reduction of command and support personnel. A transfer would also require the development of a revised cost sharing model for law enforcement services. The MSP currently assesses a 27.69 percent charge for indirect costs for law enforcement services provided to other State agencies on a contractual basis.

Allocation of resources.

The MDTA facilities are critical security-sensitive components of the State's transportation network and vital generators of revenue for the MDTA. The impediment to the flow of traffic on these critical roadways impacts both inter- and intra-state commerce. The MDTAP is directly charged with securing and protecting MDTA's assets to ensure its revenue stream is not interrupted. Removing the police function from the direct control of the MDTA may factor into review by bondholders and ratings agencies in connection with evaluations to the security of facilities that generate the revenue pledged to pay debt obligations. Damage to the infrastructure could affect the ability of the MDTA to collect tolls and permit the free flow of traffic. Significant impacts on revenue would adversely affect the MDTA's ability to service its debt and negatively impact its credit rating, thereby limiting future bond issues and a diminished ability to maintain or construct critical transportation infrastructure for the State.

Facilities and equipment procured by the MDTA.

A determination would need to be made regarding if and how MDTA would be compensated for facilities and equipment. These assets are valued at approximately \$9.0 million.

Labor relation issues.

Certain MTA employees are provided with collective bargaining rights with binding arbitration and these employees are currently represented by Council #67, Local #1859 of the American Federation of State, County, and Municipal Employees (AFSCME) Union. MTA's binding arbitration rights are unique among Maryland State law enforcement agencies. The right to binding arbitration, including union representation, is the primary challenge/obstacle to consolidating the MTA Police and the MDTAP. The Attorney General's Office at the MDTA has provided MDTA an opinion about the irreconcilability of binding arbitration rights in relation to the MDTA Trust Agreement, as currently written, and rights of the bondholders.

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Certain MDTAP employees recently gained Collective Bargaining rights as outlined by the State Personnel & Pensions Article. A transition to MSP could result in labor-relation issue implications; however, it is difficult at this point to determine how the two separate bargaining units and collective bargaining agreements might be affected in the event of a merger of the MDTAP with the MSP.

Traditionally, all MSP Troopers are required to go through the MSP Academy, which is a residential, six-month entry level training program. To date, the MSP has not accepted lateral transfers or fully absorbed other law enforcement agencies. It is anticipated that this issue combined with the pension issue could lead to major labor relations issues.

Technical, legal and statutory review followed by proposed revisions

Prior to the initiation of a consolidation or transfer, a review would be conducted to determine the need for changes to State statutes, COMAR or MDTA's Trust Agreement. Once a review is complete; necessary revisions will be proposed.

- I. ADVANTAGES/DISADVANTAGES OF TRANSFERRING AND CONSOLIDATING:** The advantages and disadvantages of transferring MDTA Police to MDOT or to MSP, and of consolidating MDTA Police with MTA Police.

Transferring MDTAP to MDOT

ADVANTAGES:

- There have been no advantages identified for the citizens and the State of Maryland.
- The Secretary is the chairman of the MDTA Board and as such MDOT already exercises control of the MDTAP. This direction and control is further evidenced by the services MDTAP provides for MVA, MPA and MAA.

DISADVANTAGES:

- Transition costs of \$233,000 as identified in section H.
- A determination would need to be made regarding if and how MDTA would be compensated for facilities and equipment. These assets are valued at approximately \$9.0 million.

Transferring MDTAP to MSP

ADVANTAGES:

- Unification of forces would eliminate a number of jurisdictional law enforcement authority issues; provide citizens and government officials with one State law enforcement agency to address roadway law enforcement issues; enhance accountability; improve intelligence sharing, coordination of investigations, and coordination on security issues; and provide a unified communications and dispatch center.

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- Allow the reassignment of personnel resources from command and administrative duties to line assignments.

DISADVANTAGES:

- Concerns about issues such as operational doctrine, policy, deployment of resources, and consistency of service need to be considered. The two agencies have different missions and training. The MDTAP and MSP personnel are both trained and experienced in highly-specific but different missions.
- Annual Operating Costs for the MDTA and MDOT increases by approximately \$12.0 million related to salary costs for the rank of Lieutenant and above, annual contribution for pension costs, take home vehicle expenses, and MSP indirect overhead charges. These costs would be slightly offset by the reduction of command and support personnel.
- There is a one-time transfer cost of approximately \$2.3 million for replacing uniforms (including replacing patches and badges, etc.), restriping vehicles, decals, paint and radios, equipment (firearms, mag pouch, portable radios) and personnel costs to transfer inventory records, and titles to vehicles.
- Costs to acquire additional equipment and take home vehicles for personal use increases by approximately \$8.9 million.
- Complexity of resolving pension and Social Security differences associated with MDTAP and MSP. The MDTAP currently participates in LEOPS and contributes into Social Security while MSP participates in SPRS but does not contribute into Social Security. The fact that MDTAP and MSP have two different pension systems is a complex issue that needs to be resolved. The pension transfer costs associated with a merger of MDTAP and MSP are currently unknown.
- A determination would need to be made regarding if and how MDTA would be compensated for facilities and equipment. These assets are valued at approximately \$9.0 million.
- Labor relations implications associated with two separate bargaining units and MSP not previously accepting lateral transfers or fully absorbing other law enforcement agencies coupled with anticipated pension issues. This is further described in section H.

Consolidating MTA Police with MDTAP

ADVANTAGES:

- Unity of command and economy of scale
- Allow the reassignment of personnel resources from command and administrative duties to line assignments while keeping costs neutral
- Enhance accountability, improve intelligence sharing, coordination on security issues, and coordinate investigations, and unify two-way radio communications and dispatch center.

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DISADVANTAGES:

- There is a mission critical difference between the two agencies in its responsibilities and environment. The MTA operates more like a community based urban police force. MTA's priority mission is the safety and security of its transit riders. The MDTA operates in a highway and security environment, dealing primarily with traffic violations and security of controlled facilities (Airport and Port).
- Potential diminishment of direction and control over transit related missions.
- Transition cost of approximately \$526,000 for uniforms (replace patches and badges, etc.), restriping vehicles, decals, paint and radios, equipment (firearms, mag pouch, portable radios) and personnel costs to transfer inventory records and titles to vehicles.
- Section 5333 (b) of Title 49 US Code (formerly Section 13 c of the Federal Transit Act) provides for transit workers the preservation of rights and benefits of employees under existing collective bargaining rights, continuation of rights, protection of employees.
- Maryland Code, Transportation Article, Title 7, provides certain MTA employees with collective bargaining rights with binding arbitration. Issues regarding binding arbitration are a concern. The Attorney General's Office at the MDTA has provided MDTA an opinion about the irreconcilability of binding arbitration rights with the MDTA Trust Agreement, as currently written, and the rights of the bondholders. As such, this issue creates a legal and financial impediment to consolidation.

J. TIMELINE: The expected timeline for such a transfer or consolidation to take place.

To determine a timeline the following issues have been taken into consideration:

- Pensions
- Funding and cost-sharing agreements
- Allocation of resources
- Labor relation issues
- Technical, legal and statutory review
- Complexities of compensation according to the Trust Agreement, dependent upon variables not yet defined

If a decision on the transfer of MDTAP to MSP or MDOT or a consolidation of MDTAP with MTA began in June 2011 it is anticipated that it would take approximately 18 months or until January 2013 to begin the transition process.

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The following describes some steps that are anticipated as part of the timeline prior to the transition process. During the 2011 legislative session, review of the Joint Chairmen's Report (JCR) will occur. If an executive decision is made to pursue either a consolidation or a transfer of police services it is anticipated it will occur between June and December 2011. During the 2012 legislative session any proposed new legislation and/or regulations may be submitted to the legislature for action. A transition team may develop an implementation plan between May 2012 and January 2013.

Other Considerations:

Regardless of the advantages or disadvantages of a formal consolidation of the MDTA and MTA Police, these are examples of changes that could be investigated further:

- Consolidation of procurement services
- Joint training of police forces (MTA Police currently has 8 officer candidates in the MDTAP Academy)
- Improved unified command and control
- Enhanced accountability
- Improved intelligence sharing
- Coordinated investigations
- Improved coordination on security issues
- Unified two-way radio communications and dispatch center.