

Banning Policy

Safety and Operations Committee



Purpose and Scope

MTPD and its officers use multiple strategies and resources to keep the WMATA system safe and to combat crime. The additional tool of banning persons from the WMATA system when they commit certain types of crimes would provide MTPD with another safety and security tool.





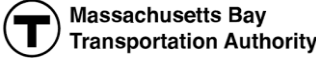

The purpose of the banning policy is to prohibit any persons committing the following three categories of crimes from entering or using WMATA's system, facilities, or property for defined periods of time:

1. Sex crimes (including indecent exposure and lewd conduct);
2. Assaults of any kind on WMATA employees or WMATA contractors while working; and
3. Assaults of any kind on customers

Banning Policies of Peer Transit Agencies

Banning Policy

Transit Agencies

	 Metro LA Metro	 Metropolitan Transportation Authority	 SEPTA	 BART	 Massachusetts Bay Transportation Authority	 marta
Date of implementation	2023	N/A	2024	2013	N/A	2013
Scope of Policy	Criminal offenses including public conduct ordinances	MTA does not have an administrative banning policy	Low level offenses incl. alcohol consumption, public urination, smoking and littering	Violent crime, sexual assaults, distribution of narcotics	MBTA does not have an administrative banning policy	Criminal offenses including public conduct ordinances
Banning periods	30 days, 60 days, and 90 days	As determined by Court	One year from point of notification	<ul style="list-style-type: none"> • 1st time within year-- 30 day • 2nd time within year-- 60 day • 3rd and subsequent time within year—180 days. 	As determined by Court	Based on the offense, violators can be suspended for 14 days, 60 days, 365 days. If you violate the suspension, you receive an additional 30 days. If you receive three citations within 90 days, receive 365 suspension. Fourth within 90 days earns you a lifetime ban
Appeals	Yes, may submit within 3 days of receipt to Transit Court, a department of the LA Metro that collects payments and processes appeals for Transit and Parking violation issued by LA Metro, to be heard by a hearing officer		Yes, by requesting and appearing at scheduled hearing with Office of Administrative Review, an external administrative adjudicatory agency for Philadelphia	Yes, can request within ten days to Exclusionary Administrator.		Yes. Have up to 30 days to request an appeal to a MARTA hearing officer, who is an attorney hired by the Board to hear the appeal, before the suspension goes into effect
General Information	Can receive exclusion for three warnings within 12 months or committing a crime. They have a penalty schedule. LA Metro created its policy administratively	Banning from MTA may be ordered as a result of conviction of criminal offense	A person who receives four violations and/or does not pay the fines will receive a notice from a Transit Officer of the SEPTA system ban	GM appoints Exclusionary Admin for Appeals, which can be any BART employee. State law enacted to allow agency to create policy.		Passengers can pay a fine in lieu of suspension. MARTA created its policy administratively.

Banning Would Help Keep Repeat Offenders Off The System

2024 Sexual Assaults/Indecent Exposures

- 76 total Sexual-Related crimes
- 61 were committed by repeat offenders
- 9 offenders committed 3 or more offenses
- Top offender committed 6 acts
- Offenders may have also committed acts in previous years

2024 Employee Assaults

- 227 employee assaults, including Aggravated Assault, Simple Assault and Threats
- Four repeat offenders
- The 227 employees included contactors, Station Managers, and Bus Operators

Legislation

Virginia and Maryland have enacted, or are considering, legislation that bans people who assault transit operators; DC enacted a statute providing enhanced penalties for assault on WMATA operators and rail employees

- **Code of Virginia, § 18.2-57(F)**



- Provides enhanced penalties for assaults on public transit operators, including banning for not less than six months

- **Maryland House Bill 1144**



- Provides progressive banning penalties for assaults and bodily injury on public transit operators

- **DC Code § 22-3751.01**



- Provides enhanced criminal penalties for anyone who commits a crime of violence on Metro operators and rail station employees while on duty

Banning Policy

If any person is arrested for a sex offense, or an assault on a WMATA employee or WMATA contractor while working, or upon a WMATA customer, that person will receive a banning citation and be prohibited (“banned”) from entering or using the WMATA system, facilities, or property.

The length of the ban would be determined by the person’s prior arrests for either sex crimes or employee/contractor/customer assaults as follows:

- **45 days for a first offense;**
- **90 days for a second offense;**
- **365 days for a third offense.**

Implementing the Banning Policy

- The banning policy would be incorporated into WMATA's Tariff
- MTPD currently bans passengers up to 24 hours for abusive, unacceptable, or unsafe conduct
- The banning policy allows for appeals of any banning period longer than 24 hours
- DC, MD, and VA have passed laws increasing penalties for certain assaults against transit employees. Each jurisdiction has also passed, or is considering passing, legislation to ban persons who assault public transit operators
- The banning policy will help MTPD increase safety and security in the WMATA system

Recommendation

Banning Policy

Staff recommends that the Board of Directors adopt the banning policy