

Johns Hopkins University Police Department – Proposed Legislation

Johns Hopkins has developed the language that follows as a recommendation for our potential bill sponsors. It encompasses the values to which our police department and its officers would be committed and outlines specific parameters and expectations. During conversations with legislators, we have also reiterated our commitment to the broader goals of addressing the root causes of crime and would be supportive of programs to further those goals. Please be advised that the actual legislative language of any bill that is introduced is determined by the sponsor and is subject to changes under the legal and stylistic requirements of bill drafting.

*Current Maryland law is in standard text. Proposed language is in **BOLD SMALL CAPS**.

Article – Criminal Procedure

2–101.

- (a) In this title the following words have the meanings indicated.
- (c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:
 - (25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department; [or]
 - (26) a member of the police force of the Anne Arundel Community College; **OR**
 - (27) **A MEMBER OF THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY ESTABLISHED UNDER § 10–211.1 OF THE EDUCATION ARTICLE.**

Article – Education

10–211.1.

- (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**
- (2) **“ACCOUNTABILITY BOARD” MEANS THE UNIVERSITY POLICE ACCOUNTABILITY BOARD.**
- (3) (I) **“CAMPUS AREA” MEANS ANY PROPERTY THAT IS:**

1. OWNED, LEASED, OPERATED BY, OR UNDER CONTROL OF THE UNIVERSITY IN THE HOMEWOOD, EAST BALTIMORE, AND PEABODY CAMPUSES OF THE UNIVERSITY; AND

2. USED FOR EDUCATIONAL OR INSTITUTIONAL PURPOSES.

(II) "CAMPUS AREA" INCLUDES THE PUBLIC PROPERTY THAT IS ADJACENT TO THE CAMPUS, INCLUDING:

1. A SIDEWALK, STREET, OR OTHER THOROUGHFARE; AND

2. A PARKING FACILITY.

(4) "MEMORANDUM OF UNDERSTANDING" MEANS AN AGREEMENT BETWEEN JOHNS HOPKINS UNIVERSITY AND THE BALTIMORE POLICE DEPARTMENT REGARDING MATTERS RELATED TO POLICE JURISDICTION AND OPERATIONS.

(5) "POLICE DEPARTMENT" MEANS A UNIVERSITY POLICE DEPARTMENT ESTABLISHED UNDER THIS SECTION.

(6) "UNIVERSITY" MEANS JOHNS HOPKINS UNIVERSITY.

(7) "UNIVERSITY POLICE OFFICER" MEANS A POLICE OFFICER OF A POLICE DEPARTMENT ESTABLISHED UNDER THIS SECTION.

(B) (1) SUBJECT TO SUBSECTIONS (D) THROUGH (H) OF THIS SECTION, JOHNS HOPKINS UNIVERSITY MAY ESTABLISH A POLICE DEPARTMENT BASED ON A MEMORANDUM OF UNDERSTANDING.

(2) THE MEMORANDUM OF UNDERSTANDING SHALL REQUIRE THAT THE BALTIMORE POLICE DEPARTMENT:

(I) HAS PRIMARY RESPONSIBILITY FOR ALL INVESTIGATIONS AND ARRESTS RELATED TO PART I OFFENSES SPECIFIED UNDER THE UNIFORM CRIME REPORTING PROGRAM, EXCEPT:

1. THEFT;

2. BURGLARY; AND

3. MOTOR VEHICLE TAKING;

(II) MAINTAINS ANY EVIDENCE COLLECTED FROM CRIME SCENES AT THE EVIDENCE CONTROL UNIT OF THE BALTIMORE POLICE DEPARTMENT, IN ACCORDANCE WITH BALTIMORE POLICE DEPARTMENT GOVERNING PROCEDURES AND REGULATIONS; AND

(III) IMPOUNDS ANY STOLEN VEHICLES IN ACCORDANCE WITH THE BALTIMORE POLICE DEPARTMENT GOVERNING PROCEDURES AND REGULATIONS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A UNIVERSITY POLICE OFFICER HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

(2) (I) A UNIVERSITY POLICE OFFICER MAY EXERCISE THESE POWERS ONLY:

1. ON THE UNIVERSITY'S CAMPUS AREA; AND

2. CONCURRENTLY WITH THE BALTIMORE POLICE DEPARTMENT, WITHIN AREAS ADJACENT TO THE CAMPUS AREA, AS SPECIFIED IN AN EXECUTED MEMORANDUM OF UNDERSTANDING DEVELOPED WITH INPUT FROM THE RELEVANT COMMUNITY.

(II) A UNIVERSITY POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:

1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE UNIVERSITY;

3. SPECIALLY REQUESTED OR AUTHORIZED TO EXERCISE THE POWERS IN BALTIMORE CITY BY THE MAYOR OF BALTIMORE CITY; OR

4. ORDERED TO EXERCISE THE POWERS BY THE GOVERNOR UNDER A DECLARED STATE OF EMERGENCY.

(D) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SECTION, THE UNIVERSITY SHALL:

(1) ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF HIRING AND TRAINING OF UNIVERSITY POLICE OFFICERS THAT COMPLY WITH THE REGULATIONS OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(2) ADOPT STANDARDS FOR CHARACTER, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR UNIVERSITY POLICE OFFICERS;

(3) ENSURE CONSTITUTIONAL AND COMMUNITY-ORIENTED POLICING THROUGH THE ADOPTION OF POLICIES, PRACTICES, AND TRAINING THAT:

(i) PROMOTE RECRUITING AND HIRING DIVERSE CANDIDATES, USING LOCAL HIRING AND RESIDENCY INITIATIVES;

(ii) ADVANCE IMPARTIAL AND NON-DISCRIMINATORY POLICING TO PREVENT PROFILING AND IMPLICIT BIAS AGAINST RACIAL, ETHNIC, SEXUAL, RELIGIOUS, AND OTHER MINORITIES;

(iii) PROMOTE APPROPRIATE INTERACTIONS WITH INDIVIDUALS WHO:

1. ARE UNDER THE AGE OF 18;
2. HAVE BEHAVIORAL HEALTH OR OTHER DISABILITIES; OR

3. ARE IN CRISIS;

(iv) ENSURE APPROPRIATE USE OF FORCE, INCLUDING:

1. THE USE OF ALTERNATIVES TO FORCE;
2. THE USE OF DE-ESCALATION TECHNIQUES; AND
3. FOR ANY OFFICER WHO CARRIES A FIREARM, THE CARRYING AND USE OF NON-LETHAL OR LESS-LETHAL WEAPONS;

(V) ENSURE ADOPTION OF APPROPRIATE AND EFFECTIVE USE OF TECHNOLOGY, INCLUDING BODY-WORN CAMERAS AND OTHER RECORDING DEVICES;

(VI) ENSURE SAFE AND HUMANE TREATMENT OF INDIVIDUALS IN CUSTODY;

(VII) SUPPORT THE LAWFUL EXERCISE OF RIGHTS OF FREE EXPRESSION, PARTICULARLY IN THE CONTEXT OF A UNIVERSITY COMMUNITY;

(VIII) BUILD TRUST BETWEEN VICTIMS OF SEXUAL ASSAULT AND THE POLICE DEPARTMENT AND OTHER UNIVERSITY OFFICIALS, CONSISTENT WITH UNIVERSITY POLICY AND FEDERAL AND STATE LAW;

(IX) PROMOTE COMMUNITY ENGAGEMENT, INCLUDING:

1. REPORTING COMMUNITY ENGAGEMENT PLANS EACH YEAR TO THE ACCOUNTABILITY BOARD ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION; AND

2. ESTABLISHING A PROCESS TO CONSIDER COMMUNITY OR UNIVERSITY REQUESTS FOR ADDITIONAL JURISDICTION FOR THE POLICE DEPARTMENT;

(X) ESTABLISH A PROCESS TO:

1. ALLOW ANY PERSON, INCLUDING MEMBERS OF THE POLICE DEPARTMENT, TO FILE COMPLAINTS AGAINST UNIVERSITY POLICE OFFICERS; AND

2. ENSURE TIMELY INVESTIGATION OF ALL COMPLAINTS REGARDING THE POLICE DEPARTMENT AND ITS EMPLOYEES; AND

(4) SEEK ACCREDITATION BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, THE INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS, OR A SIMILAR ORGANIZATION.

(E) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SECTION, THE UNIVERSITY SHALL CONTINUE TO MAKE USE OF

UNIVERSITY SECURITY PERSONNEL OR BUILDING GUARDS IN ADDITION TO THE POLICE DEPARTMENT.

(F) (1) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SECTION, THE UNIVERSITY SHALL ESTABLISH A UNIVERSITY POLICE ACCOUNTABILITY BOARD.

(2) THE PURPOSE OF THE ACCOUNTABILITY BOARD IS TO:

(I) ENABLE COMMUNITY MEMBERS TO SHARE COMMUNITY CONCERNS REGARDING THE POLICE DEPARTMENT DIRECTLY WITH POLICE DEPARTMENT LEADERSHIP;

(II) REVIEW POLICE DEPARTMENT METRICS;

(III) PROVIDE FEEDBACK ON EXISTING POLICE DEPARTMENT POLICIES AND PRACTICES, INCLUDING POLICE DEPARTMENT STANDARDS FOR HIRING AND RECRUITMENT; AND

(IV) SUGGEST IDEAS FOR IMPROVING POLICE DEPARTMENT POLICIES, PROCEDURES, AND PERFORMANCE, INCLUDING IDEAS FOR COMMUNITY-BASED PUBLIC SAFETY INITIATIVES.

(3) (I) THE ACCOUNTABILITY BOARD SHALL BE COMPOSED OF 15 INDIVIDUALS, INCLUDING

1. STUDENTS, FACULTY, AND STAFF OF THE UNIVERSITY; AND

2. MEMBERS OF THE BALTIMORE CITY COMMUNITY FROM THE NEIGHBORHOODS ADJACENT TO THE CAMPUS AREA.

(II) THE ACCOUNTABILITY BOARD SHALL INCLUDE AT LEAST ONE COMMUNITY REPRESENTATIVE WHO IS UNAFFILIATED WITH THE UNIVERSITY FROM:

1. THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S HOMEWOOD CAMPUS;

2. THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S EAST BALTIMORE CAMPUS; AND

3. THE NEIGHBORHOOD ADJACENT TO THE UNIVERSITY'S PEABODY CAMPUS.

(III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, UNIVERSITY LEADERSHIP SHALL APPOINT THE INDIVIDUALS TO THE BOARD.

(IV) THE MAYOR OF BALTIMORE CITY AND THE BALTIMORE CITY COUNCIL PRESIDENT EACH SHALL APPOINT AN INDIVIDUAL TO THE BOARD.

(4) THE ACCOUNTABILITY BOARD SHALL HAVE THE AUTHORITY TO:

(I) REVIEW POLICE DEPARTMENT METRICS AROUND CRIME;

(II) REVIEW CURRENT AND PROSPECTIVE POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING; AND

(III) PROVIDE RECOMMENDATIONS TO UNIVERSITY LEADERSHIP ON CURRENT AND PROSPECTIVE POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING.

(5) EACH YEAR, THE UNIVERSITY SHALL PRESENT THE REPORT REQUIRED UNDER SUBSECTION (H) OF THIS SECTION TO THE ACCOUNTABILITY BOARD.

(6) THE ACCOUNTABILITY BOARD SHALL:

(I) MEET AT LEAST QUARTERLY;

(II) HOLD AT LEAST ONE PUBLIC MEETING EACH YEAR TO SEEK INPUT ON POLICE DEPARTMENT POLICIES, PROCEDURES, AND TRAINING FROM COMMUNITY MEMBERS OF BALTIMORE CITY; AND

(III) POST THE MINUTES FROM EACH MEETING ON A WEBSITE AVAILABLE TO THE PUBLIC.

(G) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SECTION, THE POLICE DEPARTMENT IS SUBJECT TO THE JURISDICTION

OF THE CIVILIAN REVIEW BOARD OF BALTIMORE CITY ESTABLISHED UNDER § 16-42 OF THE PUBLIC LOCAL LAWS OF BALTIMORE CITY.

(H) (1) IF THE UNIVERSITY ESTABLISHES A POLICE DEPARTMENT UNDER THIS SECTION, ON OR BEFORE OCTOBER 1 EACH YEAR, THE UNIVERSITY SHALL REPORT FOR THE PREVIOUS FISCAL YEAR:

(I) THE TOTAL NUMBER OF UNIVERSITY POLICE OFFICERS EMPLOYED BY THE UNIVERSITY;

(II) THE AMOUNT OF FUNDS USED TO MAINTAIN THE POLICE DEPARTMENT;

(III) THE TOTAL NUMBER OF CRIMES FOR WHICH A UNIVERSITY POLICE OFFICER ARRESTED INDIVIDUALS;

(IV) THE TYPE OF CRIMES FOR WHICH A UNIVERSITY POLICE OFFICER ARRESTED INDIVIDUALS;

(V) THE TOTAL NUMBER OF TRAFFIC STOPS;

(VI) 1. THE NUMBER, TYPE, AND DISPOSITION OF COMPLAINTS FILED AGAINST UNIVERSITY POLICE OFFICERS; AND

2. THE NUMBER AND TYPE OF INDIVIDUALS WHO FILED COMPLAINTS, INCLUDING WHETHER THE INDIVIDUAL WHO FILED THE COMPLAINT WAS A STUDENT, FACULTY MEMBER, STAFF MEMBER, OR INDIVIDUAL UNAFFILIATED WITH THE UNIVERSITY;

(VII) A DESCRIPTION OF THE COMPLAINT REVIEW PROCESS THE UNIVERSITY USES TO REVIEW A COMPLAINT FILED AGAINST A UNIVERSITY POLICE OFFICER;

(VIII) THE NUMBER OF OFFICERS DISCIPLINED, INCLUDING THE TYPE OF DISCIPLINE ADMINISTERED;

(IX) THE NUMBER OF UNIVERSITY POLICE OFFICER-INVOLVED SHOOTINGS, LINE OF DUTY DEATHS, AND IN-CUSTODY DEATHS; AND

(X) A DESCRIPTION OF THE NUMBER OF COMMUNITY OUTREACH EVENTS BY THE POLICE DEPARTMENT.

(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DISAGGREGATED BY RACE, ETHNICITY, GENDER, AGE, AND OFFICER RANK; AND

(II) REPORTED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF THE INDIVIDUAL WHO FILED THE COMPLAINT TO THE EXTENT POSSIBLE.

(3) THE UNIVERSITY SHALL REPORT THE INFORMATION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION TO:

(I) THE MAYOR OF BALTIMORE CITY;

(II) THE BALTIMORE CITY COUNCIL; AND

(III) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(I) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE RIGHT OF EMPLOYEES OF THE POLICE DEPARTMENT TO FORM, JOIN, SUPPORT, OR PARTICIPATE IN A LABOR ORGANIZATION TO ENGAGE IN COLLECTIVE BARGAINING UNDER APPLICABLE FEDERAL LAW.

Article – Public Safety

3-101.

(a) In this subtitle the following words have the meanings indicated.

(e) (1) “Law enforcement officer” means an individual who:

(i) in an official capacity is authorized by law to make arrests;

and

(ii) is a member of one of the following law enforcement agencies:

25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; [or]

26. the police force of the Anne Arundel Community College; OR

27. THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH § 10-211.1 OF THE EDUCATION ARTICLE.

(2) “Law enforcement officer” does not include:

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; [or]

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article; OR

(XI) THE CHIEF OF POLICE OF THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY ESTABLISHED UNDER § 10-211.1 OF THE EDUCATION ARTICLE AND ANY INDIVIDUAL WHO SERVES AT THE PLEASURE OF THE CHIEF OF POLICE.

3–107.

(a) (1) Except as provided in paragraph (2) of this subsection and § 3–111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.

(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.

(c) (1) Except as provided in paragraph (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to [subparagraph] **SUBPARAGRAPHS (ii) AND (III)** of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(III) AT JOHNS HOPKINS UNIVERSITY, IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE UP TO TWO VOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

3-201.

(a) In this subtitle the following words have the meanings indicated.

(f) (1) "Police officer" means an individual who:

(i) is authorized to enforce the general criminal laws of the State; and

(ii) is a member of one of the following law enforcement agencies:

21. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; **[or]**

22. the police force of the Anne Arundel Community College; **OR**

23. THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY ESTABLISHED IN ACCORDANCE WITH § 10-211.1 OF THE EDUCATION ARTICLE.

3-212.

(a) Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:

- (1) violates or fails to meet the Commission's standards; or
- (2) knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article.

Article 4 – Baltimore City

16-41.

(a) In this subheading the following words have the meanings indicated.

(g) “Law enforcement unit” means:

- (1) the Police Department of Baltimore City;
- (2) the Baltimore City School Police;
- (3) the Housing Authority of Baltimore City Police;
- (4) the Baltimore City Sheriff’s Department;
- (5) the Baltimore City Watershed Police Force;
- (6) the police force of the Baltimore City Community College; [or]
- (7) the police force of Morgan State University; **OR**

(8) THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY.

16-42.

(a) The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law enforcement unit shall be processed, investigated under § 16-46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16-41 of this subheading and by the law enforcement unit's rules and regulations.

(c) A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Before executing a memorandum of understanding under Section 1 of this Act, Johns Hopkins University shall:

(1) post publicly the proposed memorandum of understanding document for 30 days on a website available to the public;

(2) provide the Baltimore City Council 30 days to review and submit written comments to the University on the proposed memorandum of understanding;

(3) provide affected individuals, neighborhoods, community groups, and local officials with an opportunity to review and comment on the proposed memorandum of understanding; and

(4) host at least two public forums to present the proposed memorandum of understanding:

(i) one of which the University shall hold on or near the Homewood and Peabody campuses; and

(ii) one of which the University shall hold on or near the East Baltimore campus.

(b) The University shall provide notice of the public forums required under subsection (a)(4) of this section at least 10 days before the forum by:

(1) posting a notice on a website available to the public; and

(2) emailing a notice to Johns Hopkins University affiliates and community associations that are in proximity to the campuses.

(c) If a final memorandum of understanding is executed by all parties, the University shall post a copy of the executed memorandum of understanding on a website available to the public.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

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