

HOUSE BILL 1803

AN ACT concerning

Baltimore City – ~~Independent Institutions of Higher Education~~ – Johns Hopkins University Police Force

FOR the purpose of authorizing ~~an independent institution of higher education~~ Johns Hopkins University in Baltimore City to establish a campus university police force based on a certain memorandum of understanding; authorizing a police officer of a campus university police force of an ~~independent institution of higher education~~ Johns Hopkins University in Baltimore City to exercise the powers granted to a peace and police officer only on certain property with certain exceptions; requiring ~~an independent institution of higher education that establishes a campus police force~~ Johns Hopkins University, in consultation with the Secretary of State Police and the Maryland Police Training and Standards Commission, to adopt certain standards, qualifications, and prerequisites; requiring Johns Hopkins University to adhere to certain standards and practices, and seek national accreditation; requiring Johns Hopkins University to provide the Mayor and City Council of Baltimore and the General Assembly with a certain campus police activity report on or before a certain date each year; requiring Johns Hopkins University to establish a University Police Advisory Board with certain functions; requiring the University, prior to the adoption of an MOU to hold public forums, to post publicly the draft MOU document for a certain period, and to provide a certain comment period and opportunity for input from certain individuals and groups; authorizing ~~an independent institution of higher education that establishes a campus police force~~ Johns Hopkins University to continue to make use of a campus security force or building guards; including a member of a campus university police force of an ~~independent institution of higher education~~ Johns Hopkins University in Baltimore City in the defined term “police officer” in connection with provisions of law relating to the authority to make arrests and the Maryland Police Training and Standards Commission; including a member of a campus university police force of an ~~independent institution of higher education~~ Johns Hopkins University in Baltimore City in the defined term “law enforcement officer” in connection with provisions of law relating to the Law Enforcement Officers’ Bill of Rights; and generally relating to a police force of an independent institution of higher education in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(25) and (26)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

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BY adding to

Article – Criminal Procedure
Section 2–101(c)(27)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education
Section 10–211.1
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 3–101(a) and (e)(1)(i) and 3–201(a) and (f)(1)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 3–101(e)(1)(ii)25. and 26. and 3–201(f)(1)(ii)21. and 22.
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY adding to

Article – Public Safety
Section 3–101(e)(1)(ii)27. and 3–201(f)(1)(ii)23.
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

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 ~~CAMPUS~~ UNIVERSITY POLICE FORCE OF ~~AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~ JOHNS HOPKINS UNIVERSITY IN BALTIMORE CITY ESTABLISHED IN ACCORDANCE WITH § 10-211.1 OF THE EDUCATION ARTICLE.

Article – Education

10-211.1.

(A) (1) IN THIS SECTION "CAMPUS" MEANS ANY PROPERTY THAT IS OWNED OR UNDER THE CONTROL OF JOHNS HOPKINS UNIVERSITY IN THE HOMEWOOD, EAST BALTIMORE, AND PEABODY CAMPUSES OF JOHNS HOPKINS UNIVERSITY THAT IS USED FOR EDUCATIONAL OR INSTITUTIONAL PURPOSES.

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

- (I) A SIDEWALK, STREET, OR OTHER THOROUGHFARE; OR
- (II) A PARKING FACILITY.

~~(B) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~ JOHNS HOPKINS UNIVERSITY IN BALTIMORE CITY MAY ESTABLISH A ~~CAMPUS~~ UNIVERSITY POLICE FORCE BASED ON A MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE INSTITUTION AND THE MAYOR OR THE POLICE COMMISSIONER OF BALTIMORE CITY.

~~(B)~~ (1) A ~~CAMPUS~~ UNIVERSITY POLICE OFFICER AUTHORIZED UNDER THIS SECTION HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

(2) ~~(I) A CAMPUS~~ UNIVERSITY POLICE OFFICER AUTHORIZED UNDER THIS SECTION MAY EXERCISE THESE POWERS ONLY ON ~~PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION IN BALTIMORE CITY BY WHICH THE OFFICER IS EMPLOYED~~ THE CAMPUSES OF JOHNS HOPKINS UNIVERSITY AS DEFINED IN SUBSECTION (A) OF THIS SECTION.

(ii) ~~THE CAMPUS~~ UNIVERSITY POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:

1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;
- ~~2. REQUESTED OR AUTHORIZED TO DO SO BY THE MAYOR OR THE POLICE COMMISSIONER OF BALTIMORE CITY;~~

~~3.~~ 2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF ~~THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION IN BALTIMORE CITY BY WHICH THE OFFICER IS EMPLOYED~~ JOHNS HOPKINS UNIVERSITY; OR

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~~4~~ **3.** ORDERED TO DO SO BY THE GOVERNOR UNDER A DECLARED STATE OF EMERGENCY.

(C) ~~IF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~ JOHNS HOPKINS UNIVERSITY
ESTABLISHES A ~~CAMPUS~~ UNIVERSITY POLICE FORCE UNDER THIS SECTION, THE INSTITUTION SHALL:

(1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE ~~CAMPUS~~ UNIVERSITY POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR DUTIES; AND

(2) ~~TO THE EXTENT PRACTICABLE, ADOPT STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.~~ ENSURE CONSTITUTIONAL AND COMMUNITY ORIENTED POLICING THROUGH THE ADOPTION OF POLICIES, PRACTICES, AND TRAINING THAT:

(I) PROMOTE RECRUITING AND HIRING OF DIVERSE CANDIDATES, USING LOCAL HIRING AND RESIDENCY INITIATIVES WHERE POSSIBLE;

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

(III) PROMOTE LAWFUL AND APPROPRIATE INTERACTIONS WITH YOUTH UNDER THE AGE OF EIGHTEEN;

(IV) PROMOTE LAWFUL AND APPROPRIATE INTERACTIONS WITH INDIVIDUALS WITH BEHAVIORAL HEALTH DISABILITIES OR THOSE WHO ARE IN CRISIS;

(V) ENSURE APPROPRIATE USE OF FORCE, INCLUDING THE USE OF DE-ESCALATION TECHNIQUES AND, FOR ANY OFFICER WHO CARRIES A FIREARM, THE CARRYING AND USE OF NON-LETHAL OR LESS-LETHAL WEAPONS;

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

(VII) ENSURE SAFE AND HUMANE TREATMENT OF PERSONS IN CUSTODY;

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

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

(X) PROMOTE COMMUNITY ENGAGEMENT, REPORT COMMUNITY ENGAGEMENT PLANS ANNUALLY TO THE UNIVERSITY POLICE ADVISORY BOARD ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION, AND ESTABLISH A PROCESS TO CONSIDER UNIVERSITY OR

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COMMUNITY REQUESTS FOR ADDITIONAL JURISDICTION PRIOR TO FUTURE LEGISLATIVE ACTION CONCERNING UNIVERSITY POLICE;

(XI) ESTABLISH A PROCESS TO ALLOW ANY PERSON, INCLUDING MEMBERS OF THE UNIVERSITY POLICE FORCE, TO FILE COMPLAINTS AGAINST UNIVERSITY POLICE OFFICERS AND ENSURE TIMELY INVESTIGATION OF ALL COMPLAINTS; AND

(XII) ENABLE UP TO TWO CIVILIANS, ONE OF WHOM SHALL BE A REPRESENTATIVE OF THE COMMUNITY, TO SERVE ON A POLICE HEARING BOARD CONSISTENT WITH STATE AND LOCAL LAW, INCLUDING SECTION 3-107(C)(3) OF THE PUBLIC SAFETY ARTICLE.

(3) SEEK, AT AN APPROPRIATE TIME, ACCREDITATION BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA), INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS (IACLEA), OR SIMILAR BODY.

~~(D) IF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~ JOHNS HOPKINS UNIVERSITY ESTABLISHES A ~~CAMPUS~~ UNIVERSITY POLICE FORCE UNDER THIS SECTION, THE INSTITUTION MAY CONTINUE TO MAKE USE OF A CAMPUS SECURITY FORCE OR BUILDING GUARDS IN ADDITION TO A ~~CAMPUS~~ UNIVERSITY POLICE FORCE.

(E) (1) IF JOHNS HOPKINS UNIVERSITY ESTABLISHES A UNIVERSITY POLICE FORCE UNDER THIS SECTION, ON OR BEFORE OCTOBER 1 EACH YEAR, JOHNS HOPKINS UNIVERSITY SHALL REPORT TO THE MAYOR AND CITY COUNCIL OF BALTIMORE AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, FOR THE PREVIOUS FISCAL YEAR:

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

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

(III) THE TYPE AND TOTAL NUMBER OF CRIMES INDIVIDUALS WERE ARRESTED FOR BY A UNIVERSITY POLICE OFFICER;

(IV) THE NUMBER, TYPE, AND DISPOSITION OF COMPLAINTS FILED AGAINST UNIVERSITY POLICE OFFICERS AND THE NUMBER AND TYPE OF COMPLAINANTS SUCH AS STUDENT, FACULTY, STAFF, OR PERSON UNAFFILIATED WITH THE INSTITUTION;

(V) A DESCRIPTION OF THE COMPLAINT REVIEW PROCESS JOHNS HOPKINS UNIVERSITY USES TO REVIEW A COMPLAINT FILED AGAINST A UNIVERSITY POLICE OFFICER; AND

(VI) A DESCRIPTION OF AND THE NUMBER OF COMMUNITY OUTREACH EVENTS BY THE UNIVERSITY POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY.

(2) THE INFORMATION PROVIDED UNDER PARAGRAPHS (1)(III) AND (1)(IV) OF THIS SUBSECTION SHALL BE DISAGGREGATED BY RACE, ETHNICITY, GENDER, AND AGE, AND RANK (OF OFFICER(S)), IN A WAY THAT ENSURES DE-IDENTIFICATION OF THE DATA.

(F) (1) AS PART OF THE MOU ESTABLISHED UNDER SECTION 1 OF THIS ACT, THE UNIVERSITY SHALL ESTABLISH A UNIVERSITY POLICE ADVISORY BOARD COMPOSED OF STUDENTS, FACULTY, AND STAFF OF THE UNIVERSITY, AND AT LEAST THREE COMMUNITY REPRESENTATIVES, ONE EACH FROM THE NEIGHBORHOODS ADJACENT TO THE HOMEWOOD, EAST BALTIMORE, AND PEABODY CAMPUSES.

(2) THE UNIVERSITY POLICE ADVISORY BOARD SHALL HAVE THE AUTHORITY TO REVIEW AND PROVIDE RECOMMENDATIONS TO UNIVERSITY LEADERSHIP ON UNIVERSITY POLICE POLICIES AND PROCEDURES, BOTH CURRENT AND UNDER DEVELOPMENT;

(3) THE UNIVERSITY POLICE ADVISORY BOARD SHALL BE PROVIDED A PRESENTATION REGARDING THE REPORT REQUIRED UNDER SUBSECTION (E) OF THIS SECTION; AND

(4) THE UNIVERSITY POLICE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY, WITH MINUTES PUBLICLY POSTED, AND HOLD AT LEAST ONE PUBLIC MEETING ANNUALLY TO SEEK INPUT ON UNIVERSITY POLICE POLICIES, PRACTICES, AND TRAINING FROM COMMUNITY MEMBERS IN BALTIMORE CITY.

(G) NOTHING IN THIS SECTION SHALL AFFECT THE RIGHT OF EMPLOYEES TO BE REPRESENTED FOR PURPOSES OF 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 ~~CAMPUS~~ UNIVERSITY POLICE FORCE OF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION JOHNS HOPKINS UNIVERSITY IN BALTIMORE CITY ESTABLISHED IN ACCORDANCE WITH § 10-211.1 OF THE EDUCATION ARTICLE.

3-201.

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

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(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 ~~CAMPUS~~ UNIVERSITY POLICE FORCE OF ~~AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~ JOHNS HOPKINS UNIVERSITY IN BALTIMORE CITY ESTABLISHED IN ACCORDANCE WITH § 10-211.1 OF THE EDUCATION ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED That:

(a) As soon as practicable but no later than the October 1 effective date of this Act, Johns Hopkins University shall host four public forums to present the plans for implementation of a Police Department. Two forums will be held at or near the Homewood and Peabody Campuses and two forums will be held at or near the East Baltimore Campus. Notice of public forums will be provided at least 10 days in advance by posting on a publicly available website and by email notification to JHU affiliates and community associations in proximity to the campuses.

(b) Subsequent to the public forums and prior to adopting an MOU seeking to establish a police force under Section 1 of this Act, Johns Hopkins University shall post publicly the draft MOU document for a 30 day review and comment period and provide an opportunity for input from affected individuals, neighborhoods, community groups and local elected officials.

(c) Johns Hopkins University shall post on a publicly available website the final MOU after execution by the parties.

SECTION 2- ~~3.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Red font with underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.