

Johns Hopkins University Police Accountability Board Draft Bylaws Template

At the March 24, 2022 meeting, a member of the Accountability Board asked for a bylaws template for the Accountability Board, based on the other examples of peer oversight bodies' bylaws shared with the Board. JHU staff developed the document below, as a draft bylaws template. This document notes any applicable requirements in state statute, including the Community Safety and Strengthening Act and the Maryland Open Meetings Act, and it also incorporates information about the established application and nomination processes. Lastly, this document poses questions about Board governance structure and processes for further Board discussion and consideration. These questions were developed based on Board requests, peer efforts, and best practices.

Bylaws

Mission / Charge

The Johns Hopkins University Police Accountability Board (“the Board”), unique both in Maryland and throughout the country, empowers community members from Johns Hopkins University and the surrounding neighborhoods to help directly shape the development and operation of the Johns Hopkins Police Department (“JHPD”). The Board is an essential component of the Community Safety and Strengthening Act,¹ which passed the Maryland General Assembly during the 2019 legislative session, and is a crucial tool for supporting the transparency, accountability, and overall success of the JHPD. Under the Act, Board members are responsible for sharing community concerns directly with JHPD leadership, reviewing JHPD metrics, and assessing current and prospective department policies, procedures, and training in order to provide recommendations for improvement.²

Membership

Membership and Board Composition

The membership of the Board will reflect JHU’s dedication to fostering and uplifting diverse people, ideas, and experiences. This includes diversity not only in affiliation with the University’s schools, campuses, and communities, but also in race, gender and gender identity, sexual orientation, ethnicity, religion, age, and ability. Board members will be expected to share a respect for diversity and a commitment to working across differences to ensure the ultimate success and effectiveness of the JHPD.³

The Board will be composed of:

- Fifteen (15) total members, of which:
- Ten (10) are JHU students, faculty, and staff, including at least one member of the JHU Black Faculty and Staff Association; and
- Five (5) are members of the Baltimore City community unaffiliated with the University, including at least one from the three neighborhoods adjacent to the campus area where the JHPD may patrol (the neighborhoods adjacent to the University’s Homewood, East Baltimore, and Peabody campuses).⁴

Terms

Two years for non-student members; one year for student members.

The Term is to begin during the first quarterly meeting of the Fall session in the calendar year of the appointment.

¹ Md. Code Ann., Education § 24-1205.

² Md. Code Ann., Education § 24-1205(b); *see also id.* § 24-1205(d).

³ *See* <https://publicsafety.jhu.edu/jhpd-information/accountability-board/members/>

⁴ Md. Code Ann., Education § 24-1205(c)(2); *See* Appendix A.6 - Geographic Boundaries.

Eligibility Requirements

To be eligible to serve on the Accountability Board, applicants must demonstrate:

- Significant ties to the Baltimore City community through residency (for non-affiliate community members) or either school enrollment or work location (for university affiliate members);
- Student members must be enrolled in a JHU school at one of the University's East Baltimore, Peabody, or Homewood campuses for the duration of their Board term.

Appointment Process

Pursuant to the Community Safety and Strengthening Act, the Baltimore City Mayor and City Council President each appoint one (1) community member to the Accountability Board; Johns Hopkins University leadership nominates thirteen (13) members, including three (3) community members in consultation with the Baltimore City Council President.⁵ All thirteen (13) JHU nominees are subject to confirmation by the Maryland State Senate.⁶

Outstanding Question(s)

- Officers –
 - Should the Board consider creating elected officer positions? UC Davis has a chair and vice chair; Wake Forest has only a chair.
 - Given the Board's role in ensuring compliance with the Maryland Open Meetings Act, should the Board consider establishing an Open Meetings Act Compliance Officer position? The OMA trainers indicated that might be a helpful role to consider.
 - What will be the responsibilities of each leadership position?
 - Should the Board create a formal or ad-hoc agenda-setting committee, or should that be the responsibility rest with the Board officers?

Ethics

Outstanding Question(s)

- Should the Board consider adopting the NACOLE Code of Ethics developed by the National Association for Civilian Oversight of Law Enforcement (NACOLE) or a similar or modified ethics code? For an example of language, see Article 7 of the UC Davis bylaws (attached).

⁵ Md. Code Ann., Education § 24-1205.

⁶ See Interim Study on Approaches to Improving Public Safety on and around Johns Hopkins University Campuses, Report to the Maryland General Assembly on HB 103, December 21, 2018. Report available at: <https://publicsafetyinitiatives.jhu.edu/assets/uploads/sites/8/2018/12/Interim-study-report-FINAL.pdf>.

Meeting requirements

Pursuant to the Community Safety and Strengthening Act, the Board must: meet at least quarterly; hold at least one public meeting each year to seek input on JHPD policies, procedures, and training from community members of Baltimore City; and, post the minutes from each meeting in a prominent manner on a website available to the public.⁷

Meeting Frequency and Meeting Agendas

Quarterly Meetings. Quarterly meetings feature all Accountability Board members as well as the Vice President of Public Safety. Quarterly meetings provide Board members an opportunity to share advice, guidance, and community feedback, per their legislatively-mandated duties, with the Vice President of Public Safety. Quarterly meetings are viewable by the general public. At least one quarterly meeting a year for public input on policies, procedures, and training from community members of Baltimore City.

Outstanding Question(s)

- Should the Board also hold special meetings? Section V of Wake Forest's bylaws allows for special meetings to be held as often as the Board deems necessary.
- Does the chair (or another officer) have the ability to call for an additional or "special" meeting, or does that require agreement by the majority of the Board?

The Maryland Open Meetings Act Compliance and Public Access

The Board will comply with the Maryland Open Meetings Act.⁸ This includes, but is not limited to, the following:

- All Board meetings will be made accessible for public viewing;
- Meeting minutes will be posted on the Accountability Board website.
- Meeting materials, including agendas, will be posted prominently on the Accountability Board website in advance of the meeting.
- Meetings will be live-streamed on the Accountability Board website and accessible by phone.
- Meetings will be recorded and publicly available in an archive on the Accountability Board website.

⁷ Md. Code Ann., Education § 24-120 5(e)

⁸ Johns Hopkins University Accountability has committed to complying with the Maryland Open Meetings Act which, among its provisions, requires that Board meetings be open to the public.

Removal and Discipline

Outstanding Question(s)

- Should the Board consider including a clause on removal and discipline of members? For instance, Article 8 of UC Davis' Bylaws includes a clause that mandates automatic termination following absences from a prescribed number of meetings and termination as a potential punishment for an ethics violation (pending review).

Procedural Requirements (Quorum and Voting)

Outstanding Question(s)

- What would qualify as a quorum for meetings? In Article V. Meeting and Procedures of Wake Forest's Bylaws, a quorum is defined as a majority of members and this number of attendees is necessary for any decision made by the Board; in Article 9 – Quorum and Voting of the UC Davis Bylaws, of the seven (7) board members, five (5) physically-present members constitutes a quorum, and decisions of the Board are made by a vote of a majority while a quorum is present.

Recusal

Outstanding Question(s)

- Should the Board consider a process for recusal? For example, Article 10 – Recusal of the UC Davis Bylaws. The Article mandates that Board members must recuse themselves in any one of three possible situations, including a conflict of interest, appearance of impropriety, or possibility of bias.

Training and Confidentiality Commitments

Outstanding Question(s)

- Should the Board consider any training and confidentiality commitments? In Article 11 – Training and Confidentiality Commitments, UC Davis mandates that members of the Board receive training developed by the institution on police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline, and the civilian oversight field. The Bylaws also note that Board members are offered the opportunity to accompany members of the police department on a ride-along.

Duties of the Accountability Board

The Accountability Board is expected to uphold the highest level of integrity.

Under the CSSA, the Board is empowered to:

- Serve as a resource that enables community members to share community concerns regarding the Police Department directly with Police leadership;
- Review Police Department metrics;
- Review current and prospective Police Department policies, procedures, and trainings;
- Provide feedback on existing Police Department policies and practices, including Police Department standards for hiring and recruitment; and
- Propose ideas and provide recommendations for improving Police Department policies, procedures, and performance, including ideas for community-based public safety initiatives.⁹

Outstanding Question(s)

Are there other requirements the Board should be responsible for?

For example, each Board member might be responsible for:

- Attending a minimum number of the legislatively mandated quarterly meetings, barring extraordinary circumstances (*see* UC Davis, Article 8 – Removal);
- Maintaining the confidentiality of information that cannot be disclosed and protecting the security of individuals and confidential records (*see* UC Davis – Article 2 – Qualifications, Article 8 – Removal);
- Serving as reliable voices for community feedback and concerns (*see* UC Davis, University of Pennsylvania, Villanova, Wake Forest, and Yale);
- Submitting an annual public report to the community. A number of schools require the Board to make a written annual report regarding Board activities. The Boards at Brown, Northwestern, and Villanova produce a report for senior administrators; at Cornell and Wake Forest, the Boards produce a report for senior administrators that can be made available to the public upon request; the Board at UC Davis produces a report that must be made public.

Amendments

Outstanding Question(s)

- What is the process for the approval of the bylaws and amendments to the bylaws – vote of a majority of the Board, 2/3, 3/4? For instance, as noted above, Article 9 – Quorum and Voting of the UC Davis Bylaws requires that five (5) members be physically present to establish a quorum, and decisions of the Board are made by a *vote of a majority* while a quorum is present.

⁹ Md. Code Ann., Education § 24-1205(b).