

# **Johns Hopkins University Police Accountability Board**

## **Draft Bylaws Template v3**

At the March 24, 2022 meeting, a member of the Accountability Board asked for a bylaws template for the Accountability Board, based on examples of peer oversight bodies' bylaws shared with the Board. JHU staff developed the document below, a draft bylaws template, that incorporates legislative requirements as well as Board requests, peer efforts, and best practices. 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 includes information about the established application and nomination processes. During the May 18, 2022 Meeting, Board members voted on a number of key decision points about Board governance structure; decisions made by the Board during the May 18, 2022 meeting have been incorporated into this draft, accompanying the remaining outstanding matters.

# 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,<sup>1</sup> 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.<sup>2</sup>

## **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.<sup>3</sup>

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).<sup>4</sup>

### Terms

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

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<sup>1</sup> Md. Code Ann., Education § 24-1205.

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

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

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

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

### 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.<sup>5</sup> All thirteen (13) JHU nominees are subject to confirmation by the Maryland State Senate.<sup>6</sup>

### Board Decision(s)

- The Board voted to include in the Bylaws elected positions.
- The Board voted to establish a committee to set meeting agendas.

### Outstanding Matters

- Board members wish to discuss further titles and responsibilities of each position. Board members raised the possibility of a leadership structure in whereby officers represent the Board on matters of communication, for instance, or help to run meetings, but do not to have any additional power that distinguishes them from other members (a “flat” as opposed to “hierarchical” leadership structure). Board members proposed several possibilities for consideration, ranging from a “flat leadership structure” to reimagined titles for leadership that reflect the equal voting capacity among members. Possible titles might include: university liaison, point person for communication, secretary, spokesperson, meeting moderator, team coordinator, agenda-setting lead.
- Board members will discuss the inclusion of an Open Meetings Act Compliance Officer in the Bylaws and will further debate the subject of leadership roles and responsibilities.
- At the request of the Board, Johns Hopkins staff has confirmed with an Open Meetings Act expert that an agenda setting committee, which is focused solely on developing meeting agendas and does not include a quorum of members, would not be subject to OMA's open meeting requirements.

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<sup>5</sup> Md. Code Ann., Education § 24-1205.

<sup>6</sup> 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>.

## Ethics

### Board Decision(s)

- Board members voted to adopt a code of ethics in the Bylaws.

### Outstanding Matters

- Board members wish to discuss further the matter of 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.

## 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.<sup>7</sup>

### 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.

### Board Decision(s)

- Board members voted to include in the Bylaws “special” meetings in addition to the quarterly meetings listed in statute both of which will be subject to the Maryland Open Meetings Act.
- Board members voted to include in the Bylaws that there must be concurrence by the majority of the Board in order to hold special meetings.

### Outstanding Matters

- Board members expressed interested in continued discussion on the process for setting up additional meetings.

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<sup>7</sup> Md. Code Ann., Education § 24-120 5(e)

## The Maryland Open Meetings Act Compliance and Public Access

The Board will comply with the Maryland Open Meetings Act.<sup>8</sup> 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.

## **Removal and Discipline**

### Board Decision(s)

- Board members voted to include in the Bylaws a mechanism for discipline and/or removal of members who act in contravention of the Bylaws or ethical requirements or standards of the Board.

### Outstanding Matters

- Board members expressed concern about the legal ramifications of disciplining and/or removing Board members, especially those appointed by elected officials, and it was suggested that the Board seek guidance from the Maryland Attorney General's Office on that question.
- Board members advocated for a high bar for removal and/or discipline, and advocated for a process that applies to all positions on the Board.

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<sup>8</sup> 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.

## **Procedural Requirements (Quorum and Voting)**

### Board Decision(s)

- Board members voted to include in the Bylaws that a quorum represents the majority of the members sitting on the Board at the time of the meeting and to include threshold requirements for voting on Board business.

### Outstanding Matters

- Board members expressed a desire to further discuss the threshold vote to approve Board business.

## **Recusal**

### Board Decision(s)

- Board members voted to include in the Bylaws a process that gives members the right to recuse themselves from a matter brought before the Board.

### Outstanding Matters

- Board members debated whether recusal should be required under certain circumstances or only be included in the Bylaws as a right available to all Board members. The Board hopes to discuss further suitable language pertaining to the matter of recusal.

## **Training Commitments**

### Board Decision(s)

- Board members voted to include in the Bylaws a training requirement

## **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.<sup>9</sup>

#### Board Decision(s)

- Board members opted to refrain from further discussion on additional requirements for the time being. Board members wish to address matters like confidentiality, among other additional responsibilities, at a different date and time.

#### Outstanding Matters(s)

- Does the Board wish to post links to recordings of meetings on the website?

## **Amendments**

#### Board Decision(s)

- Board members voted to include in the Bylaws that the threshold for amendment to the Bylaws requires a minimum of  $\frac{3}{4}$  or greater vote of the full Board as of the date of the vote.

#### Outstanding Matters(s)

- Board members wish to discuss further the language around the threshold for approval of the Bylaws and amendments to the Bylaws. Further discussion on the matter must consider a threshold requirement that protects the opinions of each constituency on the Board.

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<sup>9</sup> Md. Code Ann., Education § 24-1205(b).