Agenda

- 9:30 a.m. – Opening Remarks

- 9:40 a.m. – Introductions/Icebreaker

- 10:10 a.m. – Community Safety and Strengthening Act (CSSA)

- **11:10 a.m. – 10-Minute Break**

- 11:20 a.m. – Maryland Open Meetings Act (OMA)

- **12:00 p.m. – Lunch**

- 1:00 p.m. – Bylaws

- **2:00 p.m. – 10-Minute Break**

- 2:10 p.m. – Policy Overview

- 3:00 p.m. – Social Gathering (Board Members)

- 3:45 p.m. – Questions and Next Steps

- 4:00 p.m. – Closing Remarks

Dr. Branville G. Bard, Jr.

Vice President for Public Safety and Chief of the Johns Hopkins Police Department (JHPD)

Icebreaker

Ganesha Martin, Esq.

Ganesha Martin, Esq. is a police reform expert that has served in several positions in the Baltimore City government. She served as Director of the Mayor's Office of Criminal Justice (MOCJ) and has overseen collaborative criminal justice efforts, including the Baltimore Police Department, Baltimore State's Attorney's Office, Governor's Office of Crime Control and Prevention, Department of Justice Civil Rights Division, U.S. Attorney's Office, the judiciary and several community groups.

In her current consulting practice, Martin focuses on uniting communities of color and the police who swear to serve and protect them. Her unique ability to connect with both the community and police before guiding them toward common ground is the hallmark of her success. In addition to Baltimore, Martin has consulted on consent decree compliance and police reform matters for police departments across the country. An expert on public safety and best practices for building relationships between communities and police, she regularly advises nonprofit organizations, real estate developers, tech startups, private corporations, community groups, and local governments.

Community Safety and Strengthening Act

Overview

➢ Chapter 25 of 2019 (Senate Bill 793)

➢ Took effect July 1, 2019

➢ Two main components:

   ➢ Community investments to help address root causes of crime; and

   ➢ Authorization for the Johns Hopkins Police Department

Community Safety and Strengthening Act

JHPD Operations

➢ Police Department established based on MOU between JHU and the Baltimore Police Department with community input

➢ Department may operate on East Baltimore, Homewood, and Peabody campuses

➢ May operate in areas adjacent to campus ONLY IF:

➢ Receive a majority of support from relevant community; and

  ➢ Baltimore City Council approves a resolution affirming JHU has received the required support of the community

  ➢ Subject to standards to ensure constitutional and community-oriented policing

Community Safety and Strengthening Act

Public Accountability

➤ Must establish a University Police Accountability Board*

  ➤ Fifteen-member board with five seats for community

  ➤ Will review department metrics and policies and make recommendations

➤ Subject to jurisdiction of the Civilian Review Board of Baltimore City*

➤ Disciplinary hearing board must have two voting members of the public*

➤ Must establish a public complaint process*

➤ No civil immunity in department court cases*

* Not the responsibility of the JH Accountability Board

Community Safety and Strengthening Act

Role of the Johns Hopkins Accountability Board

➢ Has authority to:

➢ (1) Review JHPD metrics involving crime

➢ (2) Review current/prospective PD policies, procedures, training

➢ (3) Provide recommendations to JHU on the above

➢ Must meet at least quarterly

➢ Must post its meeting minutes prominently on a public website

➢ Must hold at least one public meeting annually "to seek input on police department policies, procedures, and training from community members of Baltimore City"

➢ The JHPD must acknowledge and respond to any recommendation from the Board within 120 days

10-Minute Break

Live stream will resume around 11:20 a.m.

Maryland's Open Meetings Act (OMA)

Legislature's Policy Statement

It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

(1) public business be performed in an open and public

manner; and

(2) citizens be allowed to observe:

(i) the performance of public officials; and

(ii) the deliberations and decisions that the

making of public policy involves.

GP § 3-102

Maryland's Open Meetings Act (OMA)

How Do Meetings Comply with the OMA?

➢ Before: Provide advance public notice and an agenda

➢ During: Hold meetings open to the public

➢ After: Prepare minutes and post publicly

➢ Designate one Accountability Board member as a trainee

Maryland's Open Meetings Act (OMA)

Meetings

➤ In-person meetings are not always required for an Open Meeting

➤ Deliberation or consideration on items of public business among a *quorum requires public access to observe (or listen)*

➤ The Board has held that conference calls can satisfy the Open Meeting Act requirements for public access

   ➤ Must be accessible to the public

   ➤ The public must be able to hear all comments and discussions related to Board business

Activities Governed - Those of a "Public Body" §3-101(H)

➢ Multi-member

➢ Formal creation (law, charter, bylaw, rule, resolution)

➢ By executive appointment, if including 2 or more members of the public

➢ Committees and subcommittees (depending on creation)

➢ Informally created public bodies (sometimes)

➢ Nominally private corporations (sometimes)

Activities Governed - What is a Meeting? §§3-101(G), (K), 3-103

➤ *Meeting: defined as any **deliberation, consideration or transaction** of public business among a quorum*

    ➤ Quorum counts anyone present – can't cycle through a room to evade the Act

➤ Conference calls or any other method of **simultaneous or contemporaneous** interaction

    ➤ Electronic communications allow continued and interactive group deliberation on public business

    ➤ Virtual meetings

➤ Social gatherings and retreats when public business is discussed

    ➤ Not social gatherings when **no** public business is discussed

Maryland's Open Meetings Act (OMA)

Virtual Meetings

➢ The Board has held that the Open Meeting allows conference calls

➢ Virtual or online meetings satisfying the same requirements can also comply with the Open Meetings Act

  ➢ Electronic online – Zoom, Skype, Google Hangouts, etc.

  ➢ In-person with live feed for remote public observation

  ➢ Recommend including the conference call option for persons without computer or tablet access

➢ Virtual meetings were required during the COVID-19 crisis and use is likely to continue to allow broader access in the future

Maryland's Open Meetings Act (OMA)

Virtual Meeting Preparation

➢ Advance meeting preparation may be an "administrative function" not subject to Open Meetings Act requirements – BUT ONLY IF:

  ➢ Discussions are limited to practical and technical matters as to how to access and operate the meeting, such as:

    ➢ Details of the virtual meeting process

    ➢ Protocols during the meeting

    ➢ Setting the agenda

➢ If so limited, the meeting for advance preparation does not require notice, motion to close, or minutes *unless* the meeting occurs in the midst of an otherwise open meeting or at the end of such a meeting

The Administrative function exemption does not allow discussion on the creation of public policy, per GP §§ 3-101 and 103

Maryland's Open Meetings Act (OMA)

Running a Virtual Public Meeting

➢ Proceed with clear steps

  ➢ Start with a roll call to identify public body members who are present

  ➢ Speakers should identify themselves before speaking

  ➢ Chair should be careful to recognize speakers by name

  ➢ If virtual (visual), raising hands can be helpful before speaking

➢ Motions should be deliberate

  ➢ If visual, raise hands to make the motion and second

  ➢ Voting should be member-by-member to avoid confusion

  ➢ Chair should announce the motion, second, and voting

➢ Chair should deliberately announce each new agenda item

Maryland's Open Meetings Act (OMA)

Advance Notice for Virtual Meetings

- When not using customary and usual practices for a meeting, make extra efforts to provide notice

- Notice must tell the public how to access the meeting for observation

- Recommend making a conference call option available to ensure public access and as a backup

- Advance notice is critical, and to the extent possible, using the same notice process is recommended

Providing Public Access for a Virtual Meeting

➢ Meetings must be reasonably accessible to the public
➢ *Reasonable* means accessible to the *community being served*
  ➢ This requires consideration of how the community can access the meeting and whether they have the means to do so
  ➢ For example, a Zoom meeting without a conference call option *may not* be considered accessible for a community where few persons have computer access
➢ For a conference call – a telephone number to call, along with any access codes
➢ For electronic online – an access code to allow live participation, with a telephone number to allow listening (as an option OR upon software failure)
  ➢ Additional registration or sign-in can be required to provide public comment, but not for public access simply to observe
➢ To ensure maximum public access, an electronic online meeting can also be shown live via Internet, cable access, YouTube, etc.
➢ Note that providing a conference call option, even as a backup, will help:
  ➢ Ensure accessibility even for those without online access
  ➢ Allow a practical backup even if online access becomes interrupted
  ➢ Ensure Open Meetings compliance if there is a future challenge

Maryland's Open Meetings Act (OMA)

Electronic (E-Mail) Exchange of Information without Deliberation

➢ Transmitting information by email, text, etc. , **without discussion or deliberation**, is generally acceptable

  ➢ The public has the right to observe deliberations on public business covered by the Act

➢ **Public business** includes any consideration of a public matter, including decisions, recommendations, requests and opinions

  ➢ This includes proclamations, awards and officers of the public body (such as chair, vice-chair and secretary)

➢ Email (outside of a public meeting) can be used to:

  ➢ Approve minutes and agenda items

  ➢ Identify meeting locations, times, and agenda

  ➢ Provide information without deliberation by the public body

Maryland's Open Meetings Act (OMA)

Electronic (E-Mail) Deliberations on Public Business

➢ Emails (or texts) used by a quorum to *deliberate and decide* matters of public business **may violate the Act**

➢ Try to avoid the following "red flags":

  ➢ "Reply-all" and group/circulated email exchanges, *especially when there is discussion and deliberation*

  ➢ Continuous deliberation on a matter leading to a decision

  ➢ Effectively constant messages even if not simultaneous

Options for Urgent Matters of Public Business

➢ Options for urgent matters may include:

  ➢ A public meeting by conference call (allowing the public to dial in) after public notice

  ➢ Individual emails to each member of the public body

    ➢ *Without interactive deliberation*

  ➢ Scheduling an online public meeting and allowing public to observe

  ➢ Delegating the decision to staff and/or one member of the public body (or the Mayor or equivalent role)

Note: The Open Meetings Act prohibits "evasive devices" to avoid compliance

Maryland's Open Meetings Act (OMA)

Activities Governed -Topics of Discussion ("Functions")

Defined by the Act §§ 3-101 Definitions; 3-103 Scope

➤ Covered: Advisory, legislative, quasi-legislative functions, all as specially defined by the Act

➤ Expressly *included*: discussions concerning

  ➤ Granting a license or permit

  ➤ Many types of land-use matters

➤ Excluded: administrative (formerly executive), judicial, quasi-judicial functions

Maryland's Open Meetings Act (OMA)

Actions Before a Meeting: Public Notice of Meetings - § 3-302

- Timing
  - Reasonably in advance
- Last-minute meetings – make special efforts
- Content
- Date, time, place, open/then closed status (vote to close is public)
- Agenda
  - Make available in advance with topics and items of business
- Method
- Consistency

Maryland's Open Meetings Act (OMA)

Actions During a Meeting: Logistics - § 3-303

➤ Location

➤ Public participation – not required by Act

➤ Cameras/tape recorders – model rules recommended

➤ Documents and communications referred to during meeting- ensuring access

➤ Audible discussion (no quiet discussions among public body members which cannot be heard)

Maryland's Open Meetings Act (OMA)

Actions During a Meeting: 15 Exceptions (All to be construed narrowly) – GP § 3-305(B)

➢ Personnel matters regarding individual employees

➢ Receipt of legal advice

➢ Litigation

➢ Real property acquisition (not sale)

➢ Collective bargaining

➢ Certain business development proposals

➢ Certain public security matters

➢ Cyber security: If identified risk to information resources or network management

➢ Other law requiring confidentiality…and 6 others

Actions During a Meeting: Closing a Meeting - § 3-305 – 306(C), -104

➢ Identifying a **specific exception** allowing closure

➢ Chair completes a meaningful written "closing statement" – citation, topic, reasons for excluding public; Chair's duty to prepare/sign it

➢ Holding a public vote to close, after proper notice of the open session

➢ Staying within the exception on the statement

➢ Deciding on post-meeting disclosures (what members will say)

➢ 2 model closing statements on Attorney General's website

➢ Complying with training requirements; completing Compliance Checklist if member designated for training can't attend

➢ Closed session **impermissible** if public body hasn't designated a member for training. § 3-213.

Open Meetings Act: Public Participation

➤ Act does not require public participation
  ➤ BUT, public participation MAY be otherwise required
    ➤ For public hearings
    ➤ For a period of open public comment (if provided)
    ➤ Where other specific requirements apply
➤ Use consistent processes to allow equal access to public comment
    ➤ For a virtual meeting, registration or sign-in is permitted to establish an order for public comment
    ➤ Scheduling allows comment "in the order received"
    ➤ Can allow email comment prior to the meeting or leave record open
➤ Focus should be on maximizing opportunity for public comment, such as by scheduled oral comment and an email option as well
➤ Right of cross-examination and contentions hearings will be special challenges in a virtual setting

Actions After a Meeting: Meaningful Minutes - § 3-306

- Required timeliness; content
- Open-session minutes: available on request, without redaction
  - Post online if "practicable," per §3-306(e)(2)
- Closed session minutes are sealed, with the **public summary included in the minutes of next open session**
  - Note this requirement also extends to certain administrative function sessions not open to public
  - Summary of closed session with 4 required items of information (date-time-place, purpose; vote record to close; citation allowing closure; topics discussed, persons present, any action taken) and compliance checklist, if required per §3-213
- Tape recording ≠ minutes, but use of live and streaming audio or video can be allowed for open-session minutes

Actions After a Meeting: Meaningful Minutes - § 3-104 and § 306

➤ Minutes of the next open meeting must include:
  ➤ Purpose for the closed meeting
  ➤ Citation authorizing closed meeting
  ➤ Votes to close
  ➤ Topics and subject matter actually discussed
  ➤ Actions taken (if any)
  ➤ Date, time, place
  ➤ Persons present
➤ For a template, go to open meetings page on Attorney General's website

Only exception -- §3-104: *closing an open meeting for the administrative function*. Minutes must include (1) the subject matter discussed, (2) date/time/place and (3) persons present

Maryland's Open Meetings Act (OMA)

Actions After a Meeting: Record Retention - § 3-302 and § 3-306

- Notice (screenshot of online notice should be printed to include date of posting) (1 year)
- Minutes and tape recordings (5 years)
- Sealed minutes (1 year)
- Closing statements (likely 1 year)
- Archiving requirements - other laws might apply
- Access: open to inspection at the office on request
  - Minutes to be posted online to the extent "practicable"

Maryland's Open Meetings Act (OMA)

Remedies – 2 Routes

1. Open Meetings Compliance Board: Advisory opinions – §§ 3-204 through 3-212

   ➢ When OMCB finds a violation, the public body must summarize the opinion at the next public meeting, sign it, and return it to the Compliance Board

2. Circuit Court: Orders – §§ 3-401 and 3-402

   ➢ Court may overturn public body's action in some cases, assess a penalty, and award attorney's fees

Maryland's Open Meetings Act (OMA)

Training Requirement - § 3-213

➢ Designation by "each public body" of a member, officer, or employee to receive training

➢ Designee must take training within 90 days of the designation

  ➢ Training received before October 1, 2013 does not qualify

➢ If the designee no longer serves on or works for the public body, the public body needs to designate a new designee

Additional Training Requirement - § 3-213

➤ Public body may not meet in closed session unless a member has been designated to take the training

➤ Designated member should attend an open session at which the public body votes to hold a closed session,

    ➤ *If not, the public body must complete Compliance Checklist and attach it to open-session minutes*

➤ Public bodies should retain their own proof that the training was received and not send it to the Compliance Board

Maryland's Open Meetings Act (OMA)

Issues, Examples, and Questions

➤ Common causes of violations (unplanned meetings, lack of staff, staff/member turnover, member desire to control information, lack of knowledge about the Act's requirements, lack of agenda planning)

➤ Steps to avoid complaints

  ➤ Identify the person responsible for various compliance tasks

    ➤ Include tasks in job descriptions

  ➤ Adopt a schedule for training

  ➤ Plan meeting topics

  ➤ Orient new members and staff

➤ Avoidance of electronic or other non-public communications, which include deliberation and/or decision on public matters by a quorum

➤ Responses to complaints (see the procedures posted online)- addressing constituents' concerns early

Maryland's Open Meetings Act (OMA)

More Information

➢ Compliance checklist, model closing forms and summary, FAQs, Compliance Board opinions, and topical index:

    ➢ http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx

➢ For virtual meetings, the above Attorney General "Open Meetings" page has an FAQ and the Maryland Municipal League has a 1-page summary www.mdmunicipal.org

➢ Online class: Institute for Governmental Service and Research website: www.igsr.umd.edu

➢ Open Meetings Act Manual (10th ed. 2021), also accessible through the Attorney General's "Open Meetings" page

➢ Recording of JHAB Open Meetings Act training – March 2022

➢ Minutes from JHAB Open Meetings Act training – March 2022

Lunch

Live stream will resume around 1:00 p.m.

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, 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

Membership and Board Composition

- The Board will reflect JHU's dedication to diversity
- The Board is 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).

Terms

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

Bylaws

Structure

- Officers

  - Members will elect a Chair and a Co-Chair. Members may designate other officer roles through amendment of the Bylaws.

- Board Secretary

  - The administrative support person for the Board will serve as Board Secretary.

Bylaws

Committees

Board members are elected into positions and committees. The seven committees are:

➢ Agenda Setting

➢ Communications/Media

➢ Governance

➢ Legal/Finance

➢ Outreach/Community Relations

➢ Open Meetings Act (OMA) Compliance – may be an individual or would fall under Legal/Finance

➢ Policy Review

Bylaws

Membership Expectations

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics

➤ Demonstrate personal integrity

➤ Independent and thorough oversight

➤ Transparency and confidentiality

➤ Respectful and unbiased treatment

➤ Outreach and relationships with stakeholders

➤ Agency Self-examination and Commitment to Policy Review

➤ Professional Excellence

➤ Primary Obligation to the Community

Bylaws

Meetings

- Meeting Frequency
  - Quarterly Meetings Required (at minimum)
  - "Special" meetings will be subject to the Maryland Open Meetings Act. There must be concurrence by the majority of the Board in order to hold special meetings.
- Motions
  - Every motion must be seconded by another member prior to consideration by the body
  - Only motions moved by JHAB members will be entertained
  - For the body to rescind a motion already approved, the threshold is a majority plus one.

Bylaws

Meetings

➢ Voting

    ➢ In all meetings where a quorum is present, whether in person or virtually, a majority of the members shall prevail.

➢ Decorum

    ➢ Members and all guests shall confine their remarks to the question under discussion or debate, avoiding digression and refraining from personal attacks.

    ➢ Members wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chair and shall not proceed until recognized by the Chair.

10-Minute Break

Live stream will resume around 2:10 p.m.

Policy Development

Johns Hopkins has undertaken the most extensive policy development and feedback process for a police department at an institution of higher education.

- JHPD is focused on policy creation based on best practices and model policies from organizations including the Leadership Conference on Civil and Human Rights, the International Association of Chiefs of Police (IACP), and the Police Executive Research Forum (PERF)
  - The ACLU's "Racially Just Policing: Model Policies for Colleges and Universities"
  - The Justice Collaboratory at Yale Law School's "Principles of Procedurally Just Policing"
  - President Obama's Commission on 21st Century Policing
  - The Standards for Law Enforcement Agencies by the Commission on Accreditation for Law Enforcement Agencies (CALEA)
- Maryland Police Reform Legislation, Community Safety and Strengthening Act, judicial, The Baltimore City Police Consent Decree and the MOU between the BPD & JHPD

Policy Development & Review Process

Policies drafted by internal & external policing experts

→

Policies posted online for a 60-day public comment period

→

Policies reviewed by JH Accountability Board, community, & outside experts

→

Draft policies are updated to reflect community feedback

→

Final policies and feedback report posted on the Public Safety Website

JHPD is prioritizing and conducting community engagement before policy enactment

9

Policy Development & Review

While some university peers publish finalized policies online, they do not typically post any publicly accessible material regarding their policy development processes.

➢ Each draft policy prepared by the all Civilian JHPD Policy Drafting Group is reviewed prior to being shared with the JH Accountability Board or being posted for public review

  ➢ Vice President for Public Safety,

  ➢ 21CP Solutions, external Public Safety Consultant and

  ➢ Key members of the JHU Leadership Team and comment.

➢ There will also be a page on the JH Public Safety website dedicated to department policies, with a section for draft review, including a prominent feedback button to assist with submitting input.
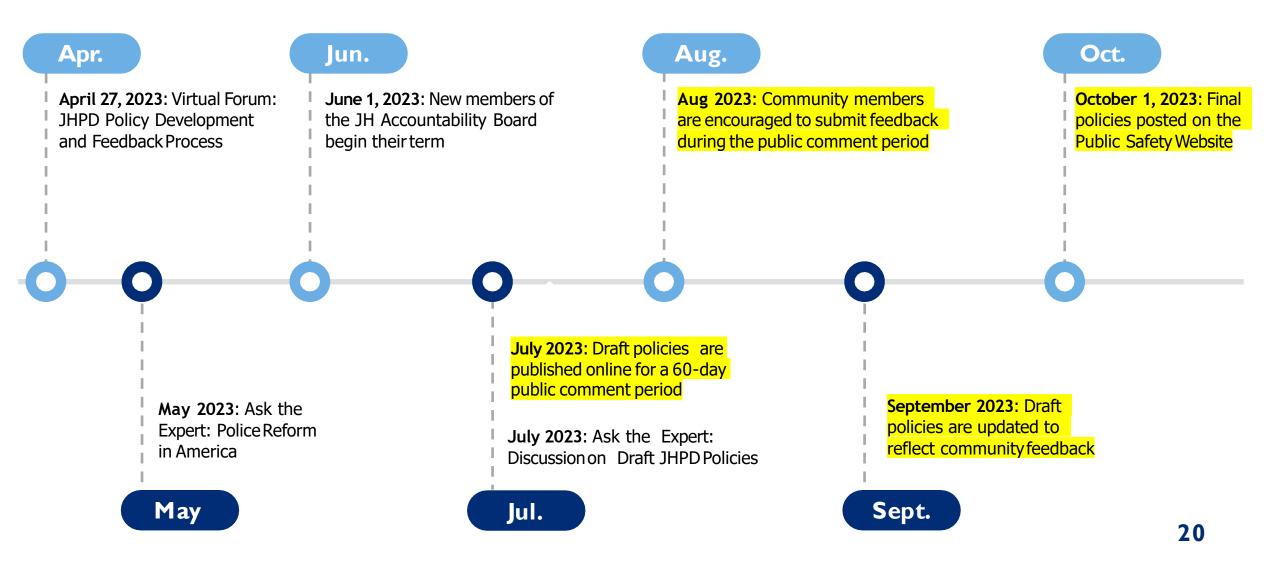
Policy Review

All draft policies will be shared with the JH Accountability Board prior to the posting of draft policies for public review and comment.

➢ Board members will be invited to share feedback on draft policies in writing and during the Board's public meetings in response to the following questions,

  ➢ Is this policy consistent with the values and needs of the community?

  ➢ Does this policy help JHPD safely carry out its stated mission?

  ➢ Is this policy understandable? Are there any points that need clarification?

➢ There will also be a page on the JH Public Safety website dedicated to department policies, with a section for draft review, including a prominent feedback button to assist with submitting input. All draft policies will be posted on the JH Public Safety website for 60-days to allow for comment.

Policy Development & Review Timeline

Apr.

April 27, 2023: Virtual Forum: JHPD Policy Development and Feedback Process

Jun.

June 1, 2023: New members of the JH Accountability Board begin their term

Aug.

Aug 2023: Community members are encouraged to submit feedback during the public comment period

Oct.

October 1, 2023: Final policies posted on the Public Safety Website

July 2023: Draft policies are published online for a 60-day public comment period

July 2023: Ask the Expert: Discussion on Draft JHPD Policies

May 2023: Ask the Expert: Police Reform in America

September 2023: Draft policies are updated to reflect community feedback

May

Jul.

Sept.

20

Policy Development

Feedback or edits may be completed at any level of review in the policy development process when necessary.

The VP of Public Safety and Chief of Police will review, revise as necessary, and approve policies for implementation and final publication.

- ➤ Each finalized and adopted policy, a feedback report will be posted on the Public Safety website.

- ➤ The feedback report will summarize the community engagement process and list all feedback received, as well as a disposition of actionable feedback.

- ➤ All final policies will be posted on the public safety website and shared with the JH Accountability Board.

Next Steps in Policy Development

The JHPD Policy Drafting Group will finalize the first drafts over the coming weeks, your review and input is a critical in this next step.

To help prepare, become familiar with the Community Safety Strengthening Act, the MOU with the Baltimore Police Department and other information included in today's presentation.

- ➢ Seek-out and consider the best practices of other University and local police departments.

- ➢ Attend an upcoming, Ask the Expert Session.

➢ Talk with your family, friends and neighbors about the upcoming public review process. Let them know the draft policies will be available for review on the public safety website beginning in August, and encourage them to participate in the feedback process on the website.

Social Gathering

Accountability Board Members

Live stream will resume around 3:45 p.m.

Next Steps

- Next Meeting | July 19th

- Ask the Expert Session| August

- Delivery of Draft Policies | August

- Board Social Event | Fall 2023

Thank You!

Contact LaTicia Douglas (ldougl12@jhu.edu) with inquiries.

We look forward to working with you!