

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 336  
Judiciary

(Delegate Ivey)

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**Private Institutions of Higher Education - Police Departments - Repeal and Prohibition**

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This bill prohibits a private institution of higher education from establishing a police department or granting an employee the powers granted to a peace and police officer. In addition, the bill repeals authorization for the Johns Hopkins University (JHU) to establish a police department and related authorizations, powers, requirements, and prohibitions for the JHU police department and police officers, the Baltimore Police Department (BPD), and the Department of Legislative Services (DLS).

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State governmental operations or finances.

**Local Effect:** Since JHU has not established a police department, the bill does not directly affect governmental operations or finances in Baltimore City.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 25 of 2019 authorizes JHU to establish a police department based on a memorandum of understanding (MOU) entered into by the university and BPD regarding matters related to police jurisdiction, functions, and operations. The MOU must require that BPD (1) have primary responsibility for all investigations and arrests related to Part I offenses specified under the Uniform Crime Reporting Program, except as specified; (2) maintain any evidence collected from crime scenes at the Evidence Control Unit of BPD, as specified; and (3) impound any stolen vehicles, as specified.

## *Required Notice to the Public and Public Access to Information*

Before executing a MOU, JHU must:

- post publicly the proposed MOU, as specified;
- provide the Baltimore City Council time to review and submit written comments, as specified;
- provide affected individuals, neighborhoods, community groups, and local officials with an opportunity to review and comment on the proposed MOU; and
- host public forums, as specified.

If a final MOU is executed by all parties, JHU must post a copy of the executed MOU on a website available to the public.

If JHU establishes a police department, the police department must allow a person or governmental unit to access information in the same manner as a person or governmental unit would be able to access a public record of a law enforcement agency under the Public Information Act (PIA), as specified. However, these provisions may not be construed to make an independent institution of higher education, as specified, subject to PIA.

## *Jurisdiction and Standards*

A JHU police officer may exercise the powers granted to a peace and police officer but generally only on the university's campus area, as specified, and within areas adjacent to the campus area, under specified circumstances, as specified in an executed MOU developed with input from the relevant community. A JHU police officer may *not* exercise such powers on any other property, except under specified circumstances.

If JHU establishes a campus police department, JHU must continue to make use of the JHU security personnel or building guards in addition to the police department and also must:

- adopt specified standards, qualifications, and prerequisites for hiring and training JHU police officers that comply with the regulations of the Maryland Police Training and Standards Commission (MPTSC);
- adopt standards for character, education, human relations, public relations, and experience for JHU police officers;
- ensure constitutional and community-oriented policing through the adoption of policies, practices, and training, as specified;
- maintain a police department in which at least 25% of the police department's workforce are residents of Baltimore City, as specified;
- require JHU police officers to wear and use body-worn cameras, as specified;

- employ no more than 100 employees within the police department; and
- seek accreditation by the Commission on Accreditation for Law Enforcement Agencies, the International Association of Campus Law Enforcement Administrators, or a similar organization.

### *Accountability*

If established by JHU, the JHU police department is subject to a 15-member University Police Accountability Board established by JHU. The purpose of the accountability board is to:

- enable community members to share community concerns regarding the police department directly with police department leadership;
- review police department metrics;
- provide feedback on existing police department policies and practices, including police department standards for hiring and recruitment; and
- suggest ideas for improving police department policies, procedures, and performance, including ideas for community-based public safety initiatives.

The police department must acknowledge and respond to any recommendations of the accountability board within 120 days after receiving the recommendations.

Law enforcement officers, except the chief of police, in the JHU police department are subject to the Law Enforcement Officers' Bill of Rights with specified requirements to include voting members of the public on a hearing board. Law enforcement officers in the JHU police department are eligible for certification by MPTSC and subject to review by the Baltimore City Civilian Review Board.

### *Other Provisions Related to Establishment*

If JHU establishes a police department, JHU, the police department, and the officers, employees, and agents of JHU or the police department are not entitled to immunity under the Local Government Tort Claims Act, the Maryland Tort Claims Act, or common law public official immunity and may not raise the defense of sovereign immunity. In addition, no action may be maintained against the State for the conduct or other acts of JHU, the police department, or the officers, employees, or agents of JHU or the police department. Further, it is the intent of the General Assembly that the police department must function as a criminal justice unit for the purposes of the Criminal Justice Information System.

JHU is solely responsible for the pension, retirement, and any other benefits afforded to the employees of the police department. The employees of the police department are not

entitled to State pension, State retirement, or any other benefits afforded to State personnel arising out of their employment with the police department. Nothing in the Act may 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.

In addition, if JHU establishes a police department, JHU must (1) establish at least one specified Police Athletic/Activity Leagues, Inc. in Baltimore City at its own expense; (2) host or participate in at least four job events in each calendar year in Baltimore City, as specified; and (3) annually report specified information regarding the structure, functions, and operations of the police department to the Mayor of Baltimore City and the City Council of Baltimore, the General Assembly, and the accountability board. JHU must also submit all incident reports to BPD using BPD's standard reporting policies and systems. In addition, except under specified circumstances, the police department may not acquire any military grade vehicle or military grade hardware.

*Authorization for Establishment of the Police Department Is Subject to Termination and Evaluation by the Department of Legislative Services*

Authorization for establishment of the police department and related provisions in the Education Article terminate after July 1, 2029. However, if JHU establishes a police department, then by December 15, 2027, DLS must conduct a preliminary evaluation of the police department in the *same manner* as previously conducted under the Maryland Program Evaluation Act – with results of that evaluation reported to the Legislative Policy Committee (LPC). LPC must determine whether the termination date for authorization should be extended (along with another evaluation date) or further evaluation is needed. If LPC determines that a full evaluation is necessary, DLS must, in the *same manner* as previously required under the Maryland Program Evaluation Act, conduct a full evaluation and issue a full report to the General Assembly recommending that the authorization for JHU to establish a police department should be reestablished, with or without changes, or allowed to terminate.

**Additional Comments:** In June 2020, JHU announced that it would pause the development of a police department for at least two years so that it may benefit from the national reevaluation of policing in society brought about by the death of George Floyd at the hands of Minneapolis police.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Judiciary (Administrative Office of the Courts); Maryland Independent College and University Association; Department of Public Safety and Correctional Services; Department of State Police; The Johns Hopkins University; Department of Legislative Services

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