

**SB0763-JPR-FAV.pdf**

Uploaded by: Brandon Scott

Position: FAV



BRANDON M. SCOTT  
MAYOR

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**SB 763**

March 14, 2023

**TO:** Members of the Senate Judicial Proceedings Committee  
**FROM:** Mayor Brandon M. Scott, City of Baltimore  
**RE:** Senate Bill 763 – Civilian Review Board and Office of Equity and Civil Rights  
**POSITION: SUPPORT**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 763.

SB763 provides for the responsible and gradual abrogation of the Civilian Review Board (CRB) while preserving and enhancing its existing investigatory and subpoena powers within the Baltimore City Office of Equity and Civil Rights (OECR), the agency responsible for supporting and staffing the CRB, the Police Accountability Board (PAB), and the Administrative Charging Committee (ACC).

The CRB was created by state law in 1999 as the only civilian body with oversight of the law enforcement agencies of Baltimore City. Although the CRB is currently the only entity with independent investigatory authority, the enabling legislation limits its jurisdiction to five allegation types and requires complaints to be filed on a signed form within one year of the incident. SB763 maintains this investigative model of oversight, while removing administrative constraints and expanding jurisdiction to all complaints involving a member of the public.

OECR personnel currently handles the intake of the misconduct complaints, conducts independent investigations, and supports the CRB, PAB, and ACC. As such, SB763 provides for a transitional structure that ensures no loss of current staff or institutional knowledge and accounts for the resource and bandwidth concerns of supporting three entities with overlapping functions. While SB763 ensures the preservation of independent investigatory authority, it also transfers the decision-making power from the State to the Baltimore City Council. This is important because the bill reallocates the CRB's responsibilities, conscientiously protecting core principles of police accountability, while simultaneously embracing the tenets of local control.

For these reasons, the BCA respectfully request a **FAVORABLE** report on SB763. This bill represents the next step in accountability and transparency in policing for Baltimore City.

**JPC SB763 Testimony.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter**

**In Favor of SB763 Baltimore City –  
Civilian Review Board and Office of Equity and Civil Rights**

**Before the Judicial Proceedings Committee**

**on March 14, 2023**

**Chair Smith, Vice-Chair Waldstreicher, and Members of the  
Committee:**

- **Senate Bill 763 repeals provisions of law establishing and providing for the Baltimore City Civilian Review Board (CRB), in the Baltimore City Office of Equity and Civil Rights, which investigates, simultaneously with the Baltimore City Police Internal Investigative Division, each complaint it deems appropriate and reports its findings to an administrative charging committee.**
- **The effective date of the repeal will be January 1, 2024. At that time, all work of the Baltimore City Civilian Review Board must be transferred to any other board or agency determined appropriate by the Baltimore City Council.**

- **The CRB was created by state law in 1999 as the only civilian body with oversight of the law enforcement agencies in Baltimore City. Although the CRB is currently the only entity with independent investigatory authority, the enabling legislation limits its jurisdiction to five (5) types of alleged police misconduct and requires complaints to be filed on a signed form within one year of the alleged incident.**
- **SB763 will maintain the investigative model of oversight, remove the administrative constraints and expand jurisdiction to all complaints of alleged police misconduct involving a member of the public.**
- **SB763 also provides for a transitional structure that ensures no loss of current staff or institutional knowledge and accounts for the resource and bandwidth concerns of supporting three (3) entities with overlapping functions.**
- **SB763 will ensure the preservation of independent investigatory authority, and transfer the decision-making power from the State to the Baltimore City Council. This is important because the bill reallocates the CRB's responsibilities, protects the core principles of police accountability, while simultaneously embracing the tenets of local control.**

**For these reasons, I urge a favorable report of SB763.**

**Sincerely,**



**Jill P. Carter, Esq.**

# **SB 763 - Opposed .pdf**

Uploaded by: Natalie Novak

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee:

**I am testifying in opposition to Senate Bill 763.** I am a resident of District 41 and the Secretary and Northern District representative of the Baltimore City Civilian Review Board.

Senate Bill 763 would transfer the Civilian Review Board's (CRB) independent investigatory powers, including its subpoena power, to Baltimore City's Office of Equity and Civil Rights (OECR). Doing so would weaken police accountability in Baltimore City and create redundancy.

The CRB's independent investigatory powers are its most important function and these powers must be retained by an independent agency, such as the CRB, Police Accountability Board (PAB), or Administrative Charging Committee (ACC).

Independence is the corner stone of police accountability. In a review of several police accountability agencies, Open Society's Justice Initiative found that, "Independence is the oxygen of a credible investigative agency. . . . To be effective, the agencies need separate legislation, an appropriate dedicated budget, and a separate physical facility. The agency's director should not be a former state agent and must be assured of independence from external pressures, particularly in how that leader is appointed and potentially dismissed." Therefore, police accountability bodies should have fewer ties to the local government, not more. Transferring the CRB's independent investigatory powers to a city agency would strip the investigation of any independence. If the investigation is controlled by OECR, it will create a conflict of interest between OECR and Baltimore City that will inherently limit OECR's investigation. To ensure an effective and accurate investigation, it must be controlled by an independent body.

During my 3.5 years on the CRB, OECR has had 3 different Executive Directors and the CRB has had 3 different OECR CRB Supervisors. OECR staff ultimately report to the Mayor, as does the Police Commissioner, which creates an irreconcilable conflict of interest that will taint any investigation controlled by OECR.

Transferring the CRB's investigatory powers to the OECR would be redundant. Baltimore City already has investigations of police misconduct produced by a city agency—the internal investigative report issued by the Baltimore Police Department's Public Integrity Bureau. Therefore, Baltimore City does not need another investigation conducted by a Baltimore City agency. Baltimore City needs a second investigation controlled by an independent body, such as the CRB, PAB, or ACC.

Finally, Senate Bill 763 does not appear to transfer the CRB's independent investigatory powers to the OECR with the intent to then transfer these powers to the PAB. Section 4 of the bill appears to transfer all of CRB's duties to the PAB, except as provided in the bill, which refers to the independent investigatory powers. So it appears that OECR would retain these powers instead of transferring them to the PAB.

Sincerely,  
Natalie Novak  
1206 W Northern Parkway, Baltimore, MD 21209  
CRB Secretary, Northern District Representative