

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
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CRB Secretary, Northern District Representative