

Dear Members of the House Judiciary Committee:

I am testifying in favor of House Bill 533. I am a resident of District 41 and Chair and Northern District representative of the Baltimore City Civilian Review Board.

HB 533 would “authori[ze] the local governing body of a county to authorize, by local law, the county’s police accountability board to exercise investigatory and subpoena powers; [and] authoriz[e] a police accountability board to conduct an investigation of police misconduct concurrently with a law enforcement agency investigating the complaint[.]”¹

The Baltimore City Civilian Review Board (CRB) was created by the Maryland General Assembly in 1999 and remains the only non-police entity in Baltimore City statutorily authorized to investigate complaints of police misconduct. For twenty-five years, the CRB has been receiving police misconduct complaints; authorizing independent investigations by CRB investigators; reviewing the Baltimore Police Department internal affairs investigation unit—currently called the Public Integrity Bureau (PIB)—and CRB’s investigative reports; making findings of sustained, not sustained, unfounded, or exonerated; and issuing disciplinary recommendations for sustained complaints. The CRB is also authorized to review and comment on BPD policies and procedures, which resulted in CRB’s collaboration with PIB to establish procedures for the exchange of complaints and investigative information. The CRB has collaborated with students to create a uniform complaint form for Baltimore City public schools, testified before the Maryland Senate and House, and served on the Maryland Coalition for Justice and Police Accountability and the Local Control Advisory Board.

CRB’s most important role is its statutory power to conduct independent investigations simultaneously with PIB, which includes CRB’s subpoena power.² Having the ability to conduct our own investigations and issue subpoenas allows the CRB to ensure we have the most complete factual record possible. For example, a complainant or civilian witness might prefer to report the details of police misconduct to a CRB investigator, rather than to a police officer. Additionally, CRB investigators can pursue information that might not be included in the PIB investigatory report. Therefore, it is critical that CRB have its own investigators, otherwise we would be missing important information.

Further, there have been instances when BPD failed to provide investigative materials to CRB. On one occasion, CRB was concerned that PIB’s investigation was missing certain information, which had been requested by CRB investigators. Without the ability to issue a subpoena to ensure CRB was provided all relevant information, the board would be beholden to BPD, which would fully negate our ability to provide police oversight. The most notable example of BPD withholding investigations is CRB’s lawsuit against BPD for refusing to provide its internal investigations to CRB, in violation of Baltimore City Public Local Law § 16-45(a).³ BPD

¹ HB 533.

² “Civilian oversight entities should possess subpoena power, including the authority to subpoena witnesses, internal affairs investigations, disciplinary documents and recommendations, body camera footage, and any other information necessary to successfully investigate alleged misconduct. Civilian oversight entities must also have the ability to enforce their requests for information and records.” Fair and Just Prosecution, “Promoting Independent Police Accountability Mechanisms Key Principles for Civilian Oversight of Law Enforcement,” pg. 9, *avail. at*: <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/06/FJP-Civilian-Oversight-Issue-Brief.pdf>.

³ <https://www.baltimoresun.com/2018/11/05/baltimore-police-oversight-board-sues-city-police-department-to-obtain-internal-investigative-files/>; <https://www.baltimoresun.com/2018/08/17/baltimores-civilian-review-board-votes-to-subpoena-records-withheld-by-police-department/>.

completely halted the sharing of investigative reports with CRB, which forced CRB to bring legal action against BPD.

At this time, neither the Police Accountability Boards (PAB) nor the Administrative Charging Committees (ACC) have the authority to conduct independent investigations or issue subpoenas. This limitation greatly impedes PAB and ACC's ability to provide effective and full police oversight and accountability. "Civilian oversight entities should also have the power to investigate and, in most cases, issue public reports with enforceable recommendations."⁴ Independence from the local police department is the cornerstone of effective police accountability and oversight.

Further, "[t]o avoid conflicts of interest and ensure credibility and impartiality, civilian oversight entities should retain independence from law enforcement agencies and/or the chain of command they oversee."⁵ Therefore, independent investigations are also important to ensure the credibility of police oversight and "to strengthen trust with the community."⁶

Therefore, Baltimore City should have the ability to grant PAB the authority to conduct its own investigations. Without investigatory powers held by either PAB or ACC, the ACC is beholden to the information BPD desires to share with it. Because there have been past instances where BPD was less than forthcoming, there is a possibility that it will occur again. Without investigatory powers, there will be no recourse, thus diminishing PAB's scope of police oversight and ACC's ability to issue accurate disciplinary recommendations.

For these reasons, I request a favorable Committee report for HB 533.

Sincerely,

Natalie Novak

CRB Chair, Northern District Representative
1206 W Northern Parkway, Baltimore, MD 21209

⁴ Fair and Just Prosecution, "Promoting Independent Police Accountability Mechanisms Key Principles for Civilian Oversight of Law Enforcement," pg. 6, *avail. at*: <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/06/FJP-Civilian-Oversight-Issue-Brief.pdf>.

⁵ Fair and Just Prosecution, "Promoting Independent Police Accountability Mechanisms Key Principles for Civilian Oversight of Law Enforcement," pg. 6, *avail. at*: <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/06/FJP-Civilian-Oversight-Issue-Brief.pdf>.

⁶ Fair and Just Prosecution, "Promoting Independent Police Accountability Mechanisms Key Principles for Civilian Oversight of Law Enforcement," pg. 2, *avail. at*: <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/06/FJP-Civilian-Oversight-Issue-Brief.pdf>.