

Dear Members of the Senate Judicial Proceedings Committee:

I am testifying in support of Senate Bill 441. I am a resident of District 41 and the Secretary and Northern District representative of the Baltimore City Civilian Review Board.

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board (CRB) to function as the local Police Accountability Board required under the Maryland Police Accountability Act of 2021, while retaining the CRB's current functions. Without passing this bill, police oversight in Baltimore City will be gravely in danger.

First, the intended function of the Baltimore City PAB is largely duplicative of the CRB's statutory function, which was established by the General Assembly in 1999.

Further, bringing the Baltimore City PAB under the CRB umbrella, while keeping the CRB functions intact is imperative to creating effective police accountability and oversight, which were driving forces behind the passage of the Maryland Police Accountability Act. Effective and true police accountability and oversight is impossible without independence. At this time, the Administrative Charging Committees (ACCs) created by the Maryland Police Accountability Act lack independence. Pursuant to the Maryland Police Accountability Act, the ACCs are vested with the awesome task of reviewing police misconduct complaints and determining any resulting disciplinary action. Importantly, if the ACC finds misconduct and issues a disciplinary action, the Police Commissioner cannot set a lower discipline, only a harsher one. This is a great win for police reform; however, the ACCs function as citizen involvement in the police disciplinary process, **not police oversight and accountability**. The ACCs are not effective and true police oversight and accountability because they lack independence. The ACCs do not perform their own independent investigations. Rather, they rely on only the Baltimore City Police Department's (BPD) own internal investigation. Under this scheme, the police are again allowed to police themselves.

SB 441 would fix this. This legislation would bring the PAB under the umbrella of the existing CRB, which already has independent investigatory powers. Therefore, the CRB would be able to continue to conduct independent investigations of police misconduct and provide those investigations, in addition to BPD's internal investigation, to the ACC. This is the process that the CRB currently follows—the board members are given both the CRB independent investigation, as well as the BPD Public Integrity Bureau's investigation to use in its deliberations. Access to an independent investigation is important because the complainant and any civilian witnesses might prefer to report the details of police misconduct to a CRB investigator, rather than only having the option of participating in the BPD investigation. Further, and notably, the CRB has the authority to issue subpoenas, which are issued when BPD or other actors are unwilling to provide necessary information regarding a complaint. The ACCs do not have subpoena power, they can only request that the police department issue a subpoena. As such, the ACCs are not independent—they are relegated to only BPD investigations and have no authority to conduct their own investigations. This is not effective and full police oversight and accountability. Without SB 441, Baltimore City government will attempt to dissolve the CRB, thus eliminating the CRB's investigatory and subpoena powers. Powers that Baltimore City residents fought decades for will be eliminated and so will any hope of effective police oversight.

Finally, SB 411 allows for increased and fixed funding for the CRB and the right to secure independent legal counsel. The CRB requires adequate funding to ensure police oversight and accountability and access to independent counsel is essential considering the CRB's counsel is also BPD's counsel. Therefore, SB 441 would bring independence to the police oversight and accountability promised by the Maryland Police Accountability Act.

With the passage of SB 441, we have the chance to create ground-breaking police oversight and accountability. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441**.

Sincerely,

Natalie Novak

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CRB Secretary, Northern District Representative