

Dear Members of the House Judiciary Committee:

I am testifying in favor of House Bill 836. I am a resident of District 41 and Chair and Northern District representative of the Baltimore City Civilian Review Board. This my personal testimony from serving over five years on the Civilian Review Board.

HB 836 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 was **the only non-police entity in Baltimore City statutorily authorized to investigate complaints of police misconduct**. For over twenty-five years, the CRB received police misconduct complaints; conducted independent investigations by CRB investigators; made findings of sustained, not sustained, unfounded, or exonerated; and issued disciplinary recommendations for sustained complaints. However, in 2024, the Baltimore City Council voted to repeal the public local laws that allowed CRB to operate. Baltimore City is sunsetting the CRB, and with it, the only independent police misconduct investigations in the State. As of January 1, 2025, the CRB can no longer accept new complaints, the board is only permitted to complete its open cases. **With the repeal of the CRB, the police are left to investigate themselves**, as there is no non-police entity left in the State of Maryland tasked with independently investigating police misconduct. This void will severely weaken police oversight and accountability in Baltimore City and around the State, resulting in increased police misconduct. **However, HB 836 can rectify the situation** by allowing local jurisdictions to grant their Police Accountability Board the authority to conduct independent investigations.

CRB’s most important role was its statutory power to conduct independent investigations simultaneously with BPD, which included CRB’s subpoena power.² Having the ability to conduct our own investigations and issue subpoenas allowed the CRB to ensure that we had 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. Therefore, the BPD investigative report might be missing facts from such a witness. Additionally, CRB investigators could pursue information that might not be included in the BPD investigatory report because it was missed for some reason.

One of the most important reasons to have independent investigators is for the decision-makers to benefit from non-biased investigations. Respectfully, it is human to have bias, especially if one has taken the oath of a police officer. Therefore, there is inherent bias when a police officer investigates another police officer. This bias was shown in investigations that turned a blind eye to strong evidence. Over the years, the CRB encountered many BPD investigations that concluded that the allegations should be “not sustained,” “unfounded,” or “exonerated” in cases where the CRB voting board members overwhelmingly voted to sustain the allegations. The evidence in these complaints was very strong, nevertheless BPD decided not to sustain the

¹ HB 836 (2025).

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>.

complaint. In instances like this, you need an un-biased investigative report so the decision-makers can make fair and impartial decisions based on the evidence, and only the evidence.

Further, there have been instances when BPD failed to provide investigative materials to CRB. On one occasion, CRB was concerned that BPD'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 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, each local jurisdiction should have the ability to grant their 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 836.

Sincerely,

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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/>.

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>.