

**City of Portland
Police Citizen Review Subcommittee**

**AGENDA
March 8, 2023
6:00 PM**

1. Zoom Information
 - a. Please click the link below to join the webinar:
<https://portlandmaine-gov.zoom.us/j/81537697083?pwd=bXNxcVVRTXE2SWY4Mk1icnBwZjBIZz09>
Passcode: 798099
Or One tap mobile :
US: +13126266799,,81537697083# or +16469313860,,81537697083#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623
Webinar ID: 815 3769 7083
International numbers available: <https://portlandmaine-gov.zoom.us/j/81537697083?pwd=bXNxcVVRTXE2SWY4Mk1icnBwZjBIZz09>
2. Call to Order
3. Approval of February 8, 2023 minutes
Attachment
4. Draft guidelines for reviewing all categories of IA investigations
Attachment
5. Review and discussion of PPD checklist for each case category
Attachment
6. Executive session pursuant to 1 M.R.S. Sec. 405(6)(F) to discuss IA2022-14 and IA2023-001.
7. Discuss recommendations and goals for Annual Report
8. Discussion of election of a new Chairperson

9. Public Comment Session
10. Adjourn

**MINUTES
POLICE CITIZEN REVIEW SUBCOMMITTEE**

**February 8, 2023
Meeting Held Remotely Via Zoom**

Members present: Emily West, Chair; Reggie Parson, Vice Chair; Rev. Lewis; Anne Hardcastle; Tim Smith; Jean-Raymond Desruisseaux (Gino); *Kaylin Kerina (joined later during Executive Session)

Members absent: none*

Staff present: Associate Corporation Counsel Rachel Millette; Major Robert Martin; Tracy Boyd

6:05 Call to order.

Motion was made by Tim and seconded by Gino to adopt minutes of the January 11, 2023 meeting. Passage 6-0.

Chair West reviewed the agenda for the meeting.

Discussion of Complainant letters.

6:10 Motion was made by Reggie and seconded by Gino to move into Executive Session to discuss review of Category Us with Attorney Millette pursuant to 1 M.R.S. Sec. 405(6)(E). Passage 6-0.

7:15 Out of Executive Session

Motion to affirm whether Category Us are under the subcommittee's purview to review under the thorough, timely, fair, and objective criteria. Motion was made by Rev. Lewis and seconded by Anne. Passed 7-0.

Motion to remove the Cat. U guidelines currently in place and to direct Attorney Millette to revise the suggested guidelines as needed. Motion was made by Tim and seconded by Rev. Lewis. Passed 7-0.

Revised Remote Participation Policy discussion. Motion was made by Rev. Lewis to adopt the new policy, seconded by Anne. Passed 7-0.

Attorney Millette explained the process ahead of the group of electing a new Chair.

After a brief discussion, the subcommittee came to a consensus to table the discussion of the new oversight board structure until the Charter provision goes into effect in July.

Discussion of next month's agenda which will include review of at least one Cat. U case, Major Martin's checklist for each case category, review of the draft Annual Report, and approval of draft guidelines for reviewing all categories of IA investigations. Attorney Millette will look into reserving a room in City Hall for an in person/hybrid meeting next month and will let the group know where the meeting will be held.

7:50 Motion was made by Rev. Lewis to adjourn and seconded by Kaylin. Passed 7-0.

PORTLAND CITIZEN REVIEW SUBCOMMITTEE: SUGGESTED GUIDELINES FOR EVALUATING INTERNAL AFFAIRS INVESTIGATIONS

This document offers suggestive guidance to PCRS members as they review completed investigations by internal affairs (IA) to determine whether or not an IA investigation was fair, thorough, timely and objective—the four criteria that the PCRS votes on. Below are some points to consider for each of these four criteria, however, this should not be considered an exhaustive list and its use is not mandatory.

Last updated 3/8/2023

Timely

- Number of days between date of complaint and date of IA letter transmittal to command staff _____
Note: [SOP 90](#) provides that every effort will be made to conclude review within 45 business days.
- Number of days between date of complaint to when letter was sent to complainant. _____
Note: [SOP 90](#) provides that investigation and command review should be completed within 60 business days of complaint.
- If delays occurred, did IA provide a reasonable explanation given either the level of complexity of the case or outside demands that took precedence over the timely disposition of the case in their report?

Thorough

- Was the articulated basis for categorizing the complaint as a Category U, Category 1, or Category 2 complaint consistent with SOP 90?
 - If not, was a more detailed investigation warranted?
- Was key Information/-evidence (including available video and audio files, telephone logs, electronic media posts, photos, written statements, etc.) pursued and analyzed by IA?
- If appropriate based on the categorization of the complaint, ~~W~~were all witnesses identified in the complaint interviewed?
- If appropriate based on the categorization of the complaint, ~~W~~was an adequate level of due

diligence used to locate and contact witnesses?

- Did the investigator elicit all relevant information from the complainant, witnesses and officer(s) in their interviews?
- Did the investigator conduct follow up interviews with the complainant, witnesses or officer(s) to clarify any conflicting or new information discovered after the initial interviews, if applicable?

Fair

- Was the investigation process followed as defined by IA department standards and policies?

Note: See [SOP 90](#) issued by Portland PD on IA standards and policies.

- Was the complaint received in an impartial, non-judgmental way?
- Did the investigator approach the investigation in an impartial, non-judgmental way?

Objective

- Did the investigator exhibit professionalism and neutrality with the complainant, witnesses or officer(s) in his/her interviews?
- Did the investigator evaluate all facts and evidence in a dispassionate, objective manner in the IA report
- Was open-ended questioning used by the investigator with the complainant, witnesses or officer(s)?
- Did the investigator explain his or her role and the IA process, including the role of the PCRS?

Cooperative Resolution

Initial Complaint - In Person or On-Line

Cooperative Resolution Form

Timeline

Follow Up Letter from Chief to Complainant and any feedback

CAT U (Unfounded Complaints)

Initial Complaint - In Person, On-Line, 3rd Party

Complainant Interview (If Needed)

Videos - MVR & BWC

Timeline

Disposition Sheet - Completed by Major (Chief's Designee)

Letter to Complainant

CAT 1 (Minor Infractions - Handle by Lieutenant)

Initial Complaint - In Person, On-Line, 3rd Party

Complainant Interview (If Needed) - Recorded or Video

Videos - MVR & BWC

Officer Interview - Recorded

Timeline

Disposition Sheet - Completed by Major (Chief's Designee)

Letter to the Complainant

CAT 2 (Serious Allegations - Investigation by IA)

Initial Complaint - In Person, On-Line, 3rd Party

Complainant Interview - Recorded or Video

Citizen Witness Interviews - Recorded or Video

Involved Officer Interview(s) - Recorded

Witness Office Interview(s) - Recorded

Videos - MVR & BWC

Incident Reports

BlueTeam (Use of Force Reports)

Timeline

IA Investigator Report (IA Sergeant)

IA Lieutenant Letter of Transmittal

Disposition Sheets - Lieutenant, Major(s), Assistant Chief, Chief

Disciplinary Letter (Sustained Complaint Only)

Letter to the Complainant