

City of Portland
Police Citizen Review Subcommittee

AGENDA
June 12, 2024
6:00 PM

1. Zoom information

a. Hi there,

You are invited to a Zoom webinar.

When: Jun 12, 2024 06:00 PM Eastern Time (US and Canada)

Every month on the Second Wed, until Sep 11, 2024, 4 occurrence(s)

Jun 12, 2024 06:00 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: https://portlandmaine-gov.zoom.us/webinar/tZYof--vqD8sGNQRKUIB7WNk59OgjMGwtdfl/ics?icsToken=98tyKuGqqzMsHdKRthuHRpwQGYqgM-3wpildjY1srjTQKgIEVS39Y7ttNbhsN8_E

Topic: PCRS Meeting

Please click the link below to join the webinar:

[https://portlandmaine-](https://portlandmaine-gov.zoom.us/j/82586764620?pwd=dXNBb1hnM3ROam55WCtpczRvREJWUT09)

[gov.zoom.us/j/82586764620?pwd=dXNBb1hnM3ROam55WCtpczRvREJWUT09](https://portlandmaine-gov.zoom.us/j/82586764620?pwd=dXNBb1hnM3ROam55WCtpczRvREJWUT09)

Passcode: 210490

Or One tap mobile :

+13017158592,,82586764620# US (Washington DC)

+13052241968,,82586764620# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

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+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Webinar ID: 825 8676 4620

International numbers available: <https://portlandmaine-gov.zoom.us/j/kdm012HyW>

2. Call to Order
3. Approval of May 8, 2024 minutes
 - a. Draft minutes
4. Annual Report review
 - a. Draft 2023 Annual Report
5. Public comment on agenda items
6. Adjourn

MINUTES
POLICE CITIZEN REVIEW SUBCOMMITTEE

May 8, 2024
Meeting Held Remotely Via Zoom

Members present: Reggie Parson, Chair; Anne Hardcastle, Vice-Chair (joined after minutes vote); Tim Smith; Gino Desruisseaux; Reverend Lewis; Kaylin Kerina (joined in executive session.)

Members absent: Xavier Botana

Staff present: Associate Corporation Counsel Rachel Millette; Major Dan Hondo; Lieutenant Jacob Titcomb; Associate Corporation Counsel Avery Dandreta; Annie James; Tracy Boyd

6:02 Call to order.

Motion was made by Gino and seconded by Reverend Lewis to adopt the March 13, 2024 meeting minutes. Passage 4-0.

Rachel reported that she did not have any updates regarding the new Civilian Police Review Board (CPRB). Rachel believes that another city Council workshop may be needed and indicated that Corporation Counsel will continue to keep the subcommittee updated.

Rachel announced that she is expecting and is going out on parental leave. Attorney Avery Dandreta will be filling in through the summer and possibly into September. Rachel also introduced Annie James who will be covering for Tracy as needed over the summer.

No public comment was offered.

Reggie asked Gino if he had any updates regarding the 2023 Annual Report. Gino has not had an opportunity to look at the data and will meet with Xavier soon to work on the report.

Executive session pursuant to 1 M.R.S. Sec. 405(6)(F) to discuss IA2024-004.

6:09 Motion was made to enter into Executive Session by Tim and seconded by Gino. Passage 5-0.

6:32 Out of Executive Session.

Motion was made by Reverend Lewis to find that IA2024-004 was timely; seconded by Gino: roll call vote 5-0, Kaylin abstained.

Motion was made by Reverend Lewis to find that IA2024-004 was fair; seconded by Kaylin; roll call vote 5-0, Kaylin abstained.

Motion was made by Tim to find that IA2024-004 was thorough; seconded by Gino; roll call vote 5-0, Kaylin abstained.

Motion was made by Tim to find that IA2024-004 was objective; seconded by Gino; roll call vote 5-0, Kaylin abstained.

No public comment was offered.

Reverend Lewis asked about officer discretion as it relates to equipment stops (non-moving violations.) Dan Hondo explained that discretion lies solely in the officer's hands.

Tim attended the Virtual Reality training and he thanked the PD for their assistance. He found the training to be useful as it relates to reviewing IA files. He also pointed out that officers have very little time to react in physical situations. Reggie concurred that it was an eye-opening experience. Reggie asked PD if there were any cases ready for next month, Lt. Titcomb indicated that one case will be ready for review.

Gino and Reverend Lewis will not be able to attend next month's meeting. Tim, Anne, and Kaylin are available next month. Gino thinks that there will be progress regarding the Annual Report before the next meeting.

Anne asked if the draft Annual Report could be circulated and posted at least a week before the next meeting. Gino will send the draft to the group during the first week of June.

Next month's agenda: update on new ordinance, one case review, and possible discussion of 2023 Annual Report.

6:49 Motion was made by Gino to adjourn, seconded by Tim. Passage 6-0.

City of Portland Civil Service Commission
Police Citizen Review Subcommittee
2023 Annual Report

Reginald Parson, 2023 Chair

c/o Corporation Counsel

389 Congress Street, Portland, Maine 04101

pcrs@portlandmaine.gov

www.portlandmaine.gov/pcrs

I. Executive Summary

The 2023 year saw The Police Citizen Review Subcommittee (PCRS) continue to pursue their charge of reviewing IA investigations. The committee reviewed a total of 15 cases in 2023. That represents a high water mark in the number of cases reviewed. The PCRS found that all of the investigations met the investigation criteria as it currently exists.

Additionally, the PCRS worked to refine the protocols for reviewing "Category U" complaints (i.e. Cat U are complaints that are determined to be unsubstantiated by the police department prior to a full investigation into the merits of the case). A new review guideline that was developed in 2022 was further modified in 2023.

The PCRS continued to engage in the succession plans for the PCRS as the City Council advances the implementation of the Charter Commission's "Question 7" which mandated the establishment of a Civilian Police Review Board that will replace the existing PCRS. Several meetings of the PCRS covered developments in this process and the PCRS formally weighed in with formal recommendations in August, 2023. The PCRS also reviewed the Roux Report by the Cutler Institute which assessed Portland analyzed arrests and traffic stops with a particular focus on racial disparities.

DID ANYONE ATTEND TRAINING?

II. Introduction and Highlights from 2023

Overview of the Committee

The Police Citizen Review Subcommittee ("PCRS") is responsible for determining whether The Portland Police Department's Internal Affairs investigations into citizen complaints against police officers are "thorough, objective, fair and timely per Portland City Code." It does so by auditing the Police Department's Internal Affairs Division's investigative methods and procedures after an investigation is complete. This audit includes reviewing all video, audio, interviews, and written reports relating to the investigation. The results of these determinations are reported to the City Manager, as well as a statistical analysis of those results.

The Subcommittee evaluates the overall quality of Internal Affairs investigations using the following four criteria:

- Was the investigation timely based on historical averages and the timelines of communication with the complainant?
- Was the investigation completed in a thorough manner in which key evidence was pursued and analyzed?
- Was the investigation fair and completed in an independent, confidential manner?
- Was the investigation objective and completed in a professional, neutral and unbiased manner?

The PCRS is charged with providing recommendations to the City Manager for improvements or modifications in the Internal Affairs investigative process, policies, or training, as well as recommendations for enhancing public confidence in the methods and process of investigation. In addition, the Subcommittee audits

complaints that do not go through the internal affairs process because they have been categorized as “unfounded.”

~~The Subcommittee also holds a public hearing at least annually to receive comments on the police-citizen complaint process.~~ In 2023, the Subcommittee held public comment sessions at all of its meetings. In response to public comments, the PCRS implemented practices that make public comment more accessible and better document those comments into the public record.

A detailed accounting of the “Functions and Accountings” of the PCRS is contained in Division 4, Sec. 2-76 of the Portland Code of Ordinance found on the City’s website. The Portland Police Department’s Standard Operating Procedures (SOPs”), including the different complaint categories and processes are also on the City’s website on the Police Department tab, subtab “Standard Operating Procedures.”

The Subcommittee does not directly take complaints about the City of Portland Police Department. However, a list of resources to file a complaint is attached as Appendix I.

2023 Membership and Meetings

The Police Citizen Review Subcommittee met **10** times (all were virtual) in 2023. The cases and results are outlined in detail in the body of this report. Copies of the 2023 meeting minutes are attached as an appendix and can be found on the PCRS tab of the City’s website.

A summary of the key topics covered month by month are summarized below:

- **December 2023** reviewed second version of the draft ordinance
- **November 2023** discussion about how to increase public awareness and engagement in the PCRS work and an update from Corporation Counsel re the new ordinance
- **October 2023** met with new chief of police Dubois
- **August 2023** reviewed and approved sending the letter to the City Council regarding the proposed Policy Review Board Ordinance
- **July 2023** drafted a letter to the City Council with feedback on the draft ordinance ahead of their workshop
- **June 2023** Review and Approval of the 2022 Report
- **May 2023** Review of the Roux Report by the Cutler Institute assessing police stops in Portland which analyzed arrests and traffic stops by the Portland Police Department with a particular focus on racial disparities. Also reviewed a memo that Corporation Counsel developed as guidance based on Question 7 to submit to the City Council
- **April 2023** began to review the 2022 report and elected Anne Hardcastle to serve as vice chair
- **March 2023** reviewed and approved guidelines for review of category U cases and elected Reggie Parson to serve as chair

Reginald Parson served as Chair of the Subcommittee, and other members included Anne Hardcastle (Vice-Chair), Jean-Raymond Desruisseaux, Kaylin Kerina, Rev. Kenneth Lewis, and Tim Smith. Major Robert Martin & Lt. Jacob Titcomb attended meetings as members of the Portland Police Department. Former Chair Emily West termed out in March and was replaced by Xavier Botana in April.

Highlights from 2023

Complaints Audited

During 2023, the PCRS reviewed fifteen cases, compared with ten cases in 2022. Three cases in 2023 were category 1 (Need definition) and 12 were category U (complaint “unfounded”).

Developing Guidelines for Category “1” and “U” Review Criteria.

During the early part of the year, the PCRS reviewed the proposed rules for addressing Category “U” classified complaints. The PCRS proposed revisions to those rules and they were incorporated into the PCRS review protocols in March.

In spite of the revised procedures, the PCRS has continued to struggle with reviewing these cases. In the Fall, the PCRS saw increased transparency as evidenced by the amount of investigatory documentation provided by the department. This has been noted and welcomed by the PCRS.

III. Analysis of Cases Reviewed

Figure 1 shows the total number of citizen complaints that the PCRS has reviewed between 2019 and 2023. In the last five years, as the chart below notes, all cases met all four criteria (timely, thorough, fair and objective). In 2023, the Subcommittee reviewed 3 cases using the 4 criteria and 12 Cat U cases, with all of them meeting the criteria.

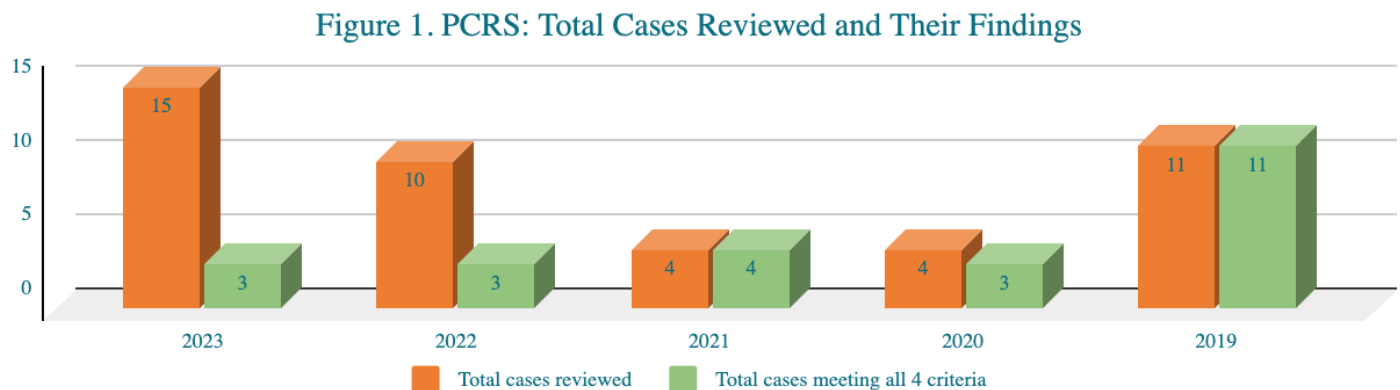


Figure 2 presents a review of the number of standard operating procedures (SOPs) that IA investigated as a result of citizen complaints, along with the number of these allegations that were sustained (e.g. a violation was confirmed) between 2019-2023. In the last five years, PCRS reviewed 80 allegations. Of these, 10 allegations were sustained.

Figure 2. Internal Affairs: Number of Allegations Investigated and their findings

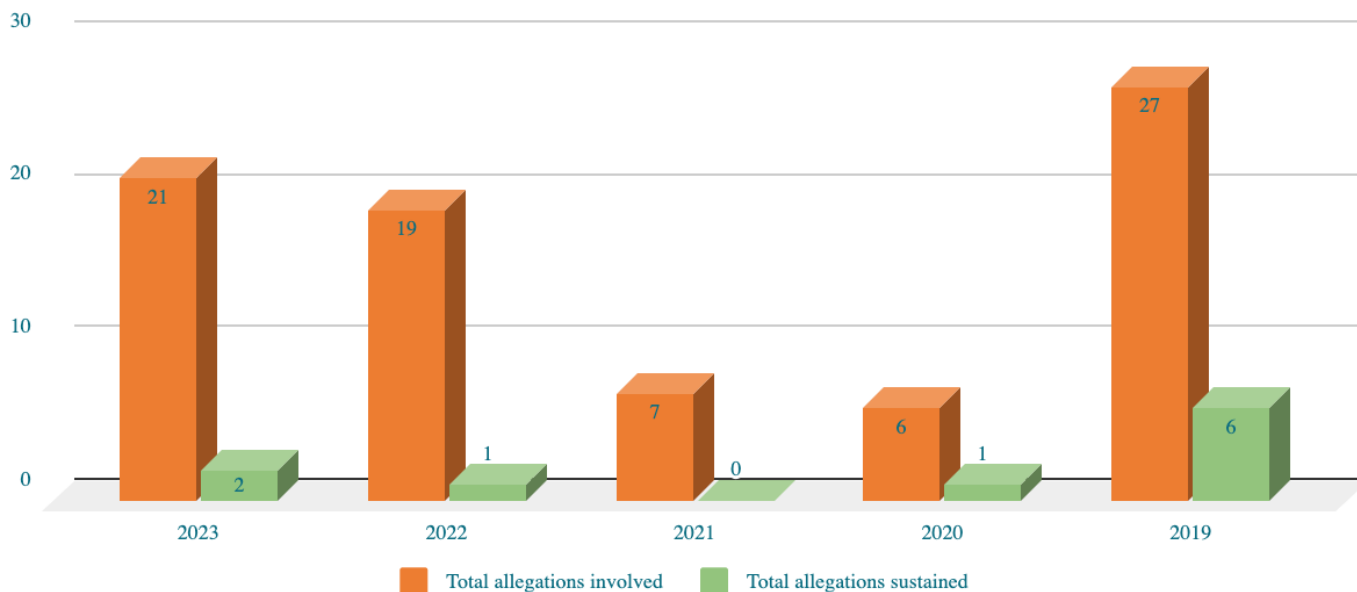


Figure 3 highlights the most common types of allegations that internal affairs investigated between 2019 and 2023 combined and how many of those allegations were sustained (e.g. violation was confirmed). Conduct towards the public and unsatisfactory performance were the two most common categories of allegations with 21 and 19 allegations, respectively, across the five-year period. See Appendix 1 for a full accounting of specific allegations in complaints between 2019 and 2023.

Figure 3. Most Common Allegations Investigated by IA between 2019-2023

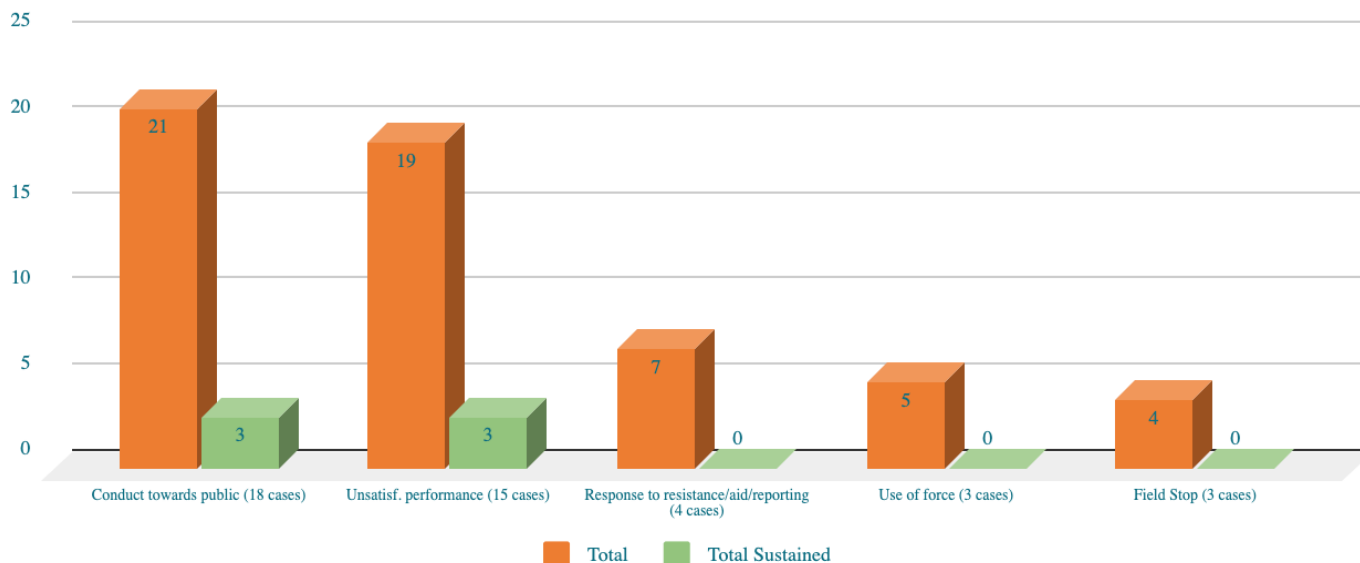


Table 1 provides further details about the cases that the PCRS reviewed in 2023. Below is an overview of the information contained in the table.

1. The nature of the complaint alleged, and the Standard Operating Procedure (SOP) allegedly violated.
2. The result of the Internal Affairs investigation. Potential results include:
 - a. **Sustained** – Sufficient evidence exists to indicate that the employee did, in fact, commit one or more of the alleged acts.
 - b. **Not Sustained** - No violation of Department rule, regulation or procedure or local, state, or federal law has been proven.
 - c. **Exonerated** - The incident occurred, but the employee's actions were justified, lawful, and proper.
 - d. **Unfounded** - Reasonably credible evidence exists to indicate the complainant's allegations are false.
 - e. **Cleared Exceptionally** – Elements beyond the police department's control prevents a final disposition.
 - f. **No Finding** – The officer left the department before a final disposition could be made.
3. Whether the Subcommittee found the investigation to be thorough, objective, fair, and timely.
4. The table below reflects the full IA investigations and the Cat U's. In 2023 the PCRS determined all of the Cat U's were properly classified and the only criteria reviewed by the

PCRS was whether they were classified correctly.

Table 1. Overview of Cases Reviewed in 2023

		Police Department IA Findings					PCRS Findings			
Case #	Allegations	Sustained	Not Sustained	Exonerated	Unfounded	No Finding	Timely	Thorough	Fair	Objective
IA2022-010 (1 Employee)	Conduct Toward The Public				X		NA	NA	NA	NA
IA2022-013(1 Employee)	Unsatisfactory Performance				X		NA	NA	NA	NA
IA2022-014 (1 Employee)	Conduct Toward The Public				X		Y	Y	Y	Y
IA 2023-001 (1 Employee)	Conduct Toward The Public				X		Y	Y	Y	Y
IA2023-004 (2 Employees)	Conduct Toward The Public				X		Y	Y	Y	Y
	Conduct Toward The Public				X		Y	Y	Y	Y
IA2023-003 (1 Employee)	Conduct Toward The Public	X					Y	Y	Y	Y
IA2023-005 (1 Employee)	Conduct Toward The Public				X		Y	Y	Y	Y
IA2023-007 (2 Employees)	Field Stop				X		Y	Y	Y	Y
	Field Stop				X		Y	Y	Y	Y
IA2023-008 (3 Employees)	Professional Standards: Unsatisfactory Performance				X		Y	Y	Y	Y
	Professional Standards: Unsatisfactory Performance				X		Y	Y	Y	Y

	Professional Standards: Unsatisfactory Performance						Y	Y	Y	Y
IA2023-009 (1 Employee)	Field Stop			X			Y	Y	Y	Y
IA2023-009 (1 Employee)	Conduct Towards the Public	x					Y	Y	Y	Y
IA2023-010 (1 Employee)	Unsatisfactory Performance				X		Y	Y	Y	Y
IA2023-011 (1 Employee)	Field Stop				X		Y	Y	Y	Y
IA2023-014 (1 Employee)	Preliminary Investigations				X		Y	Y	Y	Y
IA2023-015 (1 Employee)	Conduct Towards The Public				X		Y	Y	Y	Y
IA2023-016 (1 Employee)	General Responsibility				X		Y	Y	Y	Y

Table 2 presents available demographics of the complainants in the cases reviewed by the Subcommittee since 2018. All demographic information was either self-reported by the complainant or reported by the Police Department in related documentation. To protect individual privacy, we have aggregated the last six years of data to protect against identification.

Table 2. Demographics of Complainants

Demographics		Total 2018-2023
Age	Under 40	22
	Over 40	13
	Not reported	11
Gender	Male	29
	Female	24
	Not reported	5
Race	Black	12
	White	17
	Not reported	27
Residency	Portland	33
	Non-Portland resident	20
	Other/Not reported	5

IV. Goals set for 2023

Finally, the PCRS engaged in goal identification and setting goals for 2023. Because of the passage of the Citizen Referendum and the upcoming 2023 reconstitution of the PCRS, our 2023 status only extends to when the Citizen Referendum becomes effective. We do not believe we had the standing to set goals for the new body in 2023.

Given these circumstances the goals we set for the first half of 2023 are to audit citizen complaints in a timely manner, seek clarification on Category U disposition criteria, complete the 2023 annual report, continue to seek ways improve accessibility to PCRS meetings/materials, creatively seek ways to engage with the public, and continue to engage with the Portland Police Department on educational opportunities on their SOPs and other training, as meets the individual training needs of each member.

We also recommend engaging with the Portland Police Department to leverage existing public engagement social portals to share PCRS findings, data, and meetings. Existing portals that have legacy, engaged viewers would serve to publicly evangelize the work that PCRS undertakes and showcase the transparency between PCRS and PPD.

Appendix 1. Overview of Allegation Types and If Sustained in Last Five Years

SOP Allegations	2023		2022		2021		2020		2019	
	Total Allegation	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained
Conduct toward the public	8 (7 cases)	2	3 (2 cases)	0	4 (4 cases)	0	1	0	5 (5 cases)	0
Divulging police information	0	0	0	-	0	-	0	-	0	-
Failure to make a police report	0	0	0	0	0	-	0	-	0	-
General responsibility	1	0	0	-	0	-	0	-	1	0
Illegal arrest	0	0	0	-	0	-	0	-	0	-
Illegal/warrantless search	0	0	0	-	0	-	0	-	1	1
Impartial attitude	0	0	0	-	0	-	0	-	3 (3 cases)	0
Improper handling of evidence	0	0	0	-	0	-	0	-	0	-
Body worn cameras	0	0	0	-	0	-	1	1	0	-
Mandatory recording	0	0	0	-	0	-	0	-	3 (3 cases)	3
Obedience to law	0	0	0	-	1	0	0	-	0	-
Personal behavior	0	0	0	-	0	-	1	0	0	-
Professional	0	0	1	0	0	-	3 (2 cases)	0	0	-

conduct										
Proper action required	0	0	0	-	0	-	0	-	0	-
Race discrimination	0	0	0	0	0	-	0	-	0	-
Rumor	0	0	0	0	0	-	0	-	1	0
Stop and frisk	0	0	0	0	0	-	0	-	0	-
Theft by unauthorized taking	0	0	0	0	0	-	0	-	4 (1 case)	0
Uniform policy	0	0	0	0	0	-	0	-	0	-
Unsatisfactory performance	5 (3 cases)	0	7 (6 cases)	1	2 (1 case)	-	0	-	4 (4 cases)	2
Use of force	0	0	0	0	0	-	0	-	5 (3 cases)	0
Operation of police vehicles	0	0	1	0	-	-	-	-	-	-
Response to resistance/aid/reporting	2	0	5 (3 cases)	0	-	-	-	-	-	-
EMS Response/Medical Aid	0	0	2 (1 case)	0	-	-	-	-	-	-
Field Stop	4 (3 cases)	0								
Preliminary investigations	1	0								
Total	21 (from 15 cases)	2 (9.5%)	19 (from 10 cases)	1 (5%)	7 (from 4 cases)	0(0%)	6 (from 4 cases)	1(14%)	27 (from 11 cases)	6(22%)

Appendix 2. Resource List for Filing a Complaint

LIST OF RESOURCES TO FILE CITIZEN COMPLAINT

Complaints or concerns about the City of Portland Police Department can be filed in several different ways, including:

In Person

City of Portland Police Department
109 Middle Street, Portland, ME 04101

Online

<https://portlandmaine-portal.app.transform.civicplus.com/forms/26747>

By Telephone

Portland Police Department Shift Commander: 207-874-8555

Portland Police Sergeant, Internal Affairs: 207-756-8352

By filling out a paper form, available at:

City of Portland City Manager City Hall
Room 208
389 Congress Street, Portland, ME 04101

City of Portland Police Department
109 Middle Street, Portland, ME 04101

East Bayside Community Policing Center
81 East Oxford Street, Portland, ME 04101

West End Community Policing Center
166A Brackett Street, Portland, ME 04102

Munjoy Hill Community Policing Center
134 Congress Street, Portland, ME 04101

Parkside Community Policing Center
510 Cumberland Avenue, Portland, ME 04101

Midtown Community Policing Center
26 Portland Street, Portland, ME 04101

Portland Housing Authority Community Policing Center
14 Baxter Boulevard, Portland, ME 04101

Portland Housing Authority Office
14 Baxter Boulevard, Portland, ME 04101

Riverton Community Center
1600 Forest Avenue, Portland, ME 04103

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting
Minutes