

**Remote HHS and Public Safety
Meeting Agenda**
October 14, 2025 at 5:30 PM
Remote Meeting



MEMBERS
Councilor Anna Bullett, District 4, Chair
Councilor April Fournier, At-Large
Councilor Sarah Michniewicz, District 1
Councilor Wesley Pelletier, District 2

There will be opportunity for Public Comment on Agenda Item #3 - Resolution 2-25/26 Next Steps, Agenda Item #6 - Discussion on Use of Drones, and Agenda Item #7 - Police Citizen Review Board Discussion. To submit written public comment on an agenda item, email HHSPS@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Health & Human Services and Public Safety meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

The Health & Human Services and Public Safety Committee will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

You are invited to a Zoom webinar!

When: Oct 14, 2025 05:30 PM Eastern Time (US and Canada)

Topic: Remote HHS and Public Safety Meeting

Join from PC, Mac, iPad, or Android:

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Passcode:054948

Phone one-tap:

+13126266799,,81521463591#,,,,*054948# US (Chicago)

+16469313860,,81521463591#,,,,*054948# US

Join via audio:

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

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+1 309 205 3325 US

+1 386 347 5053 US

+1 507 473 4847 US

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+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

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Webinar ID: 815 2146 3591

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1. Announcements
2. Review and Approval of Minutes from September 9, 2025
 - a. Draft Minutes.
3. Resolution 2-25/26 Next Steps (Councilor Anna Bullett, Chair)
Committee to consider Resolution Condemning Nontransparent Federal Immigration Enforcement Tactics, Reaffirming Commitment to Constitutional and Community Safety Principles, and Directing Further Review of Proactive Local Response Measures, as presented at Council meeting on September 15, 2025. Public comment will be taken.
 - a. Resolution
4. Syringe Services Program Update (Bridget Rauscher, Public Health Director)
Staff will provide an update on the outcomes of the syringe redemption program, first implemented in January 2025.
 - a. Memo
5. Opioid Settlement Funds Update (Maggie McLoughlin, Health & Human Services Director)
Staff will provide an update on OSF programming, and seek Committee guidance on next steps (no Council action expected).
 - a. Memo
6. Discussion on Use of Drones (Mark Dubois, Police Chief)
Committee to consider recommending the City Council approve the Police Department's use of Unmanned Aerial Systems ("Drones"). Public comment will be taken.
 - a. Memo
7. Police Citizen Review Board Discussion (Rachel Millette, Associate Corporation Counsel)
Committee to consider next steps related to Police Citizen Review Board ordinance. Public comment will be taken.
 - a. Memo
8. Next Meeting: November 13, 2025

Health & Human Services and Public Safety Committee

September 9, 2025, 5:30 PM Remote Meeting

Committee Attendance:

Anna Bullett, Chair (District 4), Sarah Michniewicz (District 1), Wesley Pelletier (District 2).

Councilor Attendance:

City Staff:

Adam Harr, Executive Assistant; Greg Jordan, Assistant City Manager; Chad Johnston, Fire Chief; Jason King, Police Major; Caity Hager, Emergency Management Coordinator. Linda Weare, Director of Elder Services; Keith Gautreau, Contract Employee; Nicole Albert, Associate Corporation Counsel.

1. Announcements

- None.

2. Review and Approval of Minutes from May 13, 2025

- Councilor Pelletier Moved to approve the minutes and seconded by Councilor Michniewicz. The minutes were approved unanimously 3-0.

3.Drones

- There is extensive back up material.
- How will the police department prevent surveillance of daily life from inadvertent filming?
 - Assumption that drones would take off from the Police Department was incorrect; drones are carried or driven to the location of a specific law enforcement action.
 - They do not passively record; police must activate recording.
 - There are statutes governing investigation records which anything recorded would be.
 - If the release would be an unwarranted invasion of privacy, they would be protected.
 - Ownership
 - The City would be the sole owner of our footage, not Axon.
 - It is only accessible by Axon
 - Storage capacity
 - The data storage demand is so great that it simply impractical to record more than the discrete law enforcement action.
- Uses
 - Search and rescue
 - Barricades subjects
 - Active Assailant
 - Accident reconstruction.
 - Crime scene reconstruction

Public comment opened at 5:57PM and closed at 5:58 PM without pubic testimony.

Committee questions and comments.

- Councilor Fournier appreciates the backup materials and FAQs which address privacy concerns and explain the uses which will increase efficiency and add resources.
- Councilor Pelletier is concerned about drones being used on public assembly.
 - Statute dictates that law enforcement cannot use drones on private citizens peacefully exercising their rights of free assembly.
 - It is hard to delineate when peaceful protests stop being peaceful.
 - Can we positively affirm the use cases?
 - Violations would be investigated by Internal Affairs and violators would go before the Board of Trustees of the Maine Criminal Justice Academy.
- Councilor Michniewicz
 - Asked what the storage of data looks like?
 - Evidence.com account store our sensitive data from body cams currently and our data would be stored there.
 - At the recommendation of the manufacturer, we are at medium resolution to limit file size.
 - Safety does not need to be recorded and reconstruction may not need to be recorded either.
- Councilor Bullet
 - Thanked the Major and Nicole for checking the Axom agreement on data ownership.
 - She asked about the ongoing costs and if additional funding would be needed.
 - Asset forfeiture has some funds and it will be looped in to their other Axom contract costs.

Committee Action

- Councilor moved to recommend the Drone program be passed at the full Council and Councilor M seconded and the motion was approved unanimously 4-0.

4. Emergency Operation Plan (EOP)

- The EOP is still in draft form.
- The EOP aligns the City with FEMA standards and makes sure it is compliant with our own ordinance and state statute.
- Seeking committee feedback with a committee and City Council approval sought at upcoming meetings.
- EOP purpose is to provide a unified framework to respond to emergencies.
- Risk assessment
 - Identifying hazards most likely to affect Portland.
 - (THIRA)
 - CaRAT
- Roles
 - City Leadership
 - Policy, declarations, and resource allocation.
 - Office of Emergency Management
 - EOP maintenance & Stewardship

- EOC activation/coordination
 - Training
 - Departments
 - Utilize the plan.
 - Outside agencies and partners
 - Cumberland County, EMA, MEMA/FEMA, utilities, healthcare, schools, NGOs and Private sector.
- Preparedness Priorities & Next Steps
 - 2023 shooting shut down busiest intersection in Maine for 5 hours waiting for the State's drone for reconstruction.
- Chapter 2 article changes
 - Changed title from Emergency Preparedness to Emergency Management
 - City manager emergency declaration takes one additional councilor.
 - Section 409.
 - Recommends review and update every three years.
- Community engagement
 - Open ended plan that will solicit and incorporate public feedback.
 - Transparent and inclusive planning process.
 - New engagement page on the City website.
 - <https://portland.civilspace.io/en/projects/emergency-planning>
 - Idea board
 - September 18th Age Friendly Summit: Emergency Preparedness for Older Adults
 - Thursday, September 18, 2025 from 10:00 AM to 2:00 PM
 - Located at 1342 Congress Street (Jewish Community Alliance)
 - Free - lunch included
 - Registration:
 - Online Form:
 - https://docs.google.com/forms/d/e/1FAIpQLScKLjPpaX97M4R0dxOGmr_-A7qcWlz2eUaRtG1YpdkO4eQRug/viewform
 - Physical Form: Print form by visiting: <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://content.civicplus.com/api/assets/e6e5d1e9-1198-4585-a114-8f2fbd3798ae>
 - Questions? Email: AgeFriendlyCommunity@PortlandMaine.Gov or call 207-541-6620
 - Many changes are just terminology.
 - Suggests removing 403 requiring City Council reviewing emergency management organization as it contradicts 403.A.
 - 404 Designates the Fire Chief as the Director Emergency Management as the City Manager cannot be.
 - 406 clarifies when declaring an emergency the City Manager must consult with one or more City Council Members when the Mayor is not available.
 - 407 maximum number of days from 5 to 10 for emergency declarations for needing a council extension.
 - Review every three years.

- City Manager has authority to make administrative changes to EOP such as annexes or lists of partners.

Committee Questions and Discussion

- Councilor Michniewicz asked if neither the Police Chief or Fire Chief are available, who becomes the director?
 - The department designee who normally leads when either Chief is unavailable.
 - If neither is available it would be their designee when they are out of town.
 - Language will be reviewed to establish a clear line of succession when neither chief is available.
- Chair Bullett
 - This is for us to make policy as such that operations play out as best as it can.
- Councilor Fournier is excited for public engagement.
 - She asked if staff is working with Communications Director Grondin and if there will be social media promotion?
 - Yes.
 - Age Friendly Portland Summit is well advertised.
 - What are going to go for extreme cold and hot weather?
 - When look at ordinance it is framework to respond and have these plans in place.
 - Don't want to give too much direction as policy makers with details too in the weeds on the operations side.
- Councilor Pelletier asked if there are any components of the plan that staff think is particularly well crafted, improving on the current plan.
 - The plan is concise and interactive, reducing the plan from 300 pages to 95 pages.
 - Easier to find things.
- Section 3 defines which each department's roles are in an emergency.
- This will return in October for public comment recommendation to the full council.

Public Safety Update: Fire

- Calls for service is closely tracking just under last year's.
- Downtown has slightly more calls than normal.
- Ambulance transport:
 - Grant ambulance
- Non-linear response levels for EMS Calls for Service
 - Hot (multiple) to Cold (Single)
 - Capability (BLS to ALS)
 - ECHO conditions require very early recognition and immediate dispatch if the nearest trained crew.
 - Omega conditions approved low acuity and qualify for non-EMS referrals.

Committee Questions

- Councilor Fourier had to leave the meeting before committee questions and discussion.

- Councilor Bullett asked what is counted as travel time

Chair Bullett entertained a motion to adjourn: moved by Councilor Michniewicz and seconded by Councilor Pelletier. The motion passed 3-0 with Fournier absent. The meeting adjourned at approximately 6:52 PM.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**RESOLUTION CONDEMNING NONTRANSPARENT FEDERAL IMMIGRATION
ENFORCEMENT TACTICS, REAFFIRMING COMMITMENT TO
CONSTITUTIONAL AND COMMUNITY SAFETY PRINCIPLES, AND DIRECTING
FURTHER REVIEW OF PROACTIVE LOCAL RESPONSE MEASURES**

WHEREAS, the City of Portland is home to a vibrant immigrant community, including many mixed-status families who contribute to the cultural, economic, and social fabric of the city; and many of their children attend the Portland Public Schools; and

WHEREAS, according to the U.S. Census Bureau, a significant percentage of Portland's population identifies as foreign-born residents and first-generation Americans, making Portland one of the most immigrant-rich communities in Maine and New England; and

WHEREAS, recent federal immigration enforcement activity in the region, particularly by agencies such as U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Border Patrol, and other Homeland Security operatives and their subcontractors, has increasingly involved the use of unmarked vehicles, masked agents, tactical gear, and personnel without visible identification or federal markings; and

WHEREAS, such tactics have been documented across the country and within New England, creating confusion and fear among residents, undermining public trust, and raising serious concerns about whether those carrying out enforcement actions are legitimate federal agents or individuals posing as law enforcement; and

WHEREAS, reports and video evidence show that U.S. citizens and immigrants with lawful status have been detained, questioned, or targeted, exacerbating distrust and creating public safety risks; and

WHEREAS, these enforcement methods create confusion and fear, especially in the absence of clear agency identification, increasing the likelihood of miscommunication, mistrust, civil unrest, and community trauma; and

WHEREAS, the City of Portland is committed to the rule of law, civil rights, and the safety and dignity of all its residents, regardless of immigration status; and

WHEREAS, the City Council believes that upholding community trust requires clear, transparent, and accountable practices by all law enforcement agencies operating in Portland; and

NOW, THEREFORE, BE IT RESOLVED, that Mayor Dion and members of the Portland City Council hereby strongly condemn the use of unmarked vehicles, masked agents, and unidentifiable personnel in immigration enforcement activities within the city—especially in or around churches, schools, and other public institutions, recognizing such tactics as harmful to public trust, community safety, and constitutional protections; and

BE IT FURTHER RESOLVED, that the City Council calls upon the U.S. Department of Homeland Security, other federal agencies and their sub agencies to implement clear, uniform identification standards for all field agents, including marked vehicles, visible agency badges, and advance notice protocols when operating in or near local jurisdictions; and

BE IT FURTHER RESOLVED, that the City Council hereby refers this matter to the Health and Human Services and Public Safety Committee to consider policies and/or agreements that seek to prioritize transparency and public safety in immigration enforcement and uphold and protect the civil rights of our community members. Review of such policies and/or agreements should include, but not be limited to, monitoring, verifying, and documenting immigration enforcement activities conducted in the City, collaboration and resource sharing with Portland Public Schools and community organizations who are working directly with impacted families, and any additional strategies that seek to address the miscommunication, mistrust, civil unrest and community trauma caused by the lack of transparency in immigration enforcement.

City of Portland | Health and Human Services

Maggie McLoughlin, *Director*

To: Health and Human Services & Public Safety Committee
Councilor Anna Bullett, Chair

From: Bridget Rauscher, Director of Public Health

Date: October 2, 2025

Re: Progress on Syringe Services Program Evaluation



MEETING DATE

October 14, 2025

AGENDA ITEM

Agenda Item #4 - Syringe Services Program Update

PURPOSE

To update the Health and Human Services and Public Safety (HHS & PS) Committee on progress made by Health and Human Services (HHS) and other Departments on addressing syringe litter in the City of Portland and provide an update on the operations of the Portland Syringe Services Program (the Exchange).

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

The HHS & PS Committee 2025 workplan includes the topic of “addressing the opioid epidemic” as its top priority for the year.

BACKGROUND/ANALYSIS

An increase in syringe litter led to a syringe services operational improvement plan implemented in fall, 2024. This plan aimed to decrease the number of improperly discarded syringes, improve the efforts to collect data and the quality of data to improve the accuracy of our information, and respond to community concerns regarding safety. An update on progress was provided at the HHS & PS [Committee meeting](#) in March 2025.

This memo serves as the third update on the implementation of the Syringe Services Program (SSP) operational improvement plan. We have seen significant progress in each of the objectives. The salient benchmarks achieved as of the publication of this memo are summarized below:

2024/2025 SYRINGE SERVICES PROGRAM YTD COMPARISON REPORT

	Jan 1 -Sept 30, 2024	Jan 1 -Sept 30, 2025
Unique clients served	1,557	1,718
Total clients enrolled	4,705	4,879
Total syringe exchanges	7,078	6,609
# Syringes distributed	700,890	825,398
# Syringes collected	463,582	677,925
Collection Rate (%)	66%	82%

SSP Operational Improvement Plan	
Objective 1	Decrease the number of improperly discarded syringes
Strategy 1	Strengthen client education about proper syringe disposal and incentivize clients to return their used syringes
1.1 Progress: Completed/Ongoing	
<ul style="list-style-type: none"> ● Implemented SSP client education aimed at increasing safe syringe disposal ● Implemented a syringe redemption pilot project modeled after successful programs in Boston and New York City, approved by Portland City Council - detailed later in this memo ● Launched Harm Reduction Ambassador Program ● Improved ratio of safely returned/disposed syringes 	
Strategy 2	Develop a multi-pronged approach to syringe pick-up operations
1.2 Progress: Completed/Ongoing	
<ul style="list-style-type: none"> ● Increased syringe clean-up by Public Health staff from 5-7 to approximately 12 hours/week. In addition to building in an extra hour each weekday, staff are also increasing syringe cleanup during scheduled harm reduction outreach and other community-based work. Staff give additional attention to areas indicated by GIS mapping of improperly disposed syringes. ● Harm reduction ambassadors provide additional cleanup efforts 3-5 hours/week, as available ● The Public Works Department has increased the number of staff trained to properly collect and dispose of syringes. ● Added seven new community sharps containers, with four additional containers planned, in locations identified both as areas of need and within previously planned vault bathrooms, and replaced three community sharps containers in disrepair ● Distributed 2,937 sharps containers to clients from March 5, 2025 - September 30, 2025 	
Strategy 3	Hold community conversations with Harm Reduction Program clients
1.3 Progress: Completed	

	<ul style="list-style-type: none"> Held 3 focus groups with 27 SSP unique clients regarding barriers to usage of community and/or personal sharps containers, as well as alternative solutions to reducing syringe litter that would be more manageable for clients.
Objective 2	Improve data systems to provide more accurate information and evaluate program efficacy
Strategy 1	Standardize information on syringes collected on City property by City personnel
2.1 Progress: Completed	
<ul style="list-style-type: none"> Held initial interdepartmental leadership meeting on 8/14 to discuss collaborative efforts to improve consistency in data collection and reporting related to syringe litter cleanup. Met with frontline Parks, Rec & Facilities and Public Works staff directly involved with syringe litter cleanup. Received feedback on experience, suggestions for improved collection and collaboration, and requests for additional safety equipment. Identified and addressed inconsistencies in reporting and use of ArcGIS across relevant departments. 	
Strategy 2	Improve client data collection efforts
2.2 Progress: Ongoing	
<ul style="list-style-type: none"> Incorporated municipality and/or zip code of residence into the data collection tool used for each exchange. <ul style="list-style-type: none"> From 10/1/24 - 9/30/25, 95% of respondents (8,761 encounters) reported living in a zip code within Portland. Of that, 87% of respondents (7,959 encounters) report their zip code as 04101. Analyzing data comparing frequent exchange users reporting Portland zip codes and volume of syringes distributed to and collected from these clients in an effort to identify disposal trends. Determined that exchanges made during outreach yielded, on average, fewer returned syringes per exchange than on-site exchanges. From January to July 2025, Patient Navigators supported 34 formal linkages to care resulting in a warm hand-off or referral. The majority (69%) of interactions took place in a harm reduction setting, followed by the Homeless Services Center (13%) and the Cumberland County Jail (13%). The most prominent identified needs were related to housing (38%), criminal justice system navigation and reentry support (26%), legal support (12%), and healthcare (10%). 	
Strategy 3	Improve documentation, training, and management practices to create and transform collected information into a live dashboard.
2.3 Progress: Completed/Ongoing	
<ul style="list-style-type: none"> Harm Reduction and data management staff continue to meet regularly to collect and analyze data to improve coordinated service delivery, identify areas of need (“hotspots”), target outreach services (syringe cleanup, overdose prevention/naloxone distribution, syringe exchange as allowed, patient navigation services, etc.). Improved data collection to meet minimum standards adopted by HHS. 	
Objective 3	Respond to community concerns re: safety
Strategy 1	Attend neighborhood association meetings in areas with increased reports of improperly disposed syringes to solicit feedback, share improvement plans, and present information on residential and business reporting and pick-up options.

3.1 Progress: Completed/Ongoing	
<ul style="list-style-type: none"> Have not yet met with all neighborhood associations, but have conducted outreach; open to attending meetings, providing education, and collecting feedback 	
Strategy 2	Promote syringe reporting resources to Portland businesses and residents.
3.2 Progress: Completed	
<ul style="list-style-type: none"> Updated promotional materials to include access to education on safe collection of sharps on private property. Created social media campaigns and website updates for businesses and residents to obtain safe collection education and equipment from Portland Public Health. 	

SYRINGE REDEMPTION PILOT PROJECT UPDATE

January 14 - September 30, 2025

Syringe Redemption Program

The Syringe Redemption Pilot Project, as outlined in the improvement plan, was implemented as a result of opioid settlement funds allocated by the City Council.

Results

The syringe redemption program has demonstrated a substantial increase in the number of syringes returned to the Exchange. In the 30 weeks prior to the program, 365,273 syringes were returned across all exchanges, compared to 560,038 syringes in the 30 weeks after. This represents an increase of over 53% in syringes returned to the program.

Metric	Initial Report: 1/13-2/21	YTD
# redemption encounters	203	1,704
Unique clients enrolled in program	156	390
Syringes collected during program	38,252	311,997
Total cash paid out to participants	\$3,852	\$31,199
Encounters returning more 200 syringes (weekly max)	146 (72%)	1,326 (78%)
Encounters reporting collecting syringes from the ground	198 (98%)	1,293 (76%)
Encounters where Narcan was received	32 (15%)	1,399 (82%)
Encounters resulting in referral to HIV/Hep C testing	9 (4%)	31 (2%)
Encounters resulting in recovery-related referrals	5 (3%)	148 (9%)
Clients referred to patient navigator services	16 (8%)	134 (8%)

These findings suggest that the program increases proper syringe disposal while reducing environmental contamination.

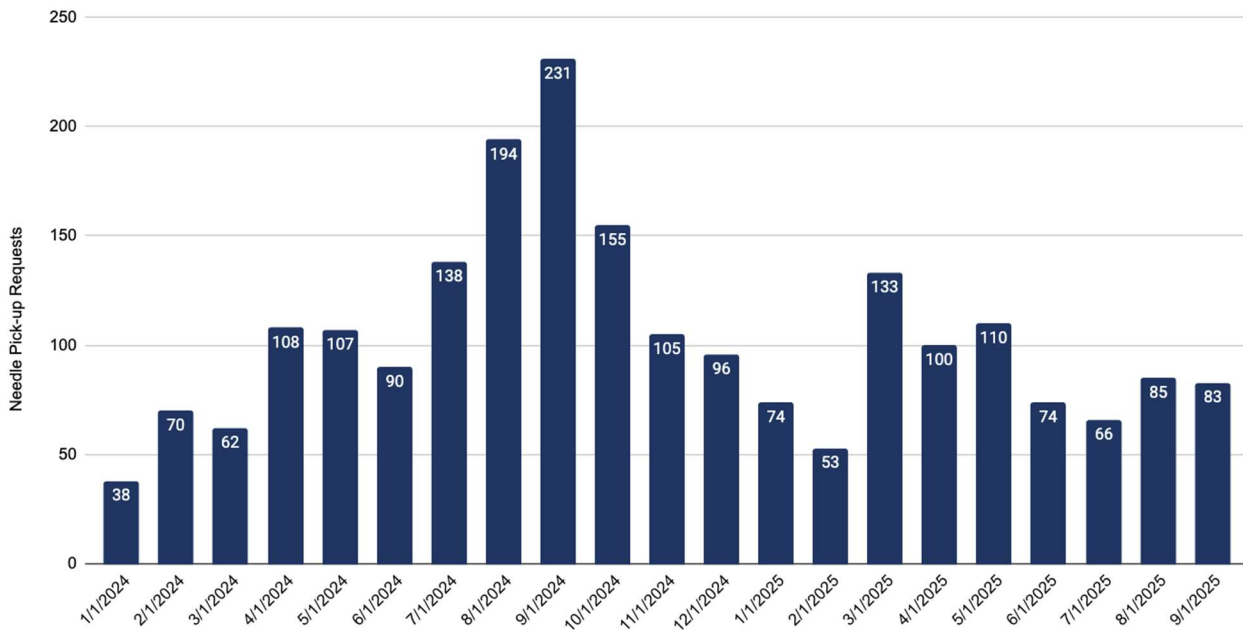
Operational Constraints Impacting Results

The program faces structural constraints that limit participation, as the current enrollment represents only a fraction of the NEP and is further restricted by weekly and individual maximums. Due to demand compared to availability of funds, operations have been limited to six hours per week across three days.

SeeClickFix Needle Pick-up Reports

Between Jan-Sept 2024, there were 1,038 requests on SeeClickFix (SCF) for needle pick-ups reported to the City of Portland. During the same time period in 2025, there have been 778 reports. This represents a **25% decrease in SCF reports for needle pick-ups between 2024 and 2025.**

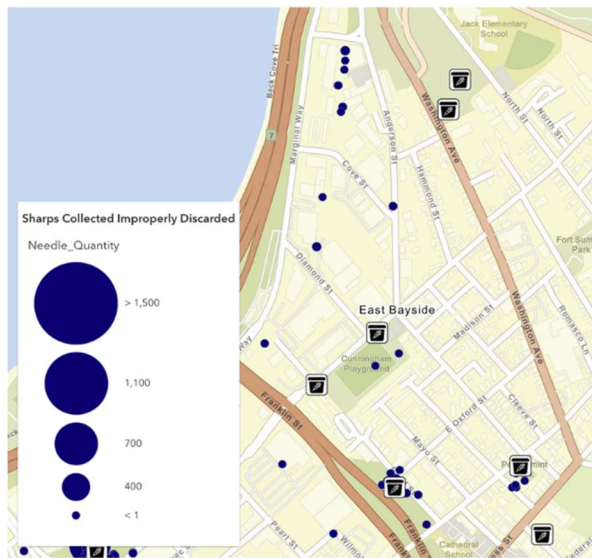
SeeClickFix Reports for Needle Pick-up, Portland, Maine (Jan 2024-Sep 2025)



Syringes in Public Spaces

To date, 76% (1,293) of redemptions involved clients collecting at least some of their syringes from the ground in public spaces. The most commonly reported locations were: Bayside (56 pick-ups) and Deering Oaks (42 pick-ups). Participants also noted pick-ups near various streets and parks in the East Bayside neighborhood.

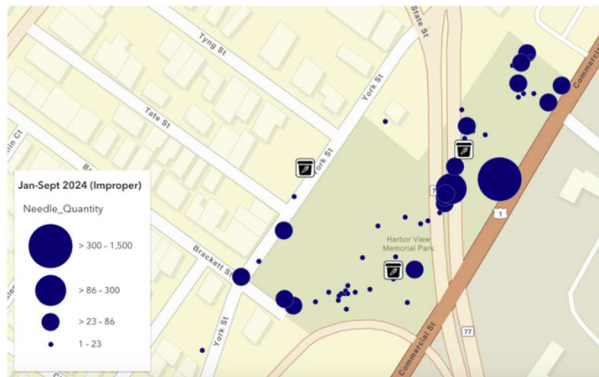
The images below compare January - September 2024 to January - September, 2025, and represent patterns of improper syringe disposal, as collected by Public Health and Parks & Recreation staff.



East Bayside Jan-Sep 2024

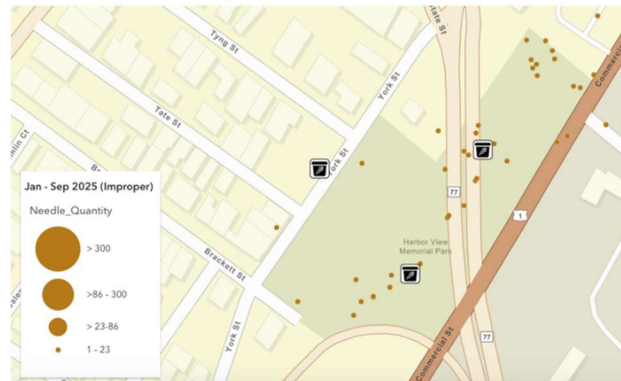


East Bayside Jan-Sep 2025



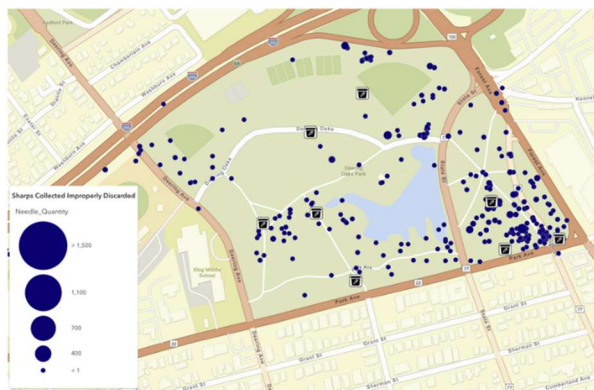
Harbor View Park Jan - Sep 2024

Needles collected = 5,620



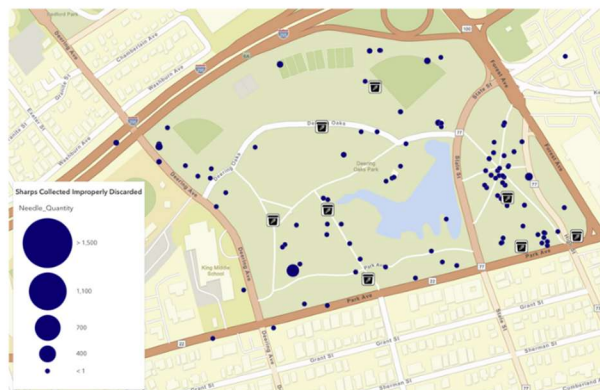
Harbor View Park Jan - Sep 2025

Needles collected = 1,027



Deering Oaks Park Jan - Sep 2024

Needles collected = 2,643



Deering Oaks Park Jan - Sep 2025

Needles collected = 2,069

*An additional 3200 were collected from the park in boxes/containers/amongst personal items during encampment removals

FISCAL IMPACT

N/A

CONCLUSION(S)

At this time, Public Health staff are confident that the objectives detailed in the SSP Action Plan are contributing to an overall reduction in the improper disposal of syringes in Portland. Most of the identified strategies have been implemented and results are yielding improvement. While strides have been made, staff are continuously using data to improve the efficacy of these strategies.

PRIOR COMMITTEE REVIEW

HHS & PS Committee - March, 2025

PREPARED BY

Bridget Rauscher
Public Health Director
Health and Human Services



Staff Memo To:
Health & Human Services & Public Safety Committee
Councilor Anna Bullett, Chair

DATE

October 14, 2025

AGENDA ITEM

Agenda Item #5 - Opioid Settlement Funds (OSF) Update

PURPOSE

This memo serves as an update to the Health & Human Services and Public Safety (HHSPS) Committee on the progress regarding the allocation of the OSF.

COMMITTEE WORK PLAN ALIGNMENT

The Committee's 2025 work plan includes the topic of "addressing the opioid epidemic" as a top priority for the year.

BACKGROUND/ANALYSIS

In 2017, Portland joined a nationwide lawsuit against opioid manufacturers to address the opioid epidemic's impact. By September 2024, the City had received \$1.38M in settlement funding, and expects to receive ~\$235,000 annually through FY39, with yearly fluctuations based on settlement agreement disbursements.

In October 2024, following consideration and community engagement led by the HHSPS Committee, the City Council allocated \$1.3 million in settlement funds on the following: (1) Syringe Redemption Program, (2) On-peninsula day space, and (3) On-peninsula methadone treatment. Subsequently, in December 2024, the City issued a request for applications for on-peninsula methadone treatment providers and day space operators.

At the July 8th HHSPS Committee meeting, City staff provided an update on OSF allocations (enclosed). At that meeting, the Committee requested that staff continue to explore day space options, and indicated that there was flexibility in the operational priorities they had originally identified in April 2024 (e.g. capacity, community engagement, partnership structure, and/or geographic location).

PROGRESS UPDATE

Day space

As communicated with the Council in an August 6, 2025 email, the original site proposed for a day space, 14 Baxter Blvd is no longer available to use as a potential day space location. It was

removed as an option following an accelerated timeline to repurpose the building for other uses.

Since the July Committee meeting, staff have met with various social service partners to identify an interested operator and available space on the peninsula, keeping in mind the Committee's interest in more flexible standards. Unfortunately, staff were unable to find either available space on the peninsula or operator/s.

Syringe Redemption Program

The syringe redemption program, operated by City staff, has been a critical tool in reducing syringe waste in the city, contributing to a 53% increase in syringes provided to the program for proper disposal. The program has also significantly increased the number of encounters in which naloxone was received. Additional details are available in the attached Syringe Services Program Memo.

NEXT STEPS

During discussions with local providers active in the opioid use disorder continuum of care, several initiatives aligned with OSF priorities emerged as potential areas for consideration. Building on these insights, it is worth noting that in 2024, the City completed a needs assessment of the harm reduction and SUD continuum of care in Cumberland County. The needs assessment included input gathered from community feedback boxes (13 responses), SUD prevention, recovery, and treatment providers (42), syringe exchange clients (53), and people with lived experience (56). Each of the options below aligns with recommendations generated by the needs assessment. Furthermore, the options align with the Core Strategies designated for the use of OSF settlement funds.

- **Contingency Management (CM) Programming**- Portland faces a growing polysubstance use crisis, with many individuals with opioid use disorder (OUD) also battling stimulant use disorder (SUD). While medications exist for OUD, no approved pharmacotherapy is available for SUD. Contingency Management (CM), the evidence-based standard of care for SUD, provides tangible incentives for verified drug abstinence, effectively supporting recovery.¹ Polysubstance treatment is an approved use of OSF. However, state-level reimbursement for CM incentives is estimated to be 2 years out, leaving funding reliant on inconsistent private donations. An allocation of settlement funds could provide critical bridge funding and support approximately 50-75 individuals.
- **Expansion and sustainability funding for OUD-related Maternal Health needs**- Project Lifeline is a partnership between Portland Fire Department's Mobile Medical Outreach and MaineHealth Maine Medical Center MaineMOM that serves high risk, unsheltered and unhoused pregnant and postpartum women with substance use disorder. Since its launch as an 18-month pilot, it has successfully supported approximately 30 women in greater Portland. An investment in Project Lifeline would enable the program to work

¹ Ronsley, C. et.al Treatment of stimulant use disorder: A systematic review enable the program to work towards long-term sustainability through increased investments in service reimbursement, community paramedicine certifications, long-term of reviews PloS One. 2020, [link](#).

towards long-term sustainability through increased investments in service reimbursement through community paramedicine certifications and billing processes. These would in turn allow the program to increase scope and reach to offer more perinatal care, field initiation of medication for SUD, and build sustainability to provide these services in the future. Critically, it will also help increase capacity to prescribe and dispense antiviral therapy in the field, reducing the risk of maternal-to-child transmission of HIV while also helping mitigate risks of an HIV outbreak in Portland.

- **Flexible funding for local partners**- Under this approach, local partners could apply for small buckets of flexible funding to support increasing access to treatment, recovery, or other wrap-around services that are unreimbursable from state funds. This funding would support items like transit passes, peer support programming, and staff time that would not be reimbursable through other mechanisms. Grants would be offered through a competitive, low-barrier process. The set-up and operations of a revolving grant fund would require significant administrative commitment and associated costs.
- **Housing support for unsheltered individuals**- In Portland, the HOPE program successfully connects unsheltered individuals to housing through outreach-based housing navigation, and provides ongoing housing retention services. Due to its success, increased demand for retention support has strained staff capacity, reducing time for new housing placements. Funding to supplement the program with a housing navigator and two retention specialists would enable approximately ten additional housing placements and support eighty more individuals in the housing retention caseload, enhancing the program's impact on housing, a critical component of the substance use disorder continuum of care.
- **Syringe Redemption Continuation**- The Syringe Redemption pilot is set to expire in December 2025. Based on the success of the pilot to date, staff intend to continue the program using existing settlement funds.

PREPARED BY

Maggie McLoughlin
Director
Health and Human Services

RELEVANT LINKS:

- HHSPS Panel Discussion and Abatement Memo (June 2024)- [link](#)
- OSF Review of Initial Recommendations (July 2024)- [link](#)
- Allocating OSF Memo (Sept. 2024)- [link](#)
- Council Allocation (Oct. 2024)- [link](#)
- SSP & RFA Update (March 2025)- [link](#)
- HHSPS OSF Committee Update (July 2025)- [link](#)
- SSP Update (October 2025)- [link](#)



To: Health and Human Services and Public Safety Committee
Councilor Anna Bullett, *Chair*

MEETING DATE

October 14, 2025

AGENDA ITEM

Agenda Item 2 - Proposed Police Department Acquisition of Unmanned Aerial System (UAS)

PURPOSE

The committee is asked to consider the Police Department's proposal to acquire a UAS ("Drone") to support operations. Maine state law (25 M.R.S.A. §4501) requires that the governing body of a governmental unit approve any acquisition of an unmanned aerial system (UAS) by a law enforcement agency.

This item is for public comment as well as discussion and direction from the committee on recommending City Council approval in October.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

This item is not directly identified in either the committee's work plan or the City Council's 2025 priorities.

BACKGROUND/ANALYSIS

The information provided below was presented to the Council Committee at its July 9, 2024 meeting. During that meeting, Councilors requested additional information from staff on measures to ensure protection of privacy and avoid misuse, acquisition costs and annual recurring expenses, and development of a communications piece to address public questions and concerns. **Attachments A** includes information in response to these questions and requests for additional information. **Attachment B** includes the Police Department's proposed policy on UAS use, and **Attachments C and D** outline statutory requirements for using this technology.

As the Committee is aware, the Portland Police Department is significantly understaffed. New technologies, such as the UAV, provide an opportunity to help maintain public safety with greater efficiency and effectiveness in accordance with the rights of residents and applicable legal requirements. .

The use of Unmanned Aerial Systems (UAS) in law enforcement is not new. Municipal and state law enforcement agencies have utilized the technology for more than a decade while all five U.S.

Department of Justice law enforcement components (FBI, ATF, DEA, Marshal's Service and Bureau of Prisons) use UAS in support of their operations.

Portland Police Department has requested mutual aid from surrounding communities utilizing their UAS in search and rescue operations, during motor vehicle accident reconstruction needs, and during high risk warrant applications.

UAS usage by law enforcement is well-regulated in Maine and the applicable statutory language as well as rules imposed by the Maine Attorney General's Office are incorporated into the department policy. Additionally, UAS operations are regulated by the Federal Aviation Administration (FAA) to include the requirement that officers assigned as UAS pilots must be licensed by the FAA.

Purchasing a UAS will enhance police operations during search and rescue operations. A UAS can search areas, both land, coast line, and waterways much faster and more efficiently than personnel. UAS will supplement tracked and wheeled robots for searches involving barricaded subjects. Those vehicles are restricted when obstacles prevent them from freely moving or climbing staircases.

Portland Police traffic unit reconstructs motor vehicle traffic accidents when there is serious bodily injury, death, or serious crashes involving police vehicles. The use of an UAS to plot the scene is completed in a fraction of the time and more accurately, which results in significant savings of time and money. Using a UAS to map a crash scene allows opening the closed roadway much faster than using traditional methods, resulting in less impact to the public.

In terms of officer safety, using a UAS during a barricaded suspect incident allows the Incident Commander to search interior spaces before sending in personnel. This creates a significant tactical advantage for officers and alleviates the need to put personnel in extremely dangerous situations. This operation is currently done with robots, which have some significant limitations. Robots are unwieldy, expensive to repair, and limited in their maneuverability.

The UAS system identified is from Axon Corporation which is the vendor for our body camera and in-car camera system. The UAS is compatible with this system, allowing all video to be recorded and secured on our dedicated evidence storage platform.

FISCAL IMPACT

The one-time cost to acquire the UAS is estimated to be \$45,316. Sufficient funding was appropriated as part of the appropriation request in January 2024 using proceeds from the US Department of Justice's Equitable Sharing Program. Renewal of software maintenance and licensing agreements after 3 years would cost \$23,790 in FY 2027-28. Other than minor annual training/certifications expenses, no material annual recurring costs to support the UAS are anticipated. **Attachment A** includes a cost breakdown. The UAS system has an estimated useful life of 5-7 years.

CONCLUSION(S)

Approving the purchase of a UAS allows Portland Police to train and deploy the system when appropriate and in compliance with our policy. Currently, when the need arises we utilize mutual aid from surrounding agencies. Having our own UAS allows better control, faster response, and a more skilled and knowledgeable pilot. Having a department UAS allows us to utilize technology to improve the service we provide to our community.

PRIOR COMMITTEE REVIEW

Health-Human Services & Public Safety Committee (September 10, 2024) - Issue review & action
Health-Human Services & Public Safety Committee (July 9, 2024) - Issue introduction

PREPARED BY

Mark Dubois
Chief of Police
Police Department

Greg Jordan
Assistant City Manager
Executive Department

ATTACHMENTS

- Attachment A - Draft FAQs for Public Information on UAS Use
- Attachment B - Portland Police Department draft policy for UAS
- Attachment C - MRS Title 25, §4501. Regulation of Unmanned Aerial Vehicles
- Attachment D - MRS Title 25, §4501. Annual Legislative Report on UAV use
- Attachment E - Federal Aviation Administration (FAA) Regulations

Attachment A

Portland Police Department

Drone FAQs

How will this drone be used by the Portland Police Department?

For at least some of the purposes below, Portland PD reaches out to other agencies to borrow their drones, however, this often results in significant delays which can be crucial when lives are at stake.

- Search & Rescue operations - the use of the drone could be crucial in time-sensitive searches for missing children, endangered persons, and suicidal individuals, as well as persons believed to be in the waters in and around Casco Bay.
- Active assailant/school shooter scenarios - the drone would be able to assist law enforcement to determine where in a building the assailant is in a school/workplace assailant event and give them an advantage in ending the scenario without loss of life.
- Accident reconstruction - Currently, reconstruction of fatal and other serious crashes require roads to be closed for up to 5 hours, including the time required to conduct scans with reconstruction equipment (faro scanner - a laser scanner which provides 3D measurements and imagining, and cameras) which can take up to 2 hours when done on the ground. With a drone equipped with the appropriate software (the faro software, which we already own, and which will be compatible with the Axon drone*), the necessary scans can be accomplished in 15 to 30 minutes, drastically reducing the amount of time police will need to close roads. In the past 12 months, our Crash Reconstruction Team has been called out for reconstructions nine times.
- Barricaded suspects - The Special Reaction Team (SRT) is often (28 total calls for service since the beginning of the year) called upon when a criminal suspect has barricaded themselves - sometimes with other individuals - inside a residence or other location. This creates tension when it is unknown whether that individual is armed and will harm themselves or others. A drone can be used in this situation to look through upper windows to provide police with a view of whether weapons are present or not, potentially saving civilians and police from harm.
- Hazardous Devices Investigations - The Hazardous Devices Unit ("Bomb Squad") is tasked with investigating possible explosives and other hazardous devices. Bomb squads around the country commonly use drones for an initial approach on suspicious packages, which protects the human bomb techs from having to make an initial approach, and is much faster than using a robot. Drones can also be used to clear locations where there are suspected boobytraps, and searching and clearing areas of suspected IEDs (improvised explosive devices) during large gatherings and/or bomb threats.

Attachment A

Portland Police Department

Drone FAQs

- Crime scene reconstruction - This often shuts down streets while scans and photographs are taken. As an example, the last homicide scene was approximately 3.5 city blocks inside apartments and stretching across two major avenues of the City- and across the busiest intersection in the entire State. We had to use the State Police drone to cover the faro scans and waited an additional 2.5 hours for the drone to be brought from the middle of the State to assist.
- Train vs pedestrian reconstruction- almost all of these scenes are extremely long in distance - usually up to a ¼ mile in length, which is about the distance a train takes to stop its momentum after a collision. As with accident and crime scene reconstructions, a drone would make this process much faster and limit the disruption to train and vehicle traffic.
- Fire scene assessment - drones can be used in conjunction with the fire department when responding to large calls, or to assess a large scene after a fire.
- Storm and flood damage assessment - use of a drone will be helpful in assessing damage to the shoreline and properties along the shore after severe storms and flooding, such as the devastating January 2024 storms, and depending on availability of the drone and a pilot, we could assist other City departments with this task.

How will this drone not be used by the PD?

- Use of the drone will be governed by Police Department Standard Operating Procedures, which in turn follow Maine state law regarding the use of unmanned aerial vehicles (drones) (25 M.R.S. § 4501). As with all activities engaged in by law enforcement, use of the drone will also be governed by the principles of the constitutions of the State of Maine and of the United States.
 - Generally speaking, the Fourth Amendment of the United States Constitution requires that police obtain a search warrant before searching private property looking for evidence of criminal activity. Those same protections apply to the use of drones by law enforcement in Maine.
 - Police cannot use drones to conduct surveillance of private citizens peacefully exercising their right to free speech and assembly.
 - In accordance with Portland City Code, police in Portland will not be able to use any type of facial recognition software for any purpose through use of the drone (Portland City Code Sec. 17-131).

Attachment A

Portland Police Department

Drone FAQs

How will PPD ensure that inadvertent recordings unrelated to an investigation are not viewed/released?

When this question was raised at the HHS/PS committee meeting in 2024, the assumption appeared to be that the drone, when deployed, would be flying over private property en route to the target location. In fact, in order to preserve battery life and for the sake of efficiency, the drone will be transported to the location where it is needed, before being deployed, drastically reducing any inadvertent filming of unrelated people/property. Obviously in the case of a missing person, the drone will be flying over a greater area, however, as with all video recordings and other police records, there are state laws which make police records confidential if their public release would constitute an unwarranted invasion of privacy.

Additionally, the drone will not be recording passively while flying, recording capability must be affirmatively turned on before any footage is recorded.

Who owns the recordings?

We anticipate purchasing the drone and software package, including data storage, from Axon, the vendor currently used for police body and cruiser and other camera systems. Our Master License agreement with Axon, which would cover footage captured by the drone, gives PD exclusive ownership of any footage captured and stored. The specific language reads:

Agency owns Agency Content. Agency controls and owns all right, title, and interest in Agency content. Except as outlined herein, Axon obtains no interest in Agency Content, and Agency Content is not Axon's business records. Agency is solely responsible for uploading, sharing, managing, and deleting Agency Content. Axon will only have access to Agency Content for the limited purposes set forth herein. Agency agrees to allow Axon access to Agency Content to (a) perform troubleshooting, maintenance, or diagnostic screenings; and (b) enforce this Agreement or policies governing the use of Axon products.

In other words, PPD owns its content exclusively, and Axon will not sell or otherwise disseminate recordings from the deployment of the PPD drone.

Attachment A

Portland Police Department

Drone FAQs

Anticipated costs of drone ownership and operation:

- Up front costs:
 - Drone purchase price: \$20,231
 - Licensing and Storage (3 years): \$18,541
 - 3-year service contract: \$5,249
 - *Subtotal: \$44,021*

 - Pilot license training (\$110 x 5 max) (right now we have 3 qualified pilots): \$550
 - Fee to take test (\$149 x 5 max): \$745
 - Ongoing training - no cost
 - *Subtotal: \$1,295*

 - Total: \$45,316**


- Year 4:
 - Licensing & storage (3 years): \$18,540
 - Warranty/Service contract (3 years): \$5,250
 - Total: \$23,790

- Repair/replacement costs (as needed) :
 - 1 time free, 2nd and 3rd are prorated (if drone/sensor damage/loss is accidental):
 - 2nd: drone \$1,650/sensor:\$974
 - 3rd: \$2,956/sensor: \$2975

* The drone we plan to acquire is an Axon product and will therefore be compatible with existing body camera and cruiser camera systems and software.

**Funds to cover the initial costs have already been allocated (November 2, 2023 Council meeting) from federal forfeiture funds.

**PORTLAND POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

	Subject:	USE of SMALL UNMANNED AIRCRAFT	Policy #:	47B
	Distribution:	Internal/External	Effective:	/ /2024
	By Order of:	Chief of Police	Revised:	

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of Unmanned Aerial Systems (UAS), commonly known as drones.

II. POLICY

The Portland Police Department will utilize UAS in a safe and efficient manner to facilitate the Department’s mission of protecting lives and property when other means and resources are not available or may be less effective. Any use of UAS will be in accordance with 25 M.R.S. §4501 (Regulation of Unmanned Aerial Vehicles) and all applicable Federal Aviation (FAA) requirements and guidelines. This policy applies to all unmanned aerial vehicles, drones, and aerial systems operated by the Portland Police Department, regardless of classification or vendor terminology.

III. DEFINITIONS

- A. **Unmanned Aerial Vehicle (UAV)** : an aircraft operated without a physical human presence within or on the aircraft that, in the manner in which the aircraft is used or the manner in which it is equipped, is capable of performing audio or visual surveillance.
- B. **Unmanned Aerial System (UAS)**: A UAV along with the elements necessary to operate the UAV in a safe and efficient manner. These elements may include, but are not limited to a control station, data links, communications and navigation equipment.
- C. **Federal Aviation Administration (FAA)**: The federal authority charged with regulating all aspects of civil aviation.
- D. **Remote Pilot in Command (RPIC)**: A member of the Portland Police Department holding a current FAA certification to operate a UAS and designated to exercise control over a flight. The RPIC is directly responsible for and is the final authority as to the operation of the UAS.
- E. **Surveillance**: A prolonged observation of a place, person, group, or ongoing activity in order to gather information about identity, conduct, movements, or associations, whether in public or private spaces.

IV. PROCEDURES

A. General

1. Only UAS specifically authorized by the Chief of Police may be deployed in support of Portland Police operations or requests for mutual aid. When operating the UAS in support of another agency,

officers will follow the policies and procedures of the Portland Police Department as well as applicable federal and state laws and regulations.

2. Department authorized UAS may only be operated by PPD employees who hold a current remote pilot airman certification from the FAA and have been trained in the operation of the specific Department-owned UAS. Non-certified personnel may manipulate the flight controls of the UAS under the direct supervision of a certified PPD remote pilot in command, however the RPIC must maintain the ability to immediately take direct control of the UAS.

3. All UAS operations will be conducted in accordance with 25 M.R.S. §4501 (Regulation of Unmanned Aerial Vehicles), all applicable Federal Aviation (FAA) requirements and guidelines to include 14 CFR Part 107 - Small Unmanned Aircraft Systems, and the minimum standards established by the Maine Criminal Justice Academy Board of Trustees.

4. The Remote Pilot in Command (RPIC) is the final authority as to the operation of the UAS and is solely responsible for determining whether or not to conduct or abort a requested mission as well as the specifics of the mission to include altitude, speed, and flight path.

5. The UAS and related equipment shall be maintained in a state of operational readiness. Remote Pilots shall inspect and test the UAS prior to deployment to ensure proper functioning and shall use reasonable care when operating the equipment. Equipment malfunctions shall be brought to the attention of the Traffic Sergeant.

B. Deployment

1. The Chief of Police or their authorized designee must give prior approval before an UAS is deployed. When determining whether to approve a deployment, the Chief or designee shall consider whether the deployment will result in an excessive number of UAS's at the same location or same event at the same time.

2. If multiple licensed PPD remote pilots are on scene at a deployment, the most senior will serve as the RPIC for the mission, unless they expressly delegate the RPIC role to another licensed remote pilot.

3. The RPIC will conduct a pre-flight inspection of the UAS equipment and follow the established pre-flight checklist prior to deployment.

4. As required by 25 M.R.S. §4501(5)(C), the RPIC will obtain the approval of the appropriate prosecutorial authority (Cumberland County District Attorney's Officer or Maine Attorney General's Office) prior to deploying the UAS for criminal investigation purposes.

5. The RPIC will notify Emergency Communications upon launch and recovery of the UAS and dispatch will enter those times in the appropriate CADCALL.

6. When operating the UAS over locations that the RPIC believes are irrelevant to the purpose of the deployment, they will operate the UAS in accordance with the following parameters:

- a. At a minimum altitude of 200 feet above ground level; and
- b. At a minimum horizontal speed of 5 miles per hour; **unless**

- c. Operating the UAS in accordance with subparagraph a and b above, would jeopardize the objective of the UAS deployment or violate FAA regulations.

7. In order to minimize the impact of inadvertent recording on third parties, the RPIC shall limit use of the UAS mounted audio or video recording equipment to those locations where the RPIC believes utilizing audio or video recording technology could support the purpose for which the UAS is deployed.

8 The RPIC must maintain the ability to adequately track the location of the UAS at all times as failure to do so could prove hazardous to persons and property on land and in the air.

C. Permissible Uses

1. The UAS may be used for the following:
 - a. Search and Rescue
 - b. High-risk tactical operations (hostage/barricade incidents, high-risk warrants, active assailant incidents etc.)
 - c. Accident scene reconstruction
 - d. Crime scene reconstruction
 - e. Disaster Response
 - f. Searches for suspects and/or evidence.
 - g. For training, testing, and product evaluation purposes.
2. The UAS may be used for a criminal investigation purpose only when:
 - a. The appropriate prosecutorial authority has approved use of the UAS; and
 - b. A warrant has been obtained or a recognized exception to the warrant requirement exists.

D. Prohibitions on Usage of UAS

1. The UAS shall not be used for criminal investigation without a warrant except as permitted by a recognized exception to the warrant requirement.
2. Absent a warrant or exigent circumstances, the Remote Pilot shall not intentionally record or transmit images of a location where a person would have a reasonable expectation of privacy (e.g. inside a home, a fenced yard or an otherwise enclosed area).
3. The UAS shall not be used to conduct random surveillance of individuals in any location where they have a reasonable expectation of privacy
4. The UAS shall not be used to conduct surveillance of private citizens peacefully exercising their constitutional rights of free speech and assembly.
5. The use of enhancement technology such as night vision technology, high powered zoom lenses, video analytics, and thermal imaging is prohibited unless the Chief or designee explicitly authorized the use of those technologies when authorizing deployment of an UAS.
6. The use of facial recognition technology is strictly prohibited.

7. The UAS will **not** be equipped with weapons of any kind including, but not limited to firearms, lasers, impact projectiles, chemical agents or irritants, or any other lethal or non-lethal weapon.

E. Privacy Considerations

1. The decision to deploy a UAS requires that PPD carefully weigh public safety needs against privacy concerns.

2. When there are specific and articulable grounds to believe the UAS will collect evidence of criminal wrongdoing or if the UAS will be used in a manner that is likely to intrude upon the reasonable expectation of privacy, the Department shall obtain a search warrant prior to deployment.

3. Any time a UAS is deployed:

a. The UAS will be operated at an altitude, speed and with a planned flight plan that minimizes any invasion of privacy of a third party.

b. The Remote Pilot shall make a reasonable effort to record only the target of the operation (accident scene, disaster area, etc.) and to avoid other areas as much as possible.

F. Audio and Video Recordings and Remote Pilot Records

1. An inadvertent audio or video recording, photograph, or other such documentation of or relating to a private third party that results from the use of a UAS shall not be duplicated or transmitted by the Portland Police absent a court order, and must be permanently and irretrievably erased or destroyed within a reasonable period of time after its creation, pursuant to the applicable record retention schedule.

2. Prior to their duplication and further dissemination, any audio or video recordings, photographs, or any other such documentation resulting from the deployment of a UAS must be reviewed to determine whether such further dissemination may occur.

a. Such review must specifically include an assessment of whether the documentation itself constitutes “intelligence and investigative record information” under 16 M.R.S. §801 *et seq.*, and, if so, whether, if at all, the documentation may be further disseminated pursuant to that law.

3. Audio and video recordings, photographs, and any other documentation resulting from a UAS deployment related to a criminal investigation will be retained in accordance with the corresponding Maine law on evidence retention as well as the rules for records retention promulgated by the Maine State archivist.

4. Audio and video recordings, photographs, and any other documentation resulting from an UAS deployment not relating to a criminal investigation will be retained in accordance with the corresponding rules for records retention promulgated by the Maine State archivist.

G. Documentation and Reporting

1. Any deployment of a UAS, other than for training, shall be documented in a call for service.

2. A supplemental incident report shall be completed by the RPIC anytime a UAS is deployed in support of a criminal investigation.

3. Additionally, the details of each UAS deployment must be documented on a form or database designed for that purpose within 14 days of the deployment. Documentation will include, at a minimum:

- a. The date of the deployment;
- b. The name of the RPIC;
- c. The purpose of the deployment;
- d. The duration of the deployment;
- e. The flight path of the deployment; and
- f. Any other information the Chief deems necessary.

4. The Traffic Sergeant will ensure that all UAS deployments are properly documented and will report deployment related data to appropriate governmental bodies. This reporting shall include the mandatory annual reporting to the Maine Criminal Justice Academy (MCJA), as well as providing the MCJA annual UAS report to the City Council's Health and Human Services and Public Safety Committee

V. UAS-RELATED RESPONSIBILITIES OF THE TRAFFIC SERGEANT

A. The Traffic Sergeant – who may, but does not need to be, a Remote Pilot -- shall:

- 1) Maintain a list of PPD certified Remote Pilots
- 2) Maintain a list of the make/model of each PPD UAS
- 3) Maintain a list of the FAA registration number of each PPD UAS
- 4) Be the representative of the Portland Police Department for any waiver and/or airspace authorization obtained through the FAA; and
- 5) Have ongoing knowledge of the operations of the UAS under any waiver/airspace authorization
- 6) Maintain a record of the disposition of each PPD UAS after it is taken out of service (i.e., destroyed, used for parts, sold to another law enforcement agency)

VI. REPORTS OF INJURY OR PROPERTY LOSS RESULTING FROM UAS USE

- A. Any operation of an UAS that results in serious injury, loss of consciousness, or property damage (to property other than property of the agency) of at least five hundred dollars (\$500) must be reported within ten (10) days to the FAA.
- B. Any operation that results in any injury or property damage (other than to the UAS) must be reported immediately to the patrol supervisor or Shift Commander.
- C. Any operation that results in damage to the UAS must be reported as soon as practicable to the Traffic Sergeant.

VII. MISUSE OF A UAS

A. Any PPD employee who intentionally uses an UAS in violation of this policy shall be subject to disciplinary action up to and including termination.

B. Additionally, a violation of the minimum policy standards established by the Maine Criminal Justice Academy Board of Trustees and included in this policy may constitute grounds for the Board

to take disciplinary action against a law enforcement officer's certificate of eligibility pursuant to 25 M.R.S. §2806-A(5)(J) or seek a civil penalty against the law enforcement officer pursuant to 25 M.R.S. §2803-(C).

§4501. Regulation of unmanned aerial vehicles

1. Findings. The Legislature finds that evolving technology regarding unmanned aerial vehicles presents a potential economic driver for the State, an opportunity for research and development and a very real benefit for security, for search and rescue efforts and for disaster prevention and relief, as well as a tool for the investigation of serious crimes, but the technology also presents a potential threat to the privacy of citizens of this State if used by law enforcement in the conduct of criminal investigations without appropriate guidelines and supervision.

[PL 2015, c. 307, §1 (NEW).]

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement agency" has the same meaning as in section 3701, subsection 1. [PL 2015, c. 307, §1 (NEW).]

B. "Unmanned aerial vehicle" means an aircraft operated without a physical human presence within or on the aircraft that, in the manner in which the aircraft is used or the manner in which it is equipped, is capable of performing audio or visual surveillance. [PL 2015, c. 307, §1 (NEW).]
[PL 2015, c. 307, §1 (NEW).]

3. Acquisition of unmanned aerial vehicles. The acquisition of an unmanned aerial vehicle by a law enforcement agency must be approved by the governing body of the governmental unit overseeing the law enforcement agency seeking to make such an acquisition or, in the case of a state agency, by the commissioner of that agency.

[PL 2015, c. 307, §1 (NEW).]

4. Law enforcement agency operation of unmanned aerial vehicles. A law enforcement agency's operation of an unmanned aerial vehicle must fully comply with all Federal Aviation Administration requirements and guidelines, including the acquisition of a certificate of authorization or waiver from the Federal Aviation Administration. Additionally, a law enforcement agency's use of an unmanned aerial vehicle is governed by the following provisions.

A. A law enforcement agency may not use an unmanned aerial vehicle before adopting standards that meet, at a minimum, the standards set forth in subsection 5. [PL 2015, c. 307, §1 (NEW).]

B. Except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant. [PL 2015, c. 307, §1 (NEW).]

C. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for the purpose of a search and rescue operation when the law enforcement agency determines that use of an unmanned aerial vehicle is necessary to alleviate an immediate danger to any person or for training exercises related to such uses. [PL 2015, c. 307, §1 (NEW).]

D. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for purposes other than the investigation of crime, including, but not limited to, aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage. [PL 2015, c. 307, §1 (NEW).]

E. In no case may a weaponized unmanned aerial vehicle be used or its use facilitated by a state or local law enforcement agency in this State. [PL 2015, c. 307, §1 (NEW).]

F. A law enforcement agency may not use an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their constitutional rights of free speech and assembly. [PL 2015, c. 307, §1 (NEW).]

G. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for an emergency use approved by the chief administrative officer of the agency or the Governor. [PL 2015, c. 307, §1 (NEW).]
[PL 2015, c. 307, §1 (NEW).]

5. Minimum standards for law enforcement. The Board of Trustees of the Maine Criminal Justice Academy, in consultation with the Office of the Attorney General, shall establish minimum standards for written policies and protocols for use of unmanned aerial vehicles by law enforcement agencies. The standards must include at a minimum:

A. Training and certification requirements for a person operating an unmanned aerial vehicle; [PL 2015, c. 307, §1 (NEW).]

B. Requirements for prior authorization for the use of an unmanned aerial vehicle by the chief administrative officer of the law enforcement agency seeking to use such a vehicle; [PL 2015, c. 307, §1 (NEW).]

C. Approval by the Attorney General or chief prosecuting attorney for the appropriate jurisdiction for the deployment of an unmanned aerial vehicle for criminal investigation purposes; [PL 2015, c. 307, §1 (NEW).]

D. Restrictions on the use of night vision technology, high-powered zoom lenses, video analytics, facial recognition technology, thermal imaging and other such enhancement technology; [PL 2015, c. 307, §1 (NEW).]

E. Procedures to minimize the inadvertent audio or visual recording of private spaces of 3rd parties who are not under investigation; [PL 2015, c. 307, §1 (NEW).]

F. Procedures for destroying any unnecessary audio or visual recordings without further duplication or dissemination; [PL 2015, c. 307, §1 (NEW).]

G. Recommended minimum altitudes and speeds at which an unmanned aerial vehicle may be flown in order to minimize the invasion of privacy of 3rd parties who are not under investigation; [PL 2015, c. 307, §1 (NEW).]

H. Methods to minimize the number of unmanned aerial vehicles deployed at any one time in any one area or at any one event; [PL 2015, c. 307, §1 (NEW).]

I. Procedures to avoid hazards to persons and property on land and in the air due to the operation of unmanned aerial vehicles; [PL 2015, c. 307, §1 (NEW).]

J. Methods for tracking and recording the flight of each unmanned aerial vehicle; [PL 2015, c. 307, §1 (NEW).]

K. Requirements for regular statistical reporting of all uses of unmanned aerial vehicles, including the purposes, the results and the duration of such uses, to the appropriate governmental bodies; and [PL 2015, c. 307, §1 (NEW).]

L. Accountability of a law enforcement agency for any mistake in deployment or misuse of an unmanned aerial vehicle, including sanctions as provided in section 2803-C or section 2806-A, as applicable. [PL 2015, c. 307, §1 (NEW).]
[PL 2015, c. 307, §1 (NEW).]

6. Data collection. On or before July 1, 2016 and July 1st of each subsequent year, the Commissioner of Public Safety shall submit to the Legislature a report containing the number of instances in which an unmanned aerial vehicle has been deployed by any law enforcement agency in the State with summary descriptions of the number of deployments for investigative purposes, the general nature of those investigations and the number of search warrants sought and the number of search warrants obtained for the deployment of unmanned aerial vehicles.

[PL 2015, c. 307, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 307, §1 (NEW).

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Janet T. Mills
Governor

STATE OF MAINE
Department of Public Safety
MAINE CRIMINAL JUSTICE ACADEMY
15 Oak Grove Road
Vassalboro, Maine 04989



Michael J. Sauschuck
Commissioner

Jack D. Peck, Jr.
Director

April 1, 2024

Senator Pinny Beebe-Center, Senate Chair
Representative Suzanne Salisbury, House Chair
Joint Standing Committee on Criminal Justice and Public Safety
Room 436 State House
Augusta, Maine 04333-0003

Re: 25 M.R.S. § 4501

Senator Beebe-Center, Representative Salisbury and Committee Members:

On July 2, 2015, Chapter 307 Public Law (L.D.25 and now 25 M.R.S. §4501) “An Act to Regulate Domestic Unmanned Aerial Vehicle Use” was enacted. This new law requires the Maine Criminal Justice Academy Board of Trustees to develop the mandatory standards for a policy, if a law enforcement agency chooses to use an Unmanned Aerial Vehicle (Drone) for law enforcement purposes. The Board adopted the Minimum Standards on March 10, 2017. This law also requires these agencies to report their use to the Commissioner of Public Safety each year. The agencies then reported their UAV use to the academy with their annual reporting requirements, as outlined in 25 M.R.S., Chapter 341. The Academy on behalf of the Commissioner reports the following information to the Legislature as part of Chapter 307 Public Law in this annual report to include: a summary description of the number of deployments for investigative purposes, the general nature of those investigations and the number of search warrants sought, and the number of search warrants obtained for the deployment of unmanned aerial vehicles.

There are 153 law enforcement agencies in the State of Maine and each chief executive officer must file an annual report to the Academy. For 2023, only 22 agencies reported that they had a UAV, and all 22 agencies had a policy in place that met the MCJA Board Minimum Standards.

	<u>Criminal</u>	<u>Non-Criminal</u>
1. Auburn Police Department	2	7
2. Brunswick Police Department	0	52
3. Cumberland County Sheriff's Office	4	21
4. Ellsworth Police Department	3	18
5. Fairfield Police Department	0	2
6. Gorham Police Department	0	15
7. Hampden Police Department	0	3
8. Lewiston Police Department	0	11
9. Lincoln County Sheriff's Office	5	17
10. Maine Forest Service	2	191
11. Maine State Police	50	33
12. Maine Warden Service	0	16
13. Old Orchard Beach Police Department	2	3
14. Oxford Police Department	1	4
15. Penobscot County Sheriff's Office	7	5
16. Piscataquis County Sheriff's Office	0	0
17. Saco Police Department	2	8
18. Scarborough Police Department	0	9
19. Thomaston Police Department	0	0
20. Westbrook Police Department	0	3

21. Windham Police Department	3	22
22. York Police Department	7	15

Summary of UAV Deployments for Criminal Investigation

Auburn Police Department

1. Search for fleeing suspect at golf course. Flight did not infringe on any private property.
2. Flight over property looking for mass shooter at property owner's request.

Cumberland County Sheriff's Office

1. Assisted ESU and Westbrook PD in suspect search.
2. Assisted the Crash Reconstruction Team with a crash investigation that resulted in a prosecution.
3. Assisted Westbrook PD with attempting to locate an armed suicidal subject.
4. Assisted the Crash Reconstruction Team with a crash investigation that resulted in a prosecution.

Ellsworth Police Department

1. Fleeing Burglary Suspect that had been shot at by the homeowner. Unknown if hit or injured
2. Armed suspect on a traffic stop, threatening to shoot himself.
3. Domestic Violence Strangulation investigation. Searched area around the residence.

Lincoln County Sheriff's Office

1. Checked wooded area for a burglary suspect - unable to locate.
2. Searched wooded area for trespassing suspect - unable to locate.
3. Checked residential driveway for suspect vehicle in a DV/PFA violation case - vehicle located.
4. Assist to SP in search of wooded area for fugitive - suspect not located.
5. Searched wooded area for fugitive suspect's vehicle - unable to locate.

Maine Forest Service

1. 03/25/2023. Total of .7 hour flight with 7 take off and landings with Ranger 986 to assist the Waldo County SO with an escapee from police custody.
2. 11/19/2023. Requested to respond to a developing situation regarding a bomb threat at the Presque Isle Walmart and a suspect in the surrounding woods possibly armed with a 'sniper rifle'. Presque Isle PD requested the drone for aerial support for ground forces in searching for the subject in the woods. I worked alongside of US Customs and Border Patrol and we were awarded a Special Governmental Interest (SGI) Certificate to operate sUAS systems near the Presque Isle International Airport (KPQI). The local woods the subject was thought to be in was searched using thermal infrared cameras but was not located. The subject was reportedly apprehended by Presque Isle PD at his residence later that same evening.

Maine State Police

1. Crime scene, motor vehicle homicide scene.
2. Crime scene, documentation fatal snowmobile crash
3. Crime scene, shooting death scene
4. Highway mapping for crime scene

5. Crime scene, suicide on Public Trail
6. Mapping scene of Officer Involved Shooting and a prior assault. Location was woods road
7. Documentation of fatal hit and run MV crash
8. Homicide scene documentation Knox St
9. Flew overpass for Troop G scene pictures, attempted suicide scene
10. Crime scene, attempted murder
11. Crime scene, attempted murder
12. Crime scene, officer involved shooting. Assisting AG's Office
13. Crime scene mapping, Schemengees bar
14. Crime scene mapping, Spare Time Recreation
15. Crime scene mapping, Maine Recycling
16. Crime scene, homicide
17. Crime scene
18. Assist Augusta PD with DV Warrant Arrest, subject fled into woods and was armed. Located a short distance down road.
19. Search for suspect in multiple areas. 9 Flights – Lewiston / Lisbon area
20. Search for burglary suspect, assisted canine track
21. UAV flown to scout parking lot for Tactical Team deployment
22. UAV flown to talk suspect out of home, Tactical Team deployment
23. UAV flown to communicate with armed suspect from safe distance. Tactical Team Deployment
24. Tactical Team deployment
25. Crime scene, search warrant at homicide scene
26. Crime scene, flight to map shooting scene
27. Crime scene, Major Crimes Unit North assist
28. Crime scene, homicide scene
29. UAV flown to scout exterior of apartment building, Tactical Team deployment
30. UAV flown to scout exterior of property. Unable to reach due to signal. Tactical Team Deployment.
31. UAV flown exterior of a residence to look into broken window. Deceased male observed on thermal. Tactical Team Deployment.
32. UAV flown from driveway inside to soften interior. UAV crashed when trying to get up narrow stairwell. Tactical Team deployment.
33. UAV flown to help hold perimeter of target residence with thermal. Tactical Team deployment.
34. UAV flown to scout residence and landed in driveway to hold doorway. Tactical Team deployment.
35. UAV flown to scout exterior. Tactical Team deployment.
36. UAV flown interior to soften and hold a doorway. Tactical Team deployment.
37. UAV flown to soften interior. Tactical Team deployment
38. UAV flown during search warrant. Tactical Team deployment
39. UAV flown to hail on speaker. Tactical Team deployment
40. Tactical Team deployment.
41. Tactical Team deployment.
42. Tactical Team assist to Major Crimes South for wanted suspect.
43. Tactical Team deployment
44. Tactical Team deployment
45. UAV flown to scout exterior, observe inside window and an attempt to fly through a curtain inside the trailer causing a UAV crash. Damage only to prop and prop guards.
46. Tactical Team deployment
47. UAV flown to scout for exterior hazards.
48. Tactical Team deployment
49. Crime scene, active shooter
50. Assist to Tac Team with a suspect armed with a handgun. UAV was deployed to provide visual to the team members on the ground.

Old Orchard Beach Police Department

1. A suicidal male locked in his apartment. The male was possibly armed with a firearm. The drone was utilized to fly over the beach as his dwelling was located on adjacent to the beach. the zoom feature was used to observe the male at his back door while officers spoke with him on the phone. Subject did not come out of the room, but it was determined there was not enough probable cause to place him in protective custody. Units cleared without incident and there were no issues during flight. Day time hours, cold and clear conditions.
2. Officers were attempting to locate a male who was in possession of a stolen motor vehicle. Male fled on foot and Officers were trying to locate him in a housing development. Drone was utilized to scan the area and follow the K9 Officer and K9 during the track of the suspect. The suspect was not located on the K9 track or by the drone. Officers cleared the scene without incident. No issues during the flight.

Oxford Police Department

1. Searching for a shoplifter at Walmart.

Penobscot County Sheriff's Office

1. Active stand-off with suspect in vehicle while stopped on Street.
2. Search woods for stolen property, no warrant.
3. Track suspect who fled into woods after vehicle chase.
4. Track suspect who fled into woods after vehicle chase.
5. Search Warrant to assist PCSO Special Response Team.
6. Search Warrant to assist PCSO Special Response Team.
7. Search for stolen items while conducting a search warrant.

Saco Police Department

1. Public roadway with blood evidence regarding a shooting. Imagery captured used to document the portion of the crime scene that was in the roadway.
2. Deployed to fly over the Saco River looking for evidence in a shooting investigation.

Windham Police Department

1. Shooting at Bingas on Route 202 and River Road. April 22nd. Mapped the scene.
2. Shooting on the causeway in Naples on July 4th. Mapped the scene.
3. Shooting on Hemon Cobb Road on December 31st. Mapped the scene.

York Police Department

All of the criminal investigations flights were due to assisting Southern Maine SRT with the York County EMA Drone Team. The were:

1. SRT call out Wells, ME, Littlefield Road - subject with gun.
2. SRT call out Bridgeton, ME, S. High Street - search warrant
3. SRT call out South Berwick, ME, York Woods Road – surveillance
4. SRT call out South Berwick, ME, York Woods Road – warrant
5. SRT call out Sanford, ME, New Dam Road - search warrant
6. SRT call out Eliot, ME, State Road - arrest warrant
7. SRT call out Lewiston, ME - active shooter

On behalf of the Board of Trustees and Commissioner Michael J. Sauschuck, I want to thank the members of the Joint Standing Committee on Criminal Justice and Public Safety for all the hard work you do and for your support of the Department of Public Safety and the Maine Criminal Justice Academy.

Sincerely,



Jack D. Peck, Jr, Director
Maine Criminal Justice Academy

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Title 14 –Aeronautics and Space

Chapter I –Federal Aviation Administration, Department of Transportation

Subchapter F –Air Traffic and General Operating Rules

Part 107 –Small Unmanned Aircraft Systems

Authority: 49 U.S.C. 106(f), 40101 note, 40103(b), 44701(a)(5), 46105(c), 46110, 44807.

Source: Docket FAA-2015-0150, Amdt. 107-1, 81 FR 42209, June 28, 2016, unless otherwise noted.

Subpart D Operations Over Human Beings

- § 107.100 Applicability.
- § 107.105 Limitations on operations over human beings.
- § 107.110 Category 1 operations.
- § 107.115 Category 2 operations: Operating requirements.
- § 107.120 Category 2 operations: Eligibility of small unmanned aircraft and other applicant requirements.
- § 107.125 Category 3 operations: Operating requirements.
- § 107.130 Category 3 operations: Eligibility of small unmanned aircraft and other applicant requirements.
- § 107.135 Labeling by remote pilot in command for Category 2 and 3 operations.
- § 107.140 Category 4 operations.
- § 107.145 Operations over moving vehicles.
- § 107.150 Variable mode and variable configuration of small unmanned aircraft systems.
- § 107.155 Means of compliance.
- § 107.160 Declaration of compliance.
- § 107.165 Record retention.

Subpart D—Operations Over Human Beings

Source: Amdt. 107-8, 86 FR 4382, Jan. 15, 2021

§ 107.100 Applicability.

This subpart prescribes the eligibility and operating requirements for civil small unmanned aircraft to operate over human beings or over moving vehicles in the United States, in addition to those operations permitted by § 107.39(a) and (b).

§ 107.105 Limitations on operations over human beings.

Except as provided in §§ 107.39(a) and (b) and 107.145, a remote pilot in command may conduct operations over human beings only in accordance with the following, as applicable: § 107.110 for Category 1 operations; §§ 107.115 and 107.120 for Category 2 operations; §§ 107.125 and 107.130 for Category 3 operations; or § 107.140 for Category 4 operations.

§ 107.110 Category 1 operations.

To conduct Category 1 operations—

- (a) A remote pilot in command must use a small unmanned aircraft that—
 - (1) Weighs 0.55 pounds or less on takeoff and throughout the duration of each operation under Category 1, including everything that is on board or otherwise attached to the aircraft; and
 - (2) Does not contain any exposed rotating parts that would lacerate human skin upon impact with a human being.
- (b) No remote pilot in command may operate a small unmanned aircraft in sustained flight over open-air assemblies of human beings unless the operation meets the requirements of either § 89.110 or § 89.115(a) of this chapter.

[Amdt. 107-8, 86 FR 4382, Jan. 15, 2021, as amended by 86 FR 62473, Nov. 10, 2021]

§ 107.115 Category 2 operations: Operating requirements.

To conduct Category 2 operations—

- (a) A remote pilot in command must use a small unmanned aircraft that—
 - (1) Is eligible for Category 2 operations pursuant to § 107.120(a);
 - (2) Is listed on an FAA-accepted declaration of compliance as eligible for Category 2 operations in accordance with § 107.160; and
 - (3) Is labeled as eligible to conduct Category 2 operations in accordance with § 107.120(b)(1).
- (b) No remote pilot in command may operate a small unmanned aircraft in sustained flight over open-air assemblies of human beings unless the operation meets the requirements of either § 89.110 or § 89.115(a) of this chapter.

§ 107.120 Category 2 operations: Eligibility of small unmanned aircraft and other applicant requirements.

- (a) To be eligible for use in Category 2 operations, the small unmanned aircraft must be designed, produced, or modified such that it—
 - (1) Will not cause injury to a human being that is equivalent to or greater than the severity of injury caused by a transfer of 11 foot-pounds of kinetic energy upon impact from a rigid object;
 - (2) Does not contain any exposed rotating parts that would lacerate human skin upon impact with a human being; and

- (3) Does not contain any safety defects.
- (b) The applicant for a declaration of compliance for a small unmanned aircraft that is eligible for use in Category 2 operations in accordance with paragraph (a) of this section, must meet all of the following requirements for the applicant's unmanned aircraft to be used in Category 2 operations:
 - (1) Display a label on the small unmanned aircraft indicating eligibility to conduct Category 2 operations. The label must be in English and be legible, prominent, and permanently affixed to the small unmanned aircraft.
 - (2) Have remote pilot operating instructions that apply to the operation of the small unmanned aircraft system. The applicant for a declaration of compliance must make available these instructions upon sale or transfer of the aircraft or use of the aircraft by someone other than the applicant who submitted a declaration of compliance pursuant to § 107.160. Such instructions must address, at a minimum—
 - (i) A system description that includes the required small unmanned aircraft system components, any system limitations, and the declared category or categories of operation;
 - (ii) Modifications that will not change the ability of the small unmanned aircraft system to meet the requirements for the category or categories of operation the small unmanned aircraft system is eligible to conduct; and
 - (iii) Instructions for how to verify and change the mode or configuration of the small unmanned aircraft system, if they are variable.
 - (3) Maintain a product support and notification process. The applicant for a declaration of compliance must maintain product support and notification procedures to notify the public and the FAA of—
 - (i) Any defect or condition that causes the small unmanned aircraft to no longer meet the requirements of this subpart; and
 - (ii) Any identified safety defect that causes the small unmanned aircraft to exceed a low probability of casualty.

§ 107.125 Category 3 operations: Operating requirements.

To conduct Category 3 operations, a remote pilot in command—

- (a) Must use a small unmanned aircraft that—
 - (1) Is eligible for Category 3 operations pursuant to § 107.130(a);
 - (2) Is listed on an FAA-accepted declaration of compliance as eligible for Category 3 operations in accordance with § 107.160; and
 - (3) Is labeled as eligible for Category 3 operations in accordance with § 107.130(b)(1);
- (b) Must not operate the small unmanned aircraft over open-air assemblies of human beings; and
- (c) May only operate the small unmanned aircraft above any human being if operation meets one of the following conditions:
 - (1) The operation is within or over a closed- or restricted-access site and all human beings located within the closed- or restricted-access site must be on notice that a small unmanned aircraft may fly over them; or

- (2) The small unmanned aircraft does not maintain sustained flight over any human being unless that human being is—
 - (i) Directly participating in the operation of the small unmanned aircraft; or
 - (ii) Located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft.

[Amdt. 107-8, 86 FR 4382, Jan. 15, 2021, as amended by 86 FR 62473, Nov. 10, 2021]

§ 107.130 Category 3 operations: Eligibility of small unmanned aircraft and other applicant requirements.

- (a) To be eligible for use in Category 3 operations, the small unmanned aircraft must be designed, produced, or modified such that it—
 - (1) Will not cause injury to a human being that is equivalent to or greater than the severity of the injury caused by a transfer of 25 foot-pounds of kinetic energy upon impact from a rigid object;
 - (2) Does not contain any exposed rotating parts that would lacerate human skin upon impact with a human being; and
 - (3) Does not contain any safety defects.
- (b) The applicant for a declaration of compliance for a small unmanned aircraft that is eligible for use in Category 3 operations in accordance with paragraph (a) of this section, must meet all of the following requirements for the applicant's small unmanned aircraft to be used in Category 3 operations:
 - (1) Display a label on the small unmanned aircraft indicating eligibility to conduct Category 3 operations. The label must be in English and be legible, prominent, and permanently affixed to the small unmanned aircraft.
 - (2) Have remote pilot operating instructions that apply to the operation of the small unmanned aircraft system. The applicant for a declaration of compliance must make available these instructions upon sale or transfer of the aircraft or use of the aircraft by someone other than the applicant who submitted a declaration of compliance pursuant to § 107.160. Such instructions must address, at a minimum—
 - (i) A system description that includes the required small unmanned aircraft system components, any system limitations, and the declared category or categories of operation;
 - (ii) Modifications that will not change the ability of the small unmanned aircraft system to meet the requirements for the category or categories of operation the small unmanned aircraft system is eligible to conduct; and
 - (iii) Instructions for how to verify and change the mode or configuration of the small unmanned aircraft system, if they are variable.
 - (3) Maintain a product support and notification process. The applicant for a declaration of compliance must maintain product support and notification procedures to notify the public and the FAA of—
 - (i) Any defect or condition that causes the small unmanned aircraft to no longer meet the requirements of this subpart; and

- (ii) Any identified safety defect that causes the small unmanned aircraft to exceed a low probability of fatality.

§ 107.135 Labeling by remote pilot in command for Category 2 and 3 operations.

If a Category 2 or Category 3 label affixed to a small unmanned aircraft is damaged, destroyed, or missing, a remote pilot in command must label the aircraft in English such that the label is legible, prominent, and will remain on the small unmanned aircraft for the duration of the operation before conducting operations over human beings. The label must correctly identify the category or categories of operation over human beings that the small unmanned aircraft is qualified to conduct in accordance with this subpart.

§ 107.140 Category 4 operations.

- (a) **Remote pilot in command requirements.** To conduct Category 4 operations—
 - (1) A remote pilot in command—
 - (i) Must use a small unmanned aircraft that is eligible for Category 4 operations pursuant to paragraph (b) of this section; and
 - (ii) Must operate the small unmanned aircraft in accordance with all operating limitations that apply to the small unmanned aircraft, as specified by the Administrator.
 - (2) No remote pilot in command may operate a small unmanned aircraft in sustained flight over open-air assemblies of human beings unless the operation meets the requirements of either § 89.110 or § 89.115(a) of this chapter.
- (b) **Small unmanned aircraft requirements for Category 4.** To be eligible to operate over human beings under this section, the small unmanned aircraft must—
 - (1) Have an airworthiness certificate issued under part 21 of this chapter.
 - (2) Be operated in accordance with the operating limitations specified in the approved Flight Manual or as otherwise specified by the Administrator. The operating limitations must not prohibit operations over human beings.
 - (3) Have maintenance, preventive maintenance, alterations, or inspections performed in accordance with paragraph (c)(1) of this section.
- (c) **Maintenance requirements for Category 4.** The owner must (unless the owner enters into an agreement with an operator to meet the requirements of this paragraph (c), then the operator must) meet the requirements of this paragraph (c):
 - (1) Ensure the person performing any maintenance, preventive maintenance, alterations, or inspections:
 - (i) Uses the methods, techniques, and practices prescribed in the manufacturer's current maintenance manual or Instructions for Continued Airworthiness that are acceptable to the Administrator, or other methods, techniques, and practices acceptable to the Administrator;
 - (ii) Has the knowledge, skill, and appropriate equipment to perform the work;

- (iii) Performs the maintenance, preventive maintenance, or alterations on the small unmanned aircraft in a manner using the methods, techniques, and practices prescribed in the manufacturer's current maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or other methods, techniques, and practices acceptable to the Administrator;
 - (iv) Inspects the small unmanned aircraft in accordance with the manufacturer's instructions or other instructions acceptable to the Administrator; and
 - (v) Performs the maintenance, preventive maintenance, or alterations using parts of such a quality that the condition of the aircraft will be at least equal to its original or properly altered condition.
- (2) Maintain all records of maintenance, preventive maintenance, and alterations performed on the aircraft and ensure the records are documented in a manner acceptable to the Administrator. The records must contain the description of the work performed, the date the work was completed, and the name of the person who performed the work.
- (3) Maintain all records containing—
- (i) The status of life-limited parts that are installed on, or part of, the small unmanned aircraft;
 - (ii) The inspection status of the aircraft; and
 - (iii) The status of applicable airworthiness directives including the method of compliance, the airworthiness directive number, and revision date. If the airworthiness directive involves recurring action, the record must contain the time and date of the next required action.
- (4) Retain the records required under paragraphs (c)(2) and (3) of this section, as follows:
- (i) The records documenting maintenance, preventive maintenance, or alterations performed must be retained for 1 year from when the work is completed or until the maintenance is repeated or superseded by other work.
 - (ii) The records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the small unmanned aircraft must be retained and transferred with the aircraft upon change in ownership.
- (5) Ensure all records under paragraphs (c)(2) and (3) of this section are available for inspection upon request from the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).
- (d) **Compliance with parts 43 and 91 of this chapter.** Compliance with part 43 and part 91, subpart E, of this chapter fulfills the requirements in paragraphs (b)(3) and (c) of this section.

[Amdt. 107-8, 86 FR 4383, Jan. 15, 2021; 86 FR 13633, Mar. 10, 2021]

§ 107.145 Operations over moving vehicles.

No person may operate a small unmanned aircraft over a human being located inside a moving vehicle unless the following conditions are met:

- (a) The operation occurs in accordance with § 107.110 for Category 1 operations; § 107.115 for Category 2 operations; § 107.125 for Category 3 operations; or § 107.140 for Category 4 operations.

- (b) For an operation under Category 1, Category 2, or Category 3, the small unmanned aircraft, throughout the operation—
 - (1) Must remain within or over a closed- or restricted-access site, and all human beings located inside a moving vehicle within the closed- or restricted-access site must be on notice that a small unmanned aircraft may fly over them; or
 - (2) Must not maintain sustained flight over moving vehicles.
- (c) For a Category 4 operation, the small unmanned aircraft must—
 - (1) Have an airworthiness certificate issued under part 21 of this chapter.
 - (2) Be operated in accordance with the operating limitations specified in the approved Flight Manual or as otherwise specified by the Administrator. The operating limitations must not prohibit operations over human beings located inside moving vehicles.

§ 107.150 Variable mode and variable configuration of small unmanned aircraft systems.

A small unmanned aircraft system may be eligible for one or more categories of operation over human beings under this subpart, as long as a remote pilot in command cannot inadvertently switch between modes or configurations.

§ 107.155 Means of compliance.

- (a) **Establishment of compliance.** To meet the requirements of § 107.120(a) for operations in Category 2, or the requirements of § 107.130(a) for operations in Category 3, the means of compliance must consist of test, analysis, or inspection.
- (b) **Required information.** An applicant requesting FAA acceptance of a means of compliance must submit the following information to the FAA in a manner specified by the Administrator:
 - (1) **Procedures.** Detailed description of the means of compliance, including applicable test, analysis, or inspection procedures to demonstrate how the small unmanned aircraft meets the requirements of § 107.120(a) for operations in Category 2 or the requirements of § 107.130(a) for operations in Category 3. The description should include conditions, environments, and methods, as applicable.
 - (2) **Compliance explanation.** Explanation of how application of the means of compliance fulfills the requirements of § 107.120(a) for operations in Category 2 or the requirements of § 107.130(a) for operations in Category 3.
- (c) **FAA acceptance.** If the FAA determines the applicant has demonstrated compliance with paragraphs (a) and (b) of this section, it will notify the applicant that it has accepted the means of compliance.
- (d) **Rescission.**
 - (1) A means of compliance is subject to ongoing review by the Administrator. The Administrator may rescind its acceptance of a means of compliance if the Administrator determines that a means of compliance does not meet any or all of the requirements of this subpart.
 - (2) The Administrator will publish a notice of rescission in the FEDERAL REGISTER.
- (e) **Inapplicability of part 13, subpart D, of this chapter.** Part 13, subpart D, of this chapter does not apply to the procedures of paragraph (a) of this section.

§ 107.160 Declaration of compliance.

- (a) **Required information.** In order for an applicant to declare a small unmanned aircraft is compliant with the requirements of this subpart for Category 2 or Category 3 operations, an applicant must submit a declaration of compliance for acceptance by the FAA, in a manner specified by the Administrator, that includes the following information:
- (1) Applicant's name;
 - (2) Applicant's physical address;
 - (3) Applicant's email address;
 - (4) The small unmanned aircraft make and model name, and series, if applicable;
 - (5) The small unmanned aircraft serial number or range of serial numbers that are the subject of the declaration of compliance;
 - (6) Whether the declaration of compliance is an initial declaration or an amended declaration;
 - (7) If the declaration of compliance is an amended declaration, the reason for the re-submittal;
 - (8) The accepted means of compliance the applicant used to fulfill requirements of § 107.120(a) or § 107.130(a) or both;
 - (9) A declaration that the applicant—
 - (i) Has demonstrated that the small unmanned aircraft, or specific configurations of that aircraft, satisfies § 107.120(a) or § 107.130(a) or both, through the accepted means of compliance identified in paragraph (a)(8) of this section;
 - (ii) Has verified that the unmanned aircraft does not contain any safety defects;
 - (iii) Has satisfied § 107.120(b)(3) or § 107.130(b)(3), or both; and
 - (iv) Will, upon request, allow the Administrator to inspect its facilities, technical data, and any manufactured small unmanned aircraft and witness any tests necessary to determine compliance with this subpart; and
 - (10) Other information as required by the Administrator.
- (b) **FAA acceptance.** If the FAA determines the applicant has demonstrated compliance with the requirements of this subpart, it will notify the applicant that it has accepted the declaration of compliance.
- (c) **Notification of a safety issue.** Prior to initiating rescission proceedings pursuant to paragraphs (d)(1) through (3) of this section, the FAA will notify the applicant if a safety issue has been identified for the declaration of compliance.
- (d) **Rescission.**
- (1) No person may operate a small unmanned aircraft identified on a declaration of compliance that the FAA has rescinded pursuant to this subpart while that declaration of compliance is rescinded.
 - (2) The FAA may rescind a declaration of compliance if any of the following conditions occur:
 - (i) A small unmanned aircraft for which a declaration of compliance was accepted no longer complies with § 107.120(a) or § 107.130(a);

- (ii) The FAA finds a declaration of compliance is in violation of § 107.5(a); or
 - (iii) The Administrator determines an emergency exists related to safety in accordance with the authority in 49 U.S.C. 46105.
- (3) If a safety issue identified under paragraph (c) of this section has not been resolved, the FAA may rescind the declaration of compliance as follows:
- (i) The FAA will issue a notice proposing to rescind the declaration of compliance. The notice will set forth the Agency's basis for the proposed rescission and provide the holder of the declaration of compliance with 30 calendar days from the date of issuance of the proposed notice to submit evidentiary information to refute the proposed notice.
 - (ii) The holder of the declaration of compliance must submit information demonstrating how the small unmanned aircraft meets the requirements of this subpart within 30 calendar days from the date of issuance of the proposed notice.
 - (iii) If the FAA does not receive the information required by paragraph (d)(3)(ii) of this section within 30 calendar days from the date of the issuance of the proposed notice, the FAA will issue a notice rescinding the declaration of compliance.
- (4) If the Administrator determines that an emergency exists in accordance with paragraph (d)(2)(iii) of this section, the FAA will exercise its authority under 49 U.S.C. 46105(c) to issue an order rescinding a declaration of compliance without initiating the process in paragraph (d)(3) of this section.
- (e) ***Petition to reconsider the rescission of a declaration of compliance.*** A person subject to an order of rescission under paragraph (d)(3) of this section may petition the FAA to reconsider the rescission of a declaration of compliance by submitting a request to the FAA in a manner specified by the Administrator within 60 days of the date of issuance of the rescission.
- (1) A petition to reconsider the rescission of a declaration of compliance must demonstrate at least one of the following:
- (i) A material fact that was not present in the original response to the notification of the safety issue and an explanation for why it was not present in the original response;
 - (ii) The FAA made a material factual error in the decision to rescind the declaration of compliance; or
 - (iii) The FAA did not correctly interpret a law, regulation, or precedent.
- (2) Upon consideration of the information submitted under paragraph (e)(1) of this section, the FAA will issue a notice either affirming the rescission or withdrawing the rescission.
- (f) ***Inapplicability of part 13, subpart D, of this chapter.*** Part 13, subpart D, of this chapter does not apply to the procedures of paragraphs (d) and (e) of this section.

§ 107.165 Record retention.

- (a) A person who submits a declaration of compliance under this subpart must retain and make available to the Administrator, upon request, the information described in paragraph (a)(1) of this section for the period of time described in paragraph (a)(2) of this section.
- (1) All supporting information used to demonstrate the small unmanned aircraft meets the requirements of §§ 107.120(a), for operations in Category 2, and 107.130(a), for operations in Category 3.

(2) The following time periods apply:

- (i) If the person who submits a declaration of compliance produces a small unmanned aircraft, that person must retain the information described in paragraph (a)(1) of this section for two years after the cessation of production of the small unmanned aircraft system for which the person declared compliance.
- (ii) If the person who submits a declaration of compliance designs or modifies a small unmanned aircraft, that person must retain the information described in paragraph (a)(1) of this section for two years after the person submitted the declaration of compliance.

(b) A person who submits a means of compliance under this subpart must retain and make available to the Administrator, upon request, and for as long as the means of compliance remains accepted, the detailed description of the means of compliance and justification showing how the means of compliance meets the requirements of §§ 107.120(a), for operations in Category 2, and 107.130(a), for operations in Category 3.



To: Health and Human Services and Public Safety Committee
Councilor Anna Bullett, *Chair*

MEETING DATE

October 14, 2025

AGENDA ITEM

Agenda Item 7 - Police Citizen Review Board Ordinance

PURPOSE

The City Council referred this item to the Committee for additional review and a recommendation to the City Council. Public Comment will be taken.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

This item is not identified in either the committee's work plan or the City Council's 2025 priorities. However, this item stems from the 2022 voter approval of Article IX of the Portland City Charter, which requires the City Council to adopt a supporting ordinance.

BACKGROUND/ANALYSIS

A July 28, 2025 memo from Corporation Counsel to the City Council (Attachment A) provides background information on this issue. The remaining attachments include Article IX of the Portland City Charter approved by voters in 2022, followed by draft changes to Chapter 2 of the Portland City Code, and a letter from the existing members of the Police Citizen Review Subcommittee.

Draft changes to Chapter 2 of the Portland City Code (Attachment C) have been in development since 2023 and have been the subject of several City Council workshops. In referring this item to the Health-Human Services and Public Safety Committee, the City Council is asking the Committee to 1) identify, and attempt to address, any remaining open issues, and 2) recommend a proposed ordinance for City Council approval.

FISCAL IMPACT

No direct material fiscal impact is anticipated as a result of the ordinance. At present, staff anticipate that the work contemplated by the ordinance can be handled with existing personnel.

CONCLUSION(S)

This item is for information and discussion.

PRIOR COMMITTEE REVIEW

N/A

PREPARED BY

Rachel Millette
Associate Corporation Counsel
Corporation Counsel

ATTACHMENTS

Attachment A - Corporation Counsel Memo to the City Council (July 28, 2025)

Attachment B - Portland City Charter Article IX

Attachment C - Draft Changes to Chapter 2 of Portland City Code

Attachment D - Letter from Members of Police Citizen Review Subcommittee (July 9, 2025)

Office of Corporation Counsel
Michael Goldman, *Corporation Counsel*
Amy R. McNally, *Associate Corporation Counsel*
Nicole M. Albert, *Associate Corporation Counsel*
Rachel L. Millette, *Associate Corporation Counsel*
Avery A. Dandreta, *Associate Corporation Counsel*



MEMORANDUM

To: Mayor Dion & Members of City Council

From: Associate Corporation Counsel Rachel Millette

Date: July 28, 2025

Subject: Public Update on Ordinance Implementing Civilian Police Review Board

–

During the November 2022 election, Ballot Question #7 – Civilian Police Review Board was approved by the voters and resulted in the addition of Article IX to the City Charter as of July 1, 2023. Article IX instructs the City Council to implement an ordinance which creates a new Civilian Police Review Board (the “New Board”), which will replace the existing Police Citizen Review Subcommittee (the “PCRS”). The New Board, like the existing PCRS, is charged with reviewing the Police Department’s internal affairs investigations. This memo provides an update regarding the current status of the draft ordinance which would create the New Board.

Timeline of Events

- November 2022 – Voters approve the amendment to the City Charter adding Article IX and requiring the creation of the New Board. (*See Article IX attached*)
- June 21, 2023 – City Council holds a workshop to discuss the broad outlines of the ordinance, specifically with respect to issues not addressed by the Charter. These included eligibility criteria for New Board members and the

appeal process to the City Council. Following this meeting, Corporation Counsel's office prepared a draft ordinance.

- July 1, 2023 - The new charter language goes into effect.
- August 29, 2023 - Following review of the draft ordinance over the course of a few public meetings, the PCRS issues a letter to the City Council with their recommendations regarding the draft ordinance.
- September 25, 2023 - The City Council holds a second workshop during which it reviews the draft ordinance. Based on the City Council's feedback, Corporation Counsel's office revises the draft ordinance.
- October 2023 - The process of meeting to discuss the ordinance with the City's two police unions began, including multiple meetings with the City Council in executive session to discuss the bargaining process.
- March 10, 2025 - Following an executive session regarding bargaining with the police unions concerning the ordinance, the City Council decided to hold another public workshop regarding the draft ordinance.
- July 9, 2025 - The PCRS, following review of the updated draft ordinance in a public meeting, issued a letter to the City Council. (*See PCRS Letter attached*)

Current Draft of the Ordinance

The current draft of the ordinance, following the process outlined in the timeline above, is attached hereto. (*See Draft Ordinance attached*)

ARTICLE IX: CIVILIAN POLICE REVIEW BOARD

Section 1. Purposes, composition, term, appointment, first board, qualifications, vacancies, removal, compensation.

(a) Purposes. For the purposes of increasing public trust and confidence in the Portland Police Department, there shall be a civilian police review board.

(b) Composition, term, appointment, first board. The civilian police review board shall be composed of nine (9) or more members who shall hold office, except as hereinafter provided, for a term of three (3) years unless appointed to fill a vacancy, and until their successors are appointed and qualified, but in no case longer than 120 days after expiration of their term. A minimum of four (4) voting members shall be appointed by the city council, one (1) voting member shall be appointed by the mayor and three (3) non-voting members shall be appointed by the city council. A majority of the total number of voting members appointed shall constitute a quorum of the board and the board shall act by a majority of voting members present and voting.

For the first board appointed following its creation, the city council and mayor shall first select from the current members of the police citizen review subcommittee, currently established by City ordinance, which subcommittee shall be supplanted by the board, in making appointments to the board. On the first board, two voting members shall serve for a one (1) year term, two voting members shall serve for a two (2) year term, and the voting member appointed by the mayor shall serve for a three (3) year term; and one non-voting member shall serve for a one (1) year term, one non-voting member shall serve for a two (2) year term, and one non-voting member shall serve for a three (3) year term. Thereafter, all members shall serve for a term of three (3) years. No person shall be appointed to, nor serve, more than three (3) consecutive full terms or nine (9) consecutive years, whichever is greater, on the board. Following appointment of the first board, the city council shall exercise its power of appointment only after the city clerk has published a notice announcing the availability of board positions, describing the responsibilities thereof and soliciting applications by qualified persons, in a newspaper of general circulation at least 15 days before the city council acts to appoint to the board.

(c) Qualifications. All candidates for the civilian police review board must be at least 18 years of age and must be residents of the City for a period of at least three (3) months prior to the date on or before which the board member is to be seated.

(d) Vacancies and Removal. The City Council shall provide by ordinance procedures for vacancies and removal of members.

(e) Training. Prior to assuming their duties hereunder, civilian police review board members shall attend training provided by city staff as to the board's duties and responsibilities, applicable state and local law, ordinances and rules and regulations, accepted police practices and the police department's internal affairs investigation process.

(f) Confidentiality. Each member of the civilian police review board is obligated to maintain the confidentiality of all information and documents either provided to or reviewed by them, in accordance with state law. Failure to maintain such confidentiality will constitute "cause" for removal from the board under (d) above. All reports prepared by the board and all requests received by the board for disclosure of any information or documents in the custody of the board or its members shall be referred to the corporation counsel for review prior to release.

(g) Transition. The city council shall promptly consider and enact an ordinance to implement this Article, which ordinance upon its effective date also shall repeal the existing Police Citizen Review Committee ordinance provisions in Chapter 2, Art. IV, Div. 4 of the Code of Ordinances, City of Portland, Maine.

(Referendum 11/8/2022)

Section 2. Powers and duties.

(a) Complaints. The civilian police review board shall receive all complaints brought by civilians regarding the Portland police department and shall refer such complaints to the Portland police internal affairs department. Members of the police department may bring complaints to the board, to internal affairs, or to command; the board shall refer any such complaints it receives to internal affairs. Portland police department command shall review internal affairs draft findings on complaints and shall submit its report on the conclusions of any investigation on complaints to the board for consideration no more than fourteen (14) days after the findings become final and after any final disciplinary action has been taken and all appeals exhausted or settled or the case has been closed with no disciplinary action. Neither police officers nor their representatives may file complaints regarding disciplinary actions or personnel matters under this subsection.

(b) Review, reports. The board shall review all final investigation reports submitted by internal affairs and/or command staff under Section 2. (a) above for due process issues, including but not limited to, issues of fairness, thoroughness, objectivity, and timeliness. Although it shall have access to individual internal affairs reports in order to review investigative methods and procedures, all reports of the board issued to address complaints filed under Section 2. (a) above shall be done in such a manner that particular complainants, witnesses and officers are not personally identifiable. Reports of the board shall be made available to the public to the extent consistent with the State Freedom of Access Act, 1 M.R.S.A. Sec. 401 *et seq.*

(c) Appeals. The city council shall by ordinance adopt an appeal process consistent with federal, state, and local law for persons aggrieved by a report issued by the civilian police review board on complaints filed with the board under Section 2. (a) above to appeal that board report to the city council or such other body as the city council may designate or create for

a hearing, in executive session where required, and for the issuance of an advisory opinion which shall not be legally binding on the city, the police department, police officers, or individuals, and which hearing and advisory opinion shall not include or address any disciplinary proceedings. Neither police officers nor their representatives may file appeals regarding disciplinary actions or personnel matters under this subsection.

(d) Policy. The civilian police review board shall be able to make policy recommendations to the mayor, the city council, and the chief of police.

(e) Annual report, communications, additional duties. The civilian police review board shall hold a public hearing at least annually to receive comments upon the community complaint process and to engage City residents as to the board's purposes and goals, and shall prepare and present to the mayor, city council, and chief of police an annual report, including but not be limited to, policy and funding recommendations, and the number of complaints submitted to the board and the number of complaints resolved during the previous year. Any recommendations made by the board regarding the police department shall be based on policy evaluations, may be assigned by the city council and mayor to staff for research, and may be enacted or implemented. The board also may, in its discretion, address the city council on an as-needed basis. The city council and mayor may add to the board's duties by ordinance at any time.

(f) Board Officers & Procedural Rules. The civilian police board shall annually elect one of its members to serve as chair, and shall annually elect one of its members to serve as vice-chair, to serve in the absence of the chair. The City Council shall by ordinance establish rules of procedure and board member roles. The board may recommend such rules to the City Council. (Referendum 11/8/2022)

Section 3. Funding, staff, resources.

(a) Funding, staff. The civilian police review board shall be funded as needed by the city council through the annual budget. Such funding shall include professional staff, including but not limited to a "Community Liaison" and a "Police Liaison" familiar with Portland police department standard operating procedures. The city council shall decide whether the community liaison and police liaison positions are part-time or full-time and/or whether the duties of these positions may be assigned to existing employees. The community liaison shall serve at the direction of the board and shall ensure the public is aware of the methods for filing complaints, and shall assist the board with carrying out its duties, powers and functions, conducting outreach and with other duties as the board may assign. The board may request additional funding from the city council at any time. The police liaison may be the same person/position as the "technical advisor" described in Section 3(b) below.

(b) Resources. The city shall make available to the board the services of a technical advisor, as needed by the board. The technical advisor may be used for the purposes of training; briefing the board on accepted police practices, applicable law and issues relevant to the discharge of the citizen review function; and educating the board on aspects of the internal investigation process. The technical advisor shall be retained by the city manager after consultation with the chief of police, representatives of the police unions and the chair of the board. Any person who presently maintains any business or professional affiliation with the police department shall be disqualified from serving as technical advisor. The city shall further make available all internal affairs investigation reports and police documents relevant to such investigations which are necessary for the board to conduct its duties hereunder. In no case shall the board have access to police officers' personnel records except to the extent that they are part of an internal affairs

investigation report or are considered a public document under the Maine Freedom of Access Act.

(c) Coordination. The board shall work in conjunction with the City's communications department, internal affairs, and any other city departments or offices to effectuate all powers and duties granted to it in this charter and any additional duties assigned to it by the city council or mayor.

(Referendum 11/8/2022)

Chapter 2 ADMINISTRATION*

***Charter reference(s)**--Powers and duties, art. I, § 2.

Cross reference(s)--Ordinances promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds in the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, §1-4(1); ordinances making any appropriations saved from repeal, § 1-4(4); ordinances prescribing the number, classification or compensation of any city officers or employees saved from repeal, § 1-4(10); ordinances providing for retirement benefits saved from repeal, § 1-4(11); uniform procedure for collecting assessments, § 1-16; elections, Ch. 9; general assistance, Ch. 13; planning board, § 14-16 et seq.; administration and enforcement of zoning, § 14-461 et seq.; jurisdiction of board of appeals for zoning, § 14-471 et seq.; board of appeals, § 14-541 et seq.; historic preservation, § 14-600 et seq.; licenses and permits, Ch. 15; police, Ch. 20; special police, § 20-16 et seq.; administration and enforcement of traffic regulations, § 28-11 et seq.; traffic division, § 28 et seq.; traffic engineer, § 28-21 et seq.; parking division, § 28-41 et seq.

Art. I. In General, §§ 2-1 -- 2-15

Art. II. Officers, §§ 2-16--2-30

Div. 1. Generally, §§2-16-2-20

Div. 2. Prohibition on Immigration Status Checks §§2-21-2-30

Art. III. Boards, Commissions, Committees, etc., §§ 2-31--2-40

Art. III-A. Portland Land Bank Commission; Fund, §§ 2-41-2-45

Art. IV. Civil Service, §§ 2-46--2-90

Div. 1. Generally, §§ 2-46

Div. 2. Civil Service [Employment](#) Commission, §§ 2-47--2-57

Div. 3. [Employment Subcommittee](#)[Fire and Police Department](#)
[Employment](#), §§ 2-58-2-75

~~Div. 4. [Police Citizen Review Subcommittee](#), §§ 2-76-2-90~~

[Art. IV-A. Civilian Police Review Board, §§ 2-76-2-90](#)

Art. V. Employee Benefits, §§ 2-91--2-200

Div. 1. Generally, §§ 2-91--2-100

Div. 2. Retirement, §§ 2-101--2-200

Art. VI. Funds Due to City, §§ 2-201--2-300

Div. 1. Generally, §§ 2-201--2-220

Div. 2. Provisional Payments, §§ 2-221--2-229

Div. 3. Interest, §§ 2-230--2-300

Art. VII. Procurement and Contracting Procedures, §§ 2-301--2-400

Div. 1. Generally, § 2-301

Div. 2. Competitive Process for Contracts, §§ 2-302-2-312

Div. 3. Sale or Disposal of Real or Personal Property §§ 2-313-2-400

Art. VIII. Civil Emergency Preparedness, §§ 2-401--2-415

Art. X. Exemption from Vehicle Excise Tax for Certain Military Personnel, §§ 2-436--2-437

* * *

ARTICLE III. BOARDS, COMMISSIONS, COMMITTEES, ETC.*

***Cross reference(s)**--Civil service commission, § 2-66 et seq.; planning board, § 14-16 et seq.; jurisdiction of board of appeals for zoning, § 14-471 et seq.; board of appeals, § 14-541 et seq.; historic preservation committee, § 14-603 et seq.; friends of the parks, § 18-10.

Sec. 2-31. Oath of office.

(a) All persons appointed by the City Council to membership on any board or commission of the City shall, prior to taking office as such member, be sworn to the faithful discharge of their duties by the City Clerk, Justice of the Peace, or Notary Public.

(b) The form of such oath shall be as follows:

I, _____, do solemnly swear that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities, the duties incumbent upon me as a member of _____, according to said Constitutions and the laws of this State and ordinances of this City.

State of Maine _____
County of Cumberland, ss. _____

I, _____, certify that _____ personally appeared before me on this day and took the above oath.

City Clerk
Justice of the Peace
Notary Public

(Code 1968, §§ 204.1, 204.2; Ord. No. 478-73, 7-16-73)

Sec. 2-32. Limitation on term of service--Generally.

(a) No person shall be appointed to, nor serve, more than three (3) consecutive full terms or nine (9) consecutive-years, whichever is greater, on the same board or commission of the city.

(b) Except as otherwise specified in the Charter, the foregoing limitation shall apply only to service as a regular voting member of the board or commission, and not to service as an alternate nor as a nonvoting member.

(c) To the extent that this Code provides for a different limitation on the term of service for a specific board or commission, the limitation provided in this article shall apply.

(Ord. No. 301-91, 4-1-91; Ord. No. 118-08/09, 12-1-08)

Sec. 2-33. Applicability.

(a) The above limitation on terms shall apply to the following boards and commissions:

- (1) Board of appeals;
- (2) Board of assessment review;
- (3) Reserved;
- (4) Cable television committee (CATV);
- (5) Civil service ~~commission~~ employment ~~subcommittee~~commission;
- (6) ~~Civil service commission police citizen review subcommittee~~Civilian police review board;
- (7) Community development block grant allocation committee;
- (8) ~~Friends of the park~~Parks commission;
- (9) Historic preservation committee;
- (10) Land bank commission;
- (11) Planning board; and
- (12) Portland public art committee;

(b) Except as otherwise specified in the Charter, ~~the~~ above limitation on terms shall not be applied retroactively and shall apply to any person serving on one (1) of the above-named boards or commissions on the effective date of this section (5/1/91) beginning with the expiration of the term in which they are so serving. Notwithstanding the foregoing, the limitation on terms shall be applied to members serving on the boards and commissions identified in section 2-33, subsection (a), paragraphs 5, 6, 7 and 12, beginning with the expiration of the term of any sitting board or commission member following the passage of this amendment.

***Editor's Note**—In reference to Section 2-33(b) above, "passage of this amendment" refers to Council Order 118-08/09, passed on December 1, 2008.

(c) Nothing herein shall prevent consecutive appointment of any person to a different board or commission from that on which he or she has served the maximum consecutive time.

(d) In the case of the board of harbor commissioners, such

limitation shall apply only to the two (2) members appointed by the City Council.

(e) Any member on the above-named boards or commissions who completes the maximum years of service prior to the expiration of ~~his or her~~their term shall be allowed to complete that term of service and to continue to serve after expiration of that term until a successor is appointed and qualified, provided such service shall not continue in excess of one hundred twenty (120) days after expiration of the term.

(f) If an individual who served as a member of the police citizen review subcommittee is appointed to serve on the civilian police review board, the years that the individual served on the police citizen review subcommittee and the years served on the civilian police review board will count toward the nine-year limitation in section 2-32(a).
(Ord. No. 301-91, 4-1-91; Substitute Ord. No. 233-99, §2, 4-5-99; Ord. No. 118-08/09, 12-1-08; Ord. No. 219-17/18, 6-4-2018)

Sec. 2-34. Period of ineligibility.

Any person who completes the maximum terms or years of service on a board or commission shall be ineligible for reappointment to that board or commission for a period of three (3) consecutive calendar years from the date of completion of such maximum terms or years of service.

(Ord. No. 301-91, 4-1-91; Ord. No. 118-08/09, 12-1-08)

Sec. 2-35. Reserved.

Sec. 2-36. Reserved.

Sec. 2-37. Reserved.

Sec. 2-38. Reserved.

Sec. 2-39. Reserved.

Sec. 2-40. Tenure of Directors of the Board of the Greater Portland Transit District.

Each Director of the board of the Greater Portland Transit District representing the City of Portland on the effective date of this amendment, or thereafter, shall be appointed annually for a term of one (1) year and until ~~his or her~~their successor is appointed. Each Director so appointed shall serve at the pleasure of the City Council.
(Ord. No. 659-86, § 1, 6-16-86)

* * *

ARTICLE IV. CIVIL SERVICE*

*Charter reference(s)--Mandate for civil service, Art. VI, § 3.

*Cross reference(s)--Commissions generally, § 2-31 et seq.

*Cross reference(s)--32 M.R.S.A. § 7166 (Limitation on use of polygraph in employment)

***Editor's Note**--The Civil Service Ordinance was substantially reorganized and revised by Council Order No. 89-02/03, 11-4-02.

DIVISION 1. GENERALLY

Sec. 2-46. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them unless the context otherwise indicates:

Cause. In the case of a member, "cause" shall mean just cause and shall include any act or omission which constitutes legal cause and includes, but is not limited to: violation of any departmental rule or rules; incompetent or inefficient performance of duty; or inattention to or dereliction of duties; insubordination; discourteous treatment of the public or a fellow employee; violation of any provision of this article or the rules adopted thereunder, whether such violation may result in a forfeiture of office hereunder, or not; job suitability or physical unfitness to perform the normal duties of the position which the member holds; the use of intoxicating liquors, narcotics, or any other drug, liquid, or preparation on duty, or to such an extent that such use interferes with the efficiency or job suitability or physical fitness of the member, or prevents the member from properly performing the normal functions and duties of ~~his or her~~their position; misconduct; the commission of any disqualifying criminal offense; failure to report to the appropriate superior; errors, incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the member has knowledge; and any other acts or omissions which would tend to directly discredit or injure the public service or would jeopardize the effective functioning of the department. In the case of a civil service employment commissioner or alternate, "cause" shall include any act or omission which constitutes legal cause, and includes but is not limited to: incompetent or inefficient performance of duty; unexcused absences from commission meetings; violation of any provision of this article or the rules adopted thereunder, whether such violation may result in a forfeiture of office hereunder, or not; the commission or conviction for any disqualifying criminal offense, or any action by the Civil Service Commissioner or alternate intended to affect or influence, or which could reasonably be expected to affect or influence any decision of the City Manager, the Chief of either department, or the City Council with respect to the department, or of any member of the department with respect to the performance of ~~his or her~~their duty.

Charge means a written statement to the member describing the act or omission constituting cause for action taken or proposed to be taken.

~~Civil service commission means collectively the two independent subcommittees constituting the commission, i.e. the employment subcommittee and the police citizen review subcommittee.~~

Demotion means any reduction in rank within the department but shall not include any economic layoff.

Director of human resources shall mean the person designated by the City Manager to act as Director of Personnel for the City and ~~his or her~~their designees (also referred to herein as the "Director").

Member means any firefighter, fire officer, police officer, or superior officer appointed hereunder to any rank within the fire or police departments, except the chiefs thereof.

Promotion means any advancement in rank within the department, other than the rank of chief.

Rank means the position classification of any member to which he or she has been appointed hereunder within the fire department or police department but shall not include any contractual or other pay differentials between functions or grades within each rank.

Relative means grandfather, grandmother, father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, or half-sister, whether by half-blood or full blood, and whether by consanguinity or affinity.

(Code 1968, § 201.1; Ord. No. 89-80, 7-7-80; Ord. No. 433-82, § 1, 3-15-82; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 4, 11-5-01; Ord. No. 143-17/18, 2-5-2018)

DIVISION 2. CIVIL SERVICE EMPLOYMENT COMMISSION*

Sec. 2-47. Created.

There is hereby created a civil service employment commission, also referred to in this article as the commission. ~~The commission shall consist of two separate and independent subcommittees as follows: the civil service employment subcommittee and the civil service police citizen review subcommittee. Commissioners shall be appointed to, and serve on, one of the two subcommittees only.~~

(Code 1968, § 201.3; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01)

Sec. 2-48. Composition.

~~(a) The Civil Service Employment Subcommittee of the Civil Service Commission shall consist of three (3) commissioners and one (1) alternate who shall serve in the absence of any commissioner.~~

~~(b) The police citizen review subcommittee shall consist of seven (7) commissioners who shall serve in the absence of any commissioner. (Code 1968, § 201.3; Ord. No. 89-80 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 143-17/18, 2-5-2018)~~

Sec. 2-49. Qualifications.

(a) *Qualifications of commissioners.* Every civil service employment commissioner and alternate shall be a resident of the City of Portland. In addition, the following persons shall not be eligible for appointment to, or service on the Commission:

- (1) Any present or former employee of the city or school department, who was employed by the city or school department within the previous one ten (10)-year periods;
- (2) Any present or former member of the City Council or School Board, who ~~has~~ held that position in the previous one ten (10)-years period; ~~or~~
- (3) Any civil service employment commissioner who has completed three (3) consecutive full terms of three (3) years as provided in Chapter 2, Article III;
- (4) Any individual presently serving as a member of the civilian police review board; or-
- (5~~b~~) Any relative of a present member of the police or fire departments. Additional subcommittee eligibility requirements:

~~(1) Employment subcommittee. The following persons shall not be eligible to serve on the employment subcommittee:-~~

~~any relative of a present member of the police or fire departments.~~

~~(2) Police Citizen Review Subcommittee. In order to ensure an objective and unbiased audit of the police department's internal affairs investigation process, any applicant for service on the citizen review subcommittee shall be disqualified from serving on said subcommittee if:~~

~~a. any member of the applicant's immediate family is or has been a Portland police officer in the previous ten (10) years;~~

- ~~b. the applicant or any member of his or her immediate family has been arrested by any member of the Portland police department within the previous ten (10) years, or has had the final disposition of any criminal proceedings resulting from such an arrest within the previous ten (10) years, whichever is longer;~~
- ~~c. his or her immediate family has filed a complaint with the internal affairs unit of the Portland police department within the previous ten (10) years;~~
- ~~d. the applicant or any member of his or her immediate family has brought suit against the City of Portland, the Chief of Police, the police department or any individual police officer for a cause of action arising out of an officer's performance of his or her duties; within the last ten (10) years, or has had such a suit finally disposed of within the previous ten years, whichever is longer; and~~
- ~~e. "Immediate family" as used herein shall mean and include spouse, domestic partner, children, grandchildren, parents, grandparents, and siblings.~~

(~~be~~) Failure to disclose any grounds for disqualification or falsification of any information in the application process shall disqualify the person from service on the commission and shall constitute "cause" within the meaning of section 2-46.

(~~cd~~) Any civil service employment commissioner or alternate who becomes ineligible to serve during ~~his or her~~their term shall resign, and failure to do so shall be "cause" within the meaning of section 2-46. A commissioner or alternate ~~on the employment subcommittee~~ who is a relative of any candidate for appointment under this article shall inform the secretary in writing of such relationship and shall not attend any meeting of the subcommittee commission dealing with such candidacy, nor participate in nor attempt to influence any action by the commission with respect to the position for which such relative has applied.

(~~de~~) Reasonable efforts shall be made to ensure that the appointments to the civil service employment commission are diverse and representative of the community.

(Code 1968, § 201.4; Ord. No. 89-80, 7-7-80; Ord. No. 299.86, 1-22-86; Ord. No. 370-91, § 1, 6-5-91; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 118-08/09, 12-1-08; Ord. No. 143-17/18, 2-5-2018)

Sec. 2-50. Appointment.

Civil service employment commissioners and the alternates shall be

appointed by the City Council. Such power of appointment shall be exercised only after the City Clerk has published a notice announcing such position or positions, describing the responsibilities thereof, and soliciting applications by qualified persons in a newspaper of general circulation within the city not less than fifteen (15) calendar days in advance of action by such council. Applications may be solicited whether or not there is a vacancy, and such applicants may be considered for any vacancy which occurs within one hundred eighty (180) days of the closing date for such applications. Such applicants may also be considered for appointment as a commissioner pro tem pursuant to section 2-55 below. Nothing herein shall limit the city's authority to solicit applications whenever the City Manager deems that it is necessary.

(Code 1968, § 201.4; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 138-92, § 3, 10-19-92; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97)

Sec. 2-51. Terms.

(a) *Term.* Each civil service employment commissioner or alternate shall be appointed to a three-year term, unless appointed to fill a vacancy. ~~Police citizen review subcommittee commissioners first appointed hereunder shall be appointed for one-, two- and three-year terms so that only two (2) are initially selected each year other than by reason of resignation, removal or death.~~ A commissioner or alternate shall serve until his or her~~their~~ successor is appointed and qualified, but in no case longer than one hundred twenty (120) days from the expiration of his or her~~their~~ term.

(b) *Limitation on service.* The term limitations of Chapter 2, Article ~~IIII~~ shall apply to service on ~~each of the subcommittees of~~ the civil service employment commission.

(c) *Applicability.* The limitation on terms provided by this amendment shall apply to any person serving on the civil service employment commission as of the effective date of this amendment (7/5/1991) and to any person appointed after said effective date.

(Code 1968, § 201.3; Ord. No. 89-80, 7-7-80; Ord. No. 275-83, 11-7-83; Ord. No. 299-86, 1-22-86; Ord. No. 370-91, § 2, 6-5-91; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 118-08/09, 12-1-08)

Sec. 2-52. Compensation.

Civil service commissioners shall serve without compensation, except that reasonable expenses incurred by any commissioner or alternate incidental to his or her duties under this article may be reimbursed.

(Code 1968, § 201.4; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97)

Sec. 2-53. Removal.

Any civil service commissioner or alternate may be removed from

office by the City Council for cause, after notice and the opportunity to be heard.

(Code 1968, § 201.4; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01)

Sec. 2-54. Officers.

~~Each subcommittee of~~ The civil service employment commission shall annually elect one (1) of its members as the chair. ~~Each~~ ~~The commissionsubcommittee~~ may, at its option, also elect one (1) of its members as the vice chair, to serve in the absence of the chair. The Director of Human Resources or ~~his or her~~ their designee shall serve as secretary to the ~~employment subcommittee~~ commission and shall furnish any necessary administrative assistance. ~~The corporation counsel or his or her designee shall serve as secretary to the police citizen review subcommittee and shall furnish any necessary administrative assistance to that subcommittee.~~

(Code 1968, § 201.3; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 143-17/18, 2-5-2018)

Sec. 2-55. Commissioners pro tem.

In the case of temporary absence from the city, temporary disability of the civil service employment commission members and alternate, or other circumstances, so that a quorum of ~~a subcommittee~~ the commission cannot be constituted without such action, the City Council may appoint such commissioners pro tem as may be necessary to constitute a quorum. Commissioners pro tem shall be subject to the eligibility requirements of this division. A commissioner pro tem shall possess the powers and discharge the duties of a regular commissioner during the absence or disability for which he or she has been appointed; provided, however, that a commissioner pro tem shall have no authority with respect to rule-making by the commission and shall not participate in any action or decision where a quorum is otherwise present.

(Code 1968, § 201.4; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97)

Sec. 2-56. Meetings.

(a) *Calling of meetings.* Meetings or hearings of ~~either subcommittee of~~ the Civil Service Employment Commission may be called at any time by its Chair, or in the absence from the city or disability of the Chair, by any member of the Subcommittee commission. ~~The Chair of a Subcommittee~~ shall call a meeting upon request from any Subcommittee Commissioner.

(b) *Quorum.* A quorum of the Employment Subcommittee ~~of the Civil Service~~ Commission shall be two (2). The Subcommittee Alternate may attend any hearing or meeting, but shall participate as a Commissioner only during the absence or disability of any Commissioner

or whenever a vacancy on the ~~Subcommittee~~ Commission exists.

~~A quorum of the Police Citizen Review Subcommittee shall be four (4). Notwithstanding the foregoing, the quorum shall be reduced to three (3) during any period when there is a vacancy on the Subcommittee, including a vacancy in the position of alternate.~~

(Code 1968, § 201.5; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 247-03/04, 6-21-04)

Sec. 2-57. Prohibited practices.

(a) *Forfeiture of office.* A determination by a court of competent jurisdiction of a practice, or facts necessarily constituting a practice prohibited by this section by any civil service employment commissioner, alternate, member of a department, or any other person shall result in the forfeiture of any office held by such person and shall be a permanent disqualification for any office existing under or governed by this article.

(b) *Nondiscrimination.* No discrimination shall be exercised, promised, or threatened by any person, in connection with any action taken or to be taken under this article, in favor or against any applicant or member of a department because of ~~his or her~~their religious beliefs, ancestry, national origin or veteran's status; race, sex, sexual orientation, or color; because of age or physical or mental disability, except where such requirements constitute a bona fide occupational qualification or failure to meet the requirements poses a safety hazard or cannot be reasonably accommodated; because the applicant or member of the department, or member of ~~his or her~~their family, has or has declined to contribute to any political fund or to render political service; or because of any lawful union activity or membership. No person shall seek or attempt to use, nor shall the civil service employment commission give consideration to, any political endorsement, or any other factor prohibited by the preceding sentence. To the extent consistent with law and with this article, it is the policy of the city to encourage diversity in its work force and to use affirmative action in its recruitment of applicants for positions hereunder.

(c) *Falsification.* No person shall make any false statement, certificate, mark, rating or report with respect to any test, certification or appointment made under any provisions of this article, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article and the rules and the regulations adopted hereunder, or to cheat, or attempt to cheat, or abet cheating on any examination.

(d) *Bribery.* No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in a

position, or in an examination for a position, in the departments.
(Code 1968, § 201.7; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 239-91, § 1, 2-20-91; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

DIVISION 3. EMPLOYMENT SUBCOMMITTEE FIRE AND POLICE DEPARTMENT
EMPLOYMENT

Sec. 2-58. Applicability; duties.

(a) *In general.* This division shall govern the appointment, reinstatement, promotion, demotion, layoff, suspension, resignation, or removal of members of the fire and police departments of the city, other than the chiefs thereof, except to the extent that the Maine Public Employees Labor Relations Law and any collective bargaining agreement made in accordance therewith provides to the contrary.

(b) *Duties.* In addition to carrying out the duties described elsewhere in this article, it shall be the duty of the employment subcommittee commission:

- (1) To establish a system of personnel administration for members of the departments based on competition, merit principles, and scientific methods, and to prevent unlawful discrimination based upon race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law, or political affiliation;
- (2) To oversee the process of creating lists of names of persons eligible for specific appointments; and
- (3) To make suitable rules, from time to time, which rules shall not be inconsistent with this article, applicable statutes, or regulations. Proposed rules shall be submitted to the City Manager and shall become effective when approved by the City Manager. All such rules shall be recorded in the office of the City Clerk.

(Code 1968, § 201.2; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, § 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Ord. No. 174-05/06, 3-6-06; Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59. Reserved.

Sec. 2-59.1. Minimum qualifications for original appointment to the fire department.

(a) *Standards required.* Each candidate for original appointment to the fire department must meet the minimum requirements set forth in this subsection. The deadline by which these requirements must be met, the method of proving such requirements have been satisfactorily met, and any additional requirements shall be established by rule of the employment subcommittee commission:

- (1) *Age.* Have reached the age of twenty-one (21), or have reached the age of twenty (20) with two years of post-high school education.
- (2) *Good character.* Be of good character; which includes a personal history of honesty, fairness, and respect for the rights of others and for state and federal law. No person shall be appointed who has a history which includes a disqualifying criminal offense or conviction.
- (3) *Education and experience.* Have a high school diploma or general equivalency diploma (GED);
- (4) *Licensing.* Possess a valid State of Maine Emergency Medical Technician license of EMT-B or higher;
- (5) *Motor vehicle driver's license.* Possess a valid motor vehicle driver's license for the three (3) years immediately preceding the date of application. If such license is from a state other than the State of Maine, the candidate must be qualified to receive a State of Maine driver's license; and
- (6) *Citizenship or immigration status.* Be a citizen of the United States or eligible to work in the United States.

(b) *Automatic disqualifiers.* An applicant for original appointment will be automatically disqualified from the hiring process for any of the following characteristics, and as further established by rule of the employment subcommittee commission:

- (1) *Disqualified Individuals.* Disqualification from participating in federal funded health care programs under the Social Security Act.
- (2) *Criminal Convictions/Conduct.* Disqualifying criminal conviction;
- (3) *Protection Orders.* An active Protection from Abuse or Protection from Harassment Order (temporary or permanent) served on the applicant;
- (4) *Military Service.* Dishonorable discharge from the military or a bad conduct discharge from the military;

- (5) *Tattoos or Body Art.* Tattoos, branding, body art or body markings that (a) indicate a criminal gang affiliation, (b) depict sexually explicit art or nudity, (c) are associated with hate groups or supremacist groups such as swastikas, pentagrams, or (d) otherwise violate the rules promulgated by the Fire Chief.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.2. Hiring process for original appointment to the fire department.

(a) *Fire department hiring process.* All applicants for original appointment to the fire department shall satisfactorily complete the minimum requirements in this section. The employment subcommittee commission may, by rule, establish processes and procedures to implement these requirements, may set minimum passing scores, and may impose additional requirements for original appointment.

- (1) *Job-related aptitude capacity test.* All applicants for original appointment must pass a job-related aptitude capacity test.
- (2) *Physical fitness test.* All applicants for original appointment must pass a physical fitness test.
- (3) *Oral interview.* All applicants for original appointment must satisfactorily complete an oral interview. The oral interview panel shall consist of one member of the employment subcommittee commission and designees of the fire chief. No member of the panel may be a candidate for the position nor a relative of a candidate.

(b) *Conditional offer of employment.* Upon successful completion of the job-related aptitude capacity test, the physical fitness assessment and the oral interview, the fire chief may evaluate the candidates and make a conditional offer of employment to qualified applicants, at his or her their discretion. The conditional employee must successfully complete the following requirements. Failure to do so will result in revocation of the conditional offer of employment.

- (1) *Background check.* All applicants for original appointment must satisfactorily complete a background check, including criminal history, driving record, and credit check.
- (2) *Medical examination.* The applicant must satisfactorily complete a medical exam to determine whether the applicant is physically capable of performing the essential functions of the job.
- (3) *Job suitability assessment.* The applicant must satisfactorily complete a job suitability assessment.

(c) *Rehire of former fire department member.* In the sole discretion of the fire chief, a fire department member who voluntarily terminated ~~his or her~~their employment on satisfactory terms may be rehired to a vacant, entry-level position within one year of termination without completing the full process required by subsection (a) above. However, the member must satisfactorily complete a new medical examination and job suitability assessment, and must complete a new probationary period.

(d) *Transfer between public safety departments.* Upon the written request of the employee to the chief of ~~his or her~~their department, an employee in good standing within either department may be transferred from one department to the other to an entry level position, subject to the conditions and limitations established by rule of the employment subcommittee commission and with the approval of both chiefs and the City Manager. Police officers requesting a transfer to the Fire Department must successfully complete the Candidate Physical Abilities Test (CPAT) and provide proof of a valid State of Maine Emergency Medical Technician license. The Chief of Police may waive the police entrance exam for firefighters. All other hiring requirements must be successfully completed.

(e) *Waiver.* During periods of difficulty in recruitment, the employment subcommittee commission may vary the requirements of this section by rule, which rule shall not be effective for more than one hiring cycle.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.3. Disqualification and temporary withdrawal from fire application process.

In accordance with rules promulgated by the employment subcommittee commission, an applicant may be disqualified, or temporarily withdraw, from the application process as follows:

(a) *Disqualification.* After notice and an opportunity to be heard, the employment subcommittee commission or the fire chief may disqualify an applicant for original appointment.

(b) *Temporary withdrawal of applicants for original appointments.* An applicant for original appointment may, for sufficient cause, temporarily withdraw from consideration for a limited period of time with the prior approval of the fire chief. During the period of temporary disqualification the applicant's eligibility for appointment shall automatically expire 12 months after the date the applicant passed the aptitude capacity test.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.4. Fire department promotional process.

(a) *Minimum qualifications.* All candidates for promotion within the fire department shall satisfactorily complete the minimum requirements in this section. The employment subcommittee commission

may, by rule, establish processes and procedures to implement these requirements, may set minimum passing scores, and may impose additional requirements for promotion.

- (1) *Time in service.* Promotional candidates must have the following amount of time in service to be eligible for a promotion:
 - a. Six years of continuous service in the fire department for promotion from firefighter to lieutenant.
 - b. One year of continuous service as a lieutenant for promotion from lieutenant to captain.
- (2) *Training.* Promotional candidates must possess the minimum amount of training, certification, and/or education for the rank to which he or she is seeking promotion.
- (3) *Departmental officer candidate program.* Promotional candidates must participate in and complete a fire department officer candidate program, which may include job-shadowing, mentorship, and similar requirements.
- (4) *Assessment center exam.* Promotional candidates must complete and pass an assessment center exam each year.
- (5) *Oral interview.* All promotional candidates must satisfactorily complete an oral interview. The oral interview panel shall consist of one member of the [employment subcommittee commission](#) and designees of the fire chief. No member of the panel may be a candidate for the position nor a relative of a candidate. The president of the union, or [his/her](#) designee, shall have the right to observe, but not participate in, the interview.
- (6) *Job suitability assessment.* Candidates must undergo a job suitability assessment. Assessments within three (3) years from the date of examination may be used, or the fire chief may require an updated job suitability assessment at any time. Assessments may be taken into consideration in the promotional process.
 - (b) *Eligible promotion list.* Promotional candidates shall be placed on a ranked certified promotional list. A separate list shall be made for each promotional rank.
 - (1) The list shall be ranked based on a methodology established by the [employment subcommittee commission](#).
 - (2) The [employment subcommittee commission](#) shall also establish rules governing the validity of the list, including the minimum number of names required on the list, the duration and expiration of the list, and other requirements.

(c) *Promoting from ranked certified promotional list.* Promotions in the fire department shall be made from the ranked certified promotional list in their order of ranking, unless the candidate refuses the promotion, is disqualified for cause by the chief, or lacks the particular skill set required by the promotional vacancy. If the chief disqualifies a candidate for cause, he or she shall state the reasons for disqualification in writing.

(d) *Command staff.* The ~~employment subcommittee~~commission may provide by rule for special procedures or different competitive examination for appointment to fire department command staff because such rank requires particular and exceptional qualifications of a scientific, managerial, professional, technical, or educational character and said rule may waive any requirement of this article in such cases.

(e) *Waiver.* When the number of employees eligible for promotion to a particular vacancy is insufficient to permit meaningful competition, the ~~employment subcommittee~~commission may vary the requirements of this section by rule, which rule shall not be effective for more than one promotional cycle.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.5. Disqualification during fire promotional process.

After notice and an opportunity to be heard, the ~~employment subcommittee~~commission or the fire chief may disqualify a candidate from participating in the promotional process, or may remove a candidate for promotion from the ranked certified promotional list.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.6. Fire department appeals and rights.

(a) *Appeals from decisions of the fire chief.* Except as otherwise provided, an applicant, candidate for original appointment, or candidate for promotion shall have the opportunity to appeal any decision made by the fire chief under this division to the ~~employment subcommittee~~commission, pursuant to rules established by the ~~subcommittee~~commission. The ~~subcommittee~~commission may, after hearing, uphold or overturn the fire chief's decision. The ~~subcommittee~~commission shall provide the fire chief and the appellant with written notice of its decision and the reasons therefor.

(b) *Appeals from decisions of the* ~~employment subcommittee~~commission. An appeal of a decision of the ~~employment subcommittee~~commission under this section may be taken to the city council. The city council may, after hearing, uphold or overturn the ~~employment subcommittee~~commission's decision. The council shall provide the ~~subcommittee~~commission, fire chief, and appellant with written notice of its decision and the reasons therefor.

(c) *Applicant rights.* If a decision is overturned with respect to an applicant, the applicant shall continue through the remainder of the application process or be considered eligible for hire, as applicable.
In the event an applicant is reinstated pursuant to this section, he

or she shall have no right or entitlement to be considered for any vacancy that exists at or prior to the date of said reinstatement.

(d) *Promotional candidate rights.* If a decision is overturned with respect to a promotional candidate, that candidate shall 1) be allowed to continue through the promotional process; 2) be placed on or reinstated to the ranked certified promotional list; or 3) be promoted, as applicable. The decision maker shall specifically state the appropriate remedy.

(e) *Vested rights.* No rights shall vest in any person who is deemed to be a qualified applicant or who is placed on the ranked certified promotional list, and no names shall be carried over from one eligible list to another, except as otherwise provided in this section.

(f) *Rulemaking.* The employment-subcommitteecommission may promulgate rules to implement this section, including forms and deadlines for appeal.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-59.7. Fire department probationary period.

(a) Each member who is originally appointed to or rehired in the fire department, or who is promoted, pursuant to this division shall be a probationary employee for one (1) year from the date of appointment or promotion. This section shall not, however, apply to an employee who is recalled after layoff, so long as he or she completed the probationary period prior to layoff.

(b) The fire chief may at any time during the probationary period reject any person appointed or promoted. The fire chief must state his or hertheir reasons for rejection in writing, and provide those reasons to the employee and the employment-subcommitteecommission.

(c) In the case of a promotional candidate, any candidate rejected by the fire chief shall revert to the rank and pay status from which he or she was promoted.

(d) Any person rejected during the probationary period shall have no right of hearing or appeal under this division.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60. Reserved.

Sec. 2-60.1. Minimum qualifications for original appointment to the police department.

(a) Standards required. Each candidate for original appointment to the police department must meet the minimum requirements set forth in this subsection. The deadline by which these requirements must be met, the method of proving that such requirements have been satisfactorily met, and any additional requirements shall be established by rule of the employment-subcommitteecommission:

- (1) *Age.* Have reached the age of twenty-one (21) by the date of appointment;
- (2) *Good character.* Be of good character; which includes a personal history of honesty, fairness, and respect for the rights of others and for state and federal law. No person shall be appointed who has a history which includes a disqualifying criminal offense or conviction.
- (3) *Education and experience.* Have a high school diploma or general equivalency diploma (GED) and meet the admission standards of the Maine Criminal Justice Academy.
- (4) *Motor vehicle driver's license.* Possess a valid motor vehicle driver's license for— the three (3) years immediately preceding the date of application. If such license is from a state other than the State of Maine, the candidate must be qualified to receive a State of Maine driver's license.
- (5) *Citizenship or Immigration status.* Be a citizen of the United States or demonstrate a permanent right to work in the United States.

(b) *Automatic Disqualifiers.* An applicant for original appointment will be automatically disqualified from the hiring process for any of the following characteristics, and as further established by rule of the [employment-subcommittee](#) commission:

- (1) *Criminal Convictions/Conduct.* Any conviction for a disqualifying criminal offense or engaging in conduct that qualifies as a disqualifying criminal offense as defined in Maine law and the entrance standards of the Maine Criminal Justice Academy, including having no convictions for or have engaged in any conduct which would constitute Murder, Class A, Class B, Class C, or Class D crimes, or any provision of the —Maine Criminal Code, Chapters 15, 19, 25, or 45 which include Theft, Falsification in Official Matters, Bribery & Corrupt Practices, and Drugs.
- (2) *Domestic Violence.* Any conviction for a crime of domestic violence or any active Protection from Abuse Order (temporary or permanent) served on the applicant.
- (3) *Drug Activities.* The use, purchase, or possession of illegal drugs or controlled substances within the five (5) years prior to the date of application.

The trafficking in and/or furnishing of marijuana, as defined in the Maine Criminal Code, is an automatic disqualifier from the hiring process. The use of marijuana is not an automatic disqualifier. The use of marijuana by an applicant will be

assessed on a case by case basis; including, but not limited to, the frequency and recency of the use.

(4) *Military Service.* Dishonorable discharge from the military or a bad conduct discharge from the military.

(5) *Tattoos or Body Art.* Tattoos, branding, body art or body markings that (a) indicate a criminal gang affiliation, (b) depict sexually explicit art or nudity, (c) —are associated with hate groups or supremacist groups such as swastikas or pentagrams, or (d) are on the applicant's face, neck or hands.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60.2. Hiring process for original appointment to the police department.

(a) *Police department hiring process.* All applicants for original appointment to the police department shall satisfactorily complete the minimum requirements in this section. The employment subcommittee commission may, by rule, establish processes and procedures to implement these requirements, set minimum passing scores, and impose additional requirements for original appointment.

(1) *Job-related aptitude capacity test.* All applicants for original appointment must pass a job-related aptitude capacity test. The aptitude capacity test may be waived for a police applicant who is a full-time employee with law enforcement duties and arrest authority in another jurisdiction at the time of application and is certifiable by the Maine Criminal Justice Academy.

(2) *Physical fitness assessment.* All applicants for original appointment must pass meet the Maine Criminal Justice Academy's physical fitness assessment standards prior to the oral interview. or Applicants may take the fitness test at the Portland Police Department or produce a current, valid letter from the Maine Criminal Justice Academy stating that the applicant has —successfully completed the Academy's physical fitness assessment.

(3) *Oral Board.* An oral interview will be conducted with all applicants who have passed both the aptitude capacity test and the physical fitness assessment.

(b) *Conditional offer of employment.* Upon successful completion of the job-related aptitude capacity test, the physical fitness assessment and the oral interview, the Police Chief may evaluate the candidates and make a conditional offer of employment to qualified applicants, at his or hertheir discretion. The conditional employee must successfully complete the following requirements. Failure to do so will result in revocation of the conditional offer of employment.

- (1) *Background check.* A conditional employee must be fingerprinted and satisfactorily complete a background check, including, but not limited to, criminal history, prior substance abuse, driving record, and credit check.
- (2) *Polygraph.* A conditional employee, shall be required to submit to a polygraph examination to the extent such examination is permitted by law.
- (3) *Medical examination.* A conditional employee shall undergo a medical examination to determine whether the applicant is physically capable of meeting the standards established by the Maine Criminal Justice Academy.
- (4) *Job suitability assessment.* Candidates for police original appointment shall be given a post-offer job suitability assessment as required by the Maine Criminal Justice Academy.

(b) *Transfer between public safety departments.* Upon the written request of the employee to the chief of ~~his or her~~their department, an employee in good standing within either department may be transferred from one department to the other to an entry level position, subject to the conditions and limitations established by rule of the ~~employment subcommittee~~commission and with the approval of both chiefs and the City Manager. Police officers requesting a transfer to the Fire Department must successfully complete the Candidate Physical Abilities Test (CPAT) and provide proof of a valid State of Maine Emergency Medical Technician license. The Chief of Police may waive the police entrance exam for firefighters. All other hiring requirements must be successfully completed.

Sec. 2-60.3. Disqualification and temporary withdrawal from police application process.

In accordance with rules promulgated by the ~~employment subcommittee~~commission, an applicant may be disqualified, or temporarily withdraw, from the application process as follows:

(a) *Disqualification.* After notice and an opportunity to be heard, the ~~employment subcommittee~~commission or the police chief may disqualify an applicant for original appointment.

(b) *Temporary withdrawal of applicants for original appointments.* An applicant for original appointment may, for sufficient cause, temporarily withdraw from consideration for a limited period of time with the prior approval of the police chief. During the period of temporary disqualification the applicant's eligibility for appointment shall automatically expire 12 months after the date the applicant passed the aptitude capacity test.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60.4. Police department promotional process.

(a) *Minimum qualifications.* All candidates for promotion within the police department shall satisfactorily complete the minimum requirements in this section. Promotional appointments shall be made from successive ranks. The ~~employment subcommittee~~commission may, by rule, establish processes and procedures to implement these requirements, may set minimum passing scores, and may impose additional requirements for promotion.

(1) *Time in service.* Promotional candidates must have the following amount of time in service to be eligible for a promotion:

- a. Three (3) years of continuous service in the police department for promotion from officer to the rank of Sergeant.
- b. Twelve months of continuous service as a Sergeant in the police department for promotion to the rank of Lieutenant.

(2) *Selection Components*

- a. An annual professional development course.
- b. A job-related aptitude capacity test.
- c. Consideration of the candidate's last completed performance evaluation immediately prior to the date of the aptitude capacity test.
- d. Seniority in the department as of the date of the aptitude capacity test.

(3) *Oral interview.* All promotional candidates must satisfactorily complete an oral interview. The oral interview panel shall consist of one member of the ~~employment subcommittee~~commission, a member designated by the president of each of the affected unions and three (3) members appointed by the police chief.

(4) *Job suitability assessment.* Candidates for the position of Sergeant must undergo a job suitability assessment. Assessments within three (3) years from the date of examination may be used, or the police chief may require an updated job suitability assessment at any time. Assessments may be taken into consideration in the promotional process.

(b) *Promotion list.* Promotional candidates shall be placed on a certified promotional list. A separate list shall be made for each promotional rank.

- (1) The list shall be prepared based on a methodology established by the employment-subcommitteecommission.
- (2) The employment-subcommitteecommission shall also establish rules governing the validity of the list, including the minimum number of names required on the list, the duration and expiration of the list, and other requirements.

(c) *Creation of certified list for promotional appointment.*

- (1) When requested to do so by the Chief, the employment-subcommitteecommission shall furnish a certified list of names from which a promotional appointment may be made.
- (2) There shall be one eligible list maintained for police promotion in weighted score order for each promotional rank and the certified list shall be made up from the eligible list in the weighted score order. The certified list for promotional appointment shall contain the names of a minimum of three (3) and a maximum of five (5) applicants on the eligible list with the highest, aggregate scores.

(d) *Command staff.* The employment-subcommitteecommission may provide by rule for special procedures or different competitive examination for appointment to a sworn, non-union command staff position in the police department because such rank requires particular and exceptional qualifications of a scientific, managerial, professional, technical, or educational character and said rule may waive any requirement of this article in such cases.

(e) When the number of employees eligible for promotion to a particular vacancy is insufficient to permit meaningful competition, the employment-subcommitteecommission may vary the requirements of this section by rule, which rule shall not be effective for more than one promotional cycle.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60.5. Disqualification during police promotional process.

After notice and an opportunity to be heard, the employment-subcommitteecommission or the police chief may disqualify a candidate from participating in the promotional process, or may remove a candidate for promotion from the ranked certified promotional list.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60.6. Police appeals and rights.

(a) *Appeals from decisions of the police chief.* Except as otherwise provided, an applicant, candidate for original appointment, or candidate for promotion shall have the opportunity to appeal any decision made by the police chief under this division to the employment-subcommitteecommission, pursuant to rules established by the subcommitteecommission. The subcommitteecommission may, after hearing, uphold or overturn the police chief's decision. The commission-subcommittee shall provide the police chief and the

appellant with written notice of its decision and the reasons therefor.

(b) *Appeals from decisions of the ~~employment subcommittee~~commission.* An appeal of a decision of the ~~employment subcommittee~~commission under this section may be taken to the city council. The city council may, after hearing, uphold or overturn the ~~employment subcommittee~~commission's decision. The council shall provide the ~~subcommittee~~commission, police chief, and appellant with written notice of its decision and the reasons therefor.

(c) *Applicant rights.* If a decision is overturned with respect to an applicant, the applicant shall continue through the remainder of the application process or be considered eligible for hire, as applicable. In the event an applicant is reinstated pursuant to this section, he or she shall have no right or entitlement to be considered for any vacancy that exists at or prior to the date of said reinstatement.

(d) *Promotional candidate rights.* If a decision is overturned with respect to a promotional candidate, that candidate shall 1) be allowed to continue through the promotional process; 2) be placed on or reinstated to the ranked certified promotional list; or 3) be promoted, as applicable. The decision maker shall specifically state the appropriate remedy.

(e) *Vested rights.* No rights shall vest in any person who is deemed to be a qualified applicant or who is placed on the ranked certified promotional list, and no names shall be carried over from one eligible list to another, except as otherwise provided in this section.

(f) *Rulemaking.* The ~~employment subcommittee~~commission may promulgate rules to implement this section, including forms and deadlines for appeal.
(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-60.7. Police department probationary period.

(a) *Probationary period.* A specified period of time during which the employee has no expectation of continued employment and may be removed from employment for any reason, with or without just cause.

(b) *Original appointment.* Except as otherwise provided below for police lateral transfers, every person receiving an appointment as a police officer shall be a probationary employee for a period of two (2) years from the date of appointment.

(c) *Lateral transfers.* A police lateral transfer who has two years of post-academy, full-time, continuous service as a police officer at the time of appointment shall be ~~credited~~ credited with up to twelve (12) months of service toward completion of the department's two year probationary period. Eligibility for promotional appointment shall be the completion of three (3) years of service in the Portland Police

department.

(d) *Promotional appointments.* Every person receiving a promotional appointment shall serve a probationary period of one (1) year while occupying the position to which he or she has been appointed.

(e) *Completion of probationary period.* The police chief may at any time during the probationary period reject any person appointed or promoted to a position in the police department. The police chief must state ~~his or her~~their reasons for rejection in writing, and provide those reasons to the employee and the employment subcommittee~~commission~~. In the case of a promotional appointment, the officer shall revert to the rank and pay status from which he or she was promoted.

(f) *No hearing or appeal.* Any person rejected during the probationary period shall have no right of hearing or appeal under this section.

(Ord. No. 143-17/18, 2-5-2018)

Sec. 2-61. Reserved.

Sec. 2-62. Reserved.

Sec. 2-63. Reserved.

Sec. 2-64. Reserved.

Sec. 2-65. Reserved

Sec. 2-66. Physical standards and background investigation for original appointment; Job suitability assessment for promotion, for police lateral transfer and for police original appointment.

(a) *Physical standards for original appointment.*

(1) *Medical examination.* All candidates on the eligible list for original appointment shall undergo a medical examination by a physician specified by the employment subcommittee~~commission~~, said medical examination to be done only after a conditional offer of employment has been made to the candidate. The examining physician shall report ~~his or her~~their findings in writing to the subcommittee~~commission~~ with respect to whether the candidate is physically capable of meeting the standards established by rule of the subcommittee~~commission~~. If the physician's report indicates a disqualification which can be corrected, the candidate's name shall be returned to the eligible list except that such person shall not be again considered for appointment until such time as he or she furnishes satisfactory evidence that the disqualifying condition has been corrected. If the physician's report indicates a disqualification which cannot be corrected and which prevents the candidate from performing an essential function of the position with or without reasonable accommodation, the candidate's name shall be permanently

removed from the eligible list pursuant to section 2-61 above.

- (2) *Physical fitness standards.* In addition to the medical examination, the ~~employment subcommittee~~ commission shall establish by rule minimum standards and procedures for a physical fitness assessment of candidates for original appointment, which standards shall be determined by the ~~subcommittee~~ commission to be a bona fide occupational qualification or failure to meet them poses a safety hazard or cannot be reasonably accommodated in an individual case. Such physical fitness assessment shall be administered to each candidate by the department as provided in section 2-65(a)(3) above, and the result thereof shall be provided to the chief.

(b) *Background investigation for original appointment.*

- (1) *Fingerprinting.* Candidates for original appointment to either department shall be directed to the police department where they shall be fingerprinted. All candidates shall execute any necessary waivers for the background check. The fingerprints and records of each candidate shall be checked against the local police files, state police files and, if available, the files of the Federal Bureau of Investigation, in order to determine whether the candidate has been convicted of a disqualifying criminal offense.

- (2) *Polygraph.* Candidates for original appointment to the police department shall be required to submit to a polygraph examination to the extent such examination is permitted by law.

(c) *Job suitability assessment for promotional appointments, for police lateral transfers and for police original appointments.*

- (1) All candidates whose names appear on any certified list for promotional appointment may be required to be examined by a psychologist for job suitability, the results of which examination shall be used by the chief of the department and by the city manager. Examinations hereunder for promotional appointment shall be required every year, except that the chief may waive said requirement if such examination has been done within three years of the date of the candidate's appearance on a certified list, and the results are available for use by the chief and the city manager. The extent of said examination shall be determined by a psychologist on an individual basis and may be either pre-offer or post-offer, depending upon the content of the assessment, the psychologist's representation as to the purpose of the assessment and the department's preference.

To the extent permitted by law, the chief of either department may request that candidates on an eligible list undergo the job suitability examinations prior to drawing up a certified list if (1) doing so would overcome scheduling difficulties for a candidate and the candidate agrees to such scheduling and (2) doing so is necessary to ensure a timely appointment process. Nothing herein shall change a candidate's position on the eligible list or give him or her any vested rights therein.

(2) Candidates for police lateral transfer shall be given a post-offer job suitability assessment.

(3) Candidates for police original appointment shall be given a post-offer job suitability assessment as required by the Maine Criminal Justice Academy.

(d) *Failure to pass polygraph test or job suitability assessment for police original appointment or job suitability assessment for police lateral transfer or job suitability assessment for police or fire promotional appointment.* Notwithstanding anything herein to the contrary, any candidate for police original appointment who fails to pass a polygraph test as required hereunder, or, in the case of a police original appointment, police lateral transfer or police or fire promotional appointment, who fails to meet the job suitability assessment pursuant to this section, shall be removed from any list on which the candidate appears pursuant to section 2-61 above, and shall not be eligible to retake the written test until two years from the date the eligible list from which the candidate was removed was made.

(e) *Failure to appear or complete hiring requirements.* Any candidate who fails to appear for, or to complete, any component of the examination process, or any other requirement of the hiring procedure, shall be disqualified as a candidate and removed from any list on which he or she may appear. Such disqualification shall be reported to the employment-subcommittee commission by the Director. Upon request of the candidate, the employment-subcommittee commission may, in its discretion, waive the disqualification herein if: (i) the subcommittee commission finds that the candidate had sufficient excuse for such failure; and (ii) it finds that any rescheduling necessitated by such failure can be accomplished in a timely manner and with no disruption of the hiring process. Any candidate disqualified hereunder may reapply for any succeeding examination.

(f). *Temporary withdrawal of applicants for original appointments.* Notwithstanding the foregoing, a candidate for original appointment may, for sufficient cause, temporarily withdraw from consideration for a limited period of time upon the prior approval of the chief of the department. Any denial of a request for temporary withdrawal by the chief may be appealed to the subcommittee commission which may grant the request if (i) the subcommittee commission finds that the candidate had sufficient cause for such request; and (ii) it

finds that any rescheduling necessitated by request can be accomplished in a timely manner with no disruption of the hiring process. A candidate who is permitted to withdraw temporarily shall retain ~~his or her~~their place on the eligible list but shall not be considered for hire, or in the case of promotional appointment, shall not be placed on any certified list requested during the period of temporary disqualification. "Sufficient excuse" or "sufficient cause" as used herein shall include, but not be limited to, death or serious illness of a family member; temporary illness or disability of the candidate; completion of an academic or training program, or similar excuse and cause.

(g) *Duration of certified list.* The certified list shall be limited to the vacancy or vacancies for which it was requested. The names of persons not appointed shall be returned to the eligible list from which they were drawn. Each candidate for promotion who is not appointed shall be given, upon request, a statement by the chief of the department as to the reason or reasons why he or she was not recommended for appointment; or if he or she was recommended, a statement from the City Manager as to why he or she was not appointed. (Code 1968, § 201.12; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97 Ord. No. 220-99, § 4, 3-1-99; Ord. No. 121-99, 12-20-99; Ord. No. 174-05/06, 3-6-06; Ord. No. 298-05/06, 6-19-06 emergency passage; Ord. No. 126-09/10, 1-4-10)

Sec. 2-67. Working test period.

(a) Except as otherwise provided below for police lateral transfers or as otherwise provided for re-hires under subsection 2-59(e), every person receiving any appointment or transferring pursuant to section 2-59 above shall be tested for a working test period of one (1) year while occupying the position to which he or she has been appointed or transferred, except that the working test period for original appointees or transferees to the police department shall be two (2) years. The period of the working test shall begin immediately upon appointment or transfer. The City Manager may at any time during the working test period reject for reasons stated in writing any person appointed to a position in either department. The City Manager shall forthwith report to the ~~employment subcommittee~~commission in writing each rejection during such working test period, stating the date of the rejection and the reason for the rejection.

(b) Any person rejected during the working test period shall have no right of hearing, or appeal under this article, and in the case of a promotional appointment, shall revert to the rank and pay status from which he or she was promoted. No original appointment shall be effective beyond the end of the working test period unless, within ten (10) days preceding the end of the working test period, the City Manager shall report to the ~~employment subcommittee~~commission in writing that in the opinion of the City Manager, the employee's work has been such as to indicate that ~~he~~the employee is willing and able to perform ~~their~~his duties in a satisfactory manner. Upon delivery of a

favorable report from the City Manager, the appointment shall become permanent.

(c) A police lateral transfer who has prior service as a police officer at the time of appointment shall be credited with up to twelve (12) months of service toward completion of the department's two year working test period, provided, however, that eligibility for promotional appointment shall continue to be completion of three (3) years in the Portland police department.

(Code 1968, § 201.13; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Ord. No. 174-05/06, 3-6-06; Ord. No. 126-09/10, 1-4-10)

Sec. 2-68. Disciplinary action.

(a) *Action by chief of department.* Unless otherwise governed by a collective bargaining agreement, the chief of the department may, for cause:

- (1) Suspend without pay any member for one (1) offense for a period of not more than fifteen (15) working days, resulting in the loss of not more than three (3) weeks' pay;
- (2) Issue a written reprimand to be included in the member's personnel file.

Suspensions without pay shall not be for more than thirty (30) working days in aggregate in a calendar year. Upon imposition of any discipline, the chief shall immediately file with the employment subcommittee commission a written statement of the disciplinary action taken and the reason therefor. A copy of the statement shall be delivered to the department member in person or by mail at the member's last and usual place of abode. Actions of the chief taken within this subsection shall be final and there shall be no appeal therefrom under this article.

(b) *Action by subcommittee commission.* The employment subcommittee commission shall have the power and authority to demote, suspend with or without pay, and remove members of the police department and the fire department for cause and after presentation of charges and hearing. The subcommittee commission shall have the right to reinstate any such demoted, suspended or removed member of the police department or fire department after a hearing upon recommendation of the chief of the department to which the applicant seeks reinstatement, provided the City Manager joins in such recommendation for reinstatement.

(c) *Action by chief pending hearing.* Pending a hearing before the employment subcommittee commission, the chief of the department or the City Manager may, for the cause to be presented to the subcommittee commission, suspend any member, without pay, until the next succeeding meeting of the subcommittee commission; provided, however,

that no suspension without pay pending a hearing by the subcommittee commission shall be effective for more than fifteen (15) days; no suspension without pay shall be effective unless it is either preceded by a filing of charges with the subcommittee-commission or such charges are filed within ten (10) days thereafter, Saturday, Sunday and legal holidays excepted; and if the subcommittee-commission determines that no disciplinary action is warranted, it shall provide that any salary which should have been paid during such period of suspension shall be paid to the member.

A member may elect to waive a hearing before the employment subcommittee commission and accept disciplinary action determined by the chief of the department. Said waiver shall be made in writing prior to the implementation of the discipline. Prior to waiving a subcommittee commission hearing, the member shall be provided with written notice of the charges against him or her, a brief statement of the evidence against him or her, and an opportunity for a hearing before the chief. Said hearing shall be informal in nature and shall not be an adversarial hearing, but the member may have counsel and/or a union representative present. The member shall have the right to confer with said counsel and/or representative during the hearing and to have them speak on his-or-her~~their~~ behalf. The hearing before the chief may be tape recorded upon the request of either party.

(d) *Notice; opportunity to respond.* Prior to suspending any member without pay under subsection (c) above, the chief of the department shall provide the member with notice of the substance of the charges against him or her, a statement of the evidence, and an opportunity to respond to said charges and evidence.

(e) *Hearings without formal charges.* Whether or not charges are filed with the subcommittee commission, the subcommittee-commission shall within thirty (30) calendar days schedule a hearing to determine whether disciplinary action should be taken against any member where:

- (1) The member fails or refuses to testify before the subcommittee-commission at any disciplinary hearing; or
- (2) The member becomes the defendant in a pending criminal proceeding, the conviction in which proceeding would be a disqualifying criminal conviction.

Either party may request a continuance of such hearing, which may be granted by the subcommittee-commission upon such terms and conditions as it deems appropriate. If the continuance is requested by a city official, the member shall receive their~~his~~ regular pay for the duration of the continuance. However, if a suspended member requests a continuance of the hearing, the member will not be paid for the duration of the continuance period requested by him~~the~~ suspended member.

(f) *No deferral of action.* Disciplinary action by the

~~subcommittee-commission~~ for the same conduct which is the subject matter of a pending criminal proceeding shall not be deferred unless the ~~subcommittee-commission~~ shall order such deferment at the request of the member charged, in which case the ~~subcommittee-commission~~ may impose reasonable conditions, including but not necessarily limited to, a continuing suspension without pay.

(g) *Result of collateral criminal proceeding.* The acquittal of the member on criminal or civil charges involving material allegations which are substantially similar to the material allegations made in the disciplinary proceeding shall not require abatement of a disciplinary proceeding by the ~~Subcommittee~~commission. A final judgment of conviction of a crime which is a disqualifying criminal offense shall operate as a disqualification from office, and, upon proof of such conviction to the ~~subcommittee~~commission, such member shall be removed.

(h) *Procedure at disciplinary hearings.* All hearings of the ~~subcommittee-commission~~ shall be deemed to be civil in nature and shall be informal in conduct. Such hearings shall be governed by this article and by any rules of practice and procedure adopted by the ~~subcommittee~~commission. In the conduct of such hearings, the ~~subcommittee-commission~~ shall not be bound to the technical rules of evidence. No informality in any proceeding or hearing or in the manner of taking testimony before the ~~subcommittee-commission~~ shall invalidate any decision of the ~~subcommittee~~commission. Disciplinary action shall be taken only upon a preponderance of the evidence.

(i) *Decision.* After hearing, the ~~subcommittee-commission~~ shall make written findings of fact with respect to any specific allegations and shall determine whether such facts constitute cause for disciplinary action, and if the ~~subcommittee-commission~~ determines that cause for disciplinary action exists, the nature of the disciplinary action to be taken. Such decision may be appealed as provided by law.

(j) *Expenses.* The ~~subcommittee-commission~~ may, if it determines that charges made were without substantial justification, recommend to the City Council the payment of reasonable counsel and witness fees incurred by any member in the defense of such unjustified charges.

(Code 1968, § 201.14; Ord. No. 89-80, 7-7-80; Ord. No. 299-86, 1-22-86; Ord. No. 288-90, 4-2-90; Ord. No. 117-95, 11-20-95; Ord. No. 184-97, 1-22-97; Ord. No. 174-05/06, 3-6-06)

Sec. 2-69. Reserved.

Sec. 2-70. Reserved.

Sec. 2-71. Reserved.

Sec. 2-72. Reserved.

Sec. 2-73. Reserved.

Sec. 2-74. Reserved.

Sec. 2-75. Reserved.

~~DIVISION 4. POLICE CITIZEN REVIEW SUBCOMMITTEE~~

~~Sec. 2-76. Functions and duties.~~

~~(a) Duties. The duties of the police citizen review subcommittee are as follows:~~

~~(1) To determine whether police investigations into citizens' complaints by members of the public against police officers are thorough, objective, fair and timely by auditing the police department's internal affairs' unit investigative methods and procedures;~~

~~(2) To report in writing to the City Manager periodically, but no less than annually beginning in January 2003, as follows:~~

~~a. on the subcommittee's determination as to the thoroughness, objectivity, fairness and timeliness of the police internal affairs' investigation of citizen complaints against police officers; and~~

~~b. any recommendations and/or proposals for improvements or modifications in the police internal affairs investigative process, policies or training, and for enhancing public confidence in the methods and process of investigation of citizen complaints against police officers.~~

~~(3) To hold a public hearing at least annually to receive comments upon the police citizen complaint process.~~

~~(4) Although it shall have access to individual internal affairs reports in order to review investigative methods and procedures, all reports of the subcommittee shall be done in such a manner that particular complainants, witnesses and officers are not personally identifiable.~~

~~(5) Reports of the subcommittee shall be made available to the public to the extent consistent with the State Freedom of Access Act, 1 M.R.S.A. Sec. 401 et.seq.~~

~~(6) To make suitable procedural rules, from time to time, for the conduct of its duties. Proposed rules shall be submitted to the City Council and shall become effective only when approved by the City Council. All such rules shall be recorded in the office of the City Clerk.~~

~~(b) Complaints to be reviewed: The subcommittee shall review all completed internal affairs investigations of citizen complaints.~~

~~(c) Timing of review. All subcommittee reviews of citizen complaints shall take place only after final disciplinary action has been taken and all appeals exhausted or the case has been finally~~

~~closed with no disciplinary action taken.~~

~~(d) Notification of review. The subcommittee shall notify the citizen complainant, in writing, of the subcommittee's review and any findings made by the subcommittee regarding the thoroughness, objectivity, fairness and timeliness of the internal affairs investigation.~~

~~(e) Scope of authority. The subcommittee shall conduct its duties solely to determine the thoroughness, objectivity, fairness and timeliness of the police department's internal affairs' methods and procedures in regard to citizen complaints against police officers, and the subcommittee shall have no power or authority to subpoena or call witnesses nor to impose or modify any disciplinary action, or lack of action, against any police officer. The subcommittee shall make no recommendations nor offer any findings or comments relative to any disciplinary action, or lack of action, against any officer.~~

~~(f) Training. Prior to assuming their duties hereunder, subcommittee commissioners shall attend training by city staff as to the subcommittee's duties and responsibilities, applicable state and local law and regulations, issues relevant to the conduct of the citizen review function, accepted police practices and the department's internal affairs investigation process. Such training shall be provided by the city at no cost to the subcommittee members.~~

~~(g) Resources. To facilitate the effectiveness and objectivity of the police citizen review subcommittee, the city shall make available to the subcommittee the services of a technical advisor, as needed by the subcommittee. The technical advisor may be used for the purposes of training; briefing the subcommittee on accepted police practices, applicable law and issues relevant to the discharge of the citizen review function; and educating the subcommittee on aspects of the internal investigation process. The advisor shall be retained by the City Manager after consultation with the Chief of Police, representatives of the police unions and the subcommittee chairperson. Any person who presently maintains any business or professional affiliation with the police department shall be disqualified from serving as technical advisor.~~

~~The city shall further make available all internal affairs investigation reports and police documents relevant to such investigations which are necessary for the subcommittee to conduct its duties hereunder. In no case shall the subcommittee have access to police officers' personnel records except to the extent that they are part of an internal affairs investigation report or are considered a public document under the state Freedom of Access law.
(Substitute Ord. No. 83-01/02, § 3, 11-5-01; Ord. No. 143-17/18, 2-5-2018)~~

~~Sec. 2-77. Confidentiality.~~

~~Each member of the civil service commission is obligated to maintain the confidentiality of all information and documents either~~

~~provided to or reviewed by them, in accordance with state law. Failure to maintain such confidentiality will be cause for removal from the commission. All reports and requests for disclosure of any information shall be referred to the corporation counsel for review prior to release.~~

~~(Substitute Ord. No. 83-01/02, § 3, 11-5-01)~~

~~Sec. 2-78 thru 2-90. Reserved.~~

ARTICLE IV-A. CIVILIAN POLICE REVIEW BOARD

Sec. 2-76. Created.

Pursuant to Article IX of the Charter, there is hereby created a civilian police review board, the purpose of which is to increase public trust and confidence in the Portland Police Department.

Sec. 2-77. Composition.

The civilian police review board shall consist of ten (10) board members. Seven (7) of the board members shall be voting members, and three (3) of the board members shall be non-voting members.

Sec. 2-78. Qualifications.

(a) *Qualifications of commissioners.* Every board member shall be at least 18 years of age and a resident of the City of Portland for at least three (3) months prior to the start of their term. The following persons are not eligible to be members on the board:

- (1) Any present or former employee of the city or school department, who was employed by the city or school department in the previous five-year period;
- (2) Any present or former member of the City Council or School Board, who held that position in the previous five-year period; or
- (3) Any individual presently serving as a commissioner or alternate on the civil service employment commission;
- (4) In order to ensure an objective and unbiased audit of the police department's internal affairs investigation process, any applicant for service on the civilian police review board shall be disqualified from serving on said board if:
 - a. any member of the applicant's immediate family is or has been a Portland police officer in the previous ten (10) years;
 - b. the applicant or any member of their immediate family has been arrested by any member of the Portland police

department within the previous ten (10) years, or has had the final disposition of any criminal proceedings resulting from such an arrest within the previous ten (10) years, whichever is longer;

c. the applicant or any member of their immediate family has filed a complaint with the internal affairs unit of the Portland police department within the previous ten (10) years;

d. the applicant or any member of their immediate family has brought suit against the City of Portland, the Chief of Police, the police department or any individual police officer for a cause of action arising out of an officer's performance of their duties within the last ten (10) years or has had such a suit finally disposed of within the previous ten (10) years, whichever is longer; and

e. "Immediate family" as used herein shall mean and include spouse, domestic partner, children, grandchildren, parents, grandparents, and siblings.

(c) Failure to disclose any grounds for disqualification or falsification of any information in the application process shall disqualify the person from service on the board and shall constitute "cause" within the meaning of section 2-82.

(d) Any board member who becomes ineligible to serve during their term shall resign, and failure to do so shall constitute "cause" within the meaning of section 2-82.

(e) Reasonable efforts shall be made to ensure that the appointments to the civilian police review board are diverse and representative of the community.

Sec. 2-79. Appointment.

(a) Subject to the provisions of section 2-80, members of the civilian police review board shall be appointed as follows:

- (1) Six (6) voting members appointed by the City Council;
- (2) One (1) voting member appointed by the Mayor; and
- (3) Three (3) non-voting members appointed by the City Council.

(b) Such power of appointment shall be exercised only after the City Clerk has published a notice announcing such position or positions, describing the responsibilities thereof, and soliciting applications by qualified persons in a newspaper of general circulation within the city not less than fifteen (15) calendar days in advance of

action by the city council. Applications may be solicited whether or not there is a vacancy, and such applicants may be considered for any vacancy that occurs within one hundred eighty (180) days of the closing date for such applications. Nothing herein shall limit the city's authority to solicit applications whenever the City Manager deems that it is necessary.

Sec. 2-80. Terms.

(a) Term. Each board member shall be appointed to a three-year term except as set forth in subsection (c) or unless appointed to fill a vacancy. A board member shall serve until their successor is appointed and qualified, but in no case longer than one hundred twenty (120) days from the expiration of their term.

(b) Limitation on service. No person shall be appointed to, nor serve, more than three (3) consecutive full terms or nine (9) consecutive years, whichever is greater, on the board.

(c) Initial Civilian Police Review Board. For the first civilian police review board appointed following its creation, the city council and mayor shall first select from the current members of the police citizen review subcommittee in making appointments to the board. Additional vacancies shall be filled in accordance with the process outlined in Section 2-79. On the first board, two (2) voting members appointed by the City Council shall serve for a one (1) year term, two (2) voting members appointed by the City Council shall serve for a two (2) year term; two (2) voting member appointed by the City Council shall serve for a three (3) year term; the one (1) voting member appointed by the mayor shall serve for a three (3) year term; one (1) non-voting member appointed by the City Council shall serve for a one (1) year term; one (1) non-voting member appointed by the City Council shall serve for a two (2) year term; and one (1) non-voting member appointed by the City Council shall serve for a three (3) year term.

Sec. 2-81. Compensation.

Civilian police review board members shall serve without compensation, except that reasonable expenses incurred by any member incidental to their duties under this article may be reimbursed upon prior approval of the city manager.

Sec. 2-82. Removal.

Any civilian police review board member may be removed from office by the city council for cause, after notice and the opportunity to be heard. "Cause" shall include any act or omission which constitutes legal cause, and includes but is not limited to: incompetent or inefficient performance of duty; unexcused absences from board meetings; violation of any provision of this article or the rules adopted thereunder, whether such violation may result in a forfeiture

of office hereunder, or not; the commission or conviction for any disqualifying criminal offense, or any action by the board member intended to affect or influence, or which could reasonably be expected to affect or influence any decision of the city manager, the chief of police, or the city council with respect to the department, or of any member of the police department with respect to the performance of their duty.

Sec. 2-83. Officers.

The board shall annually elect one (1) of its members as the chair and one (1) of its members as the vice chair, to serve in the absence of the chair. Whenever possible, non-voting members of the board shall serve as the chair and vice chair. A member may not serve as chair for more than three (3) consecutive years. The City Manager's designee shall serve as secretary to the civilian police review board and shall furnish any necessary administrative assistance to the board.

Sec. 2-84. Meetings.

(a) *Calling of meetings.* Meetings or hearings of the board may be called at any time by its Chair, or in the absence from the city or disability of the Chair, by any member of the board. The Chair shall call a meeting upon request from any board member.

(b) *Quorum.* A quorum of the Civilian Police Review Board shall be a majority of the total number of voting members presently appointed to the board. The board shall act by a majority of voting members present and voting.

Sec. 2-85. Functions and duties.

(a) *Duties.* The duties of the civilian police review board are as follows:

- (1) To receive complaints of police misconduct by civilians and police as follows:
 - a. Complaints received by the board, whether from civilians or police officers, shall be referred within twenty-four (24) hours after receipt to the police internal affairs department for investigation. When receiving complaints, the Board shall follow the police department's standard operating procedures regarding interviewing the complainant and documentation requirements.
 - b. To the extent that the police department receives a civilian complaint directly or through means other than referral by the board, the police department will provide the community liaison with a copy of the complaint within five (5) calendar days.

- c. The board will not accept any complaints from police officers or their representatives regarding disciplinary actions or personnel matters.
 - d. For purposes of this Article, complaint shall have the same definition as outlined in the police department's standard operating procedure.
- (2) To review all final investigation reports submitted by internal affairs and/or police command staff for due process issues, including but not limited to, issues of fairness, thoroughness, objectivity, and timeliness, for both the complainant(s)/civilian(s) involved in the matter and the officer(s);
 - (3) To maintain the confidentiality of all information and documents provided to and/or reviewed by the board in accordance with state law;
 - (4) To hold a public hearing at least annually to receive comments upon the complaint process and to engage the City residents as to the board's purposes and goals.
 - (5) To provide a written annual report to the Mayor, City Council, City Manager, and Chief of Police that includes, but is not limited to, the following:
 - a. the board's policy and funding recommendations concerning the police internal affairs process, police policies, practices and procedures, and the board's functions and duties; and
 - b. the number of complaints submitted to the board and the number of complaints resolved during the previous year.
 - (6) To ensure that all reports of the board shall be prepared in such a manner that particular complainants, witnesses, and officers are not personally identifiable.
 - (7) To ensure that its reports are made available to the public but only to the extent permitted by the State Freedom of Access Act, 1 M.R.S.A. Sec. 401 et. seq. and other applicable law.
 - (8) To propose, from time to time, suitable rules governing the board's administrative procedures and board member roles. Such proposed rules will become effective only when approved by the city council.
 - (9) To request additional funding from the city manager as part of the city's annual budget process and at such other times as it deems necessary, though nothing in this Article shall require the city manager or the city council to provide any

particular amount of funding.

(b) *Timing of review.* All board reviews of internal affairs investigations shall take place only after final disciplinary action has been taken and all appeals exhausted or settled or the case has been finally closed with no disciplinary action taken. The police department shall submit its report on the conclusions of any internal affairs investigation no more than fourteen (14) calendar days after the findings become final and after final disciplinary action has been taken and all appeals exhausted or settled or the case has been finally closed with no disciplinary action.

(c) *Notification of review.* The board shall notify the complainant, in writing, of the board's review and any findings made by the board regarding due process in the internal affairs investigation, including but not limited to, issues of fairness, thoroughness, objectivity and timeliness.

(d) *Scope of authority.* The board shall have no power or authority to subpoena or call witnesses or to impose or modify any disciplinary action, or lack of action, against any police officer. The board shall make no recommendations or offer any findings or comments relative to any disciplinary action, or lack of action, against any officer.

(e) *Training.* Prior to assuming their duties hereunder, board members shall attend training by city staff as to the board's duties and responsibilities, applicable state and local law, ordinances, and rules and regulations, accepted police practices, the department's internal affairs investigation process, including the rights of officers being investigated, and proper techniques for receiving internal affairs complaints, including the process utilized by the police department. Such training shall be provided by the city at no cost to the board members.

(f) *Resources.* To facilitate the effectiveness and objectivity of the civilian police review board, the city shall make available to the board the services of a technical advisor, as needed by the board. The technical advisor may be used for the purposes of training; briefing the board on accepted police practices, applicable law and issues relevant to the discharge of the citizen review function; and educating the board on aspects of the internal investigation process. The technical advisor shall be retained by the city manager after consultation with the chief of police, representatives of the police unions and the chair of the board. Any person who presently maintains any business or professional affiliation with the police department shall be disqualified from serving as technical advisor.

The City Manager shall designate a staff member to serve as the civilian police review board's Community Liaison. The Community Liaison shall ensure that the public is aware of the methods for filing complaints, and shall assist the board with carrying out its duties, conducting outreach, and other duties as assigned by action of the

The Police Department shall designate a staff member to serve as the civilian police review board's Police Liaison. The Police Liaison shall be familiar with the police department's standard operating procedures and shall assist the board with questions concerning the department's standard operating procedures.

The city shall further make available all internal affairs investigation reports and police documents relevant to such investigations which are necessary for the board to conduct its duties hereunder. In no case shall the board have access to police officers' personnel records except to the extent that they are part of an internal affairs investigation report or are considered a public document under the state Freedom of Access law.

Sec. 2-86. Confidentiality.

Each member of the civilian police review board is obligated to maintain the confidentiality of all information and documents either provided to or reviewed by them, in accordance with state law. Failure to maintain such confidentiality will be cause for removal from the board. All reports and requests for disclosure of any information shall be referred to corporation counsel for review prior to release.

Sec. 2-87. Appeals.

(a) An individual aggrieved by the report on a complaint issued by the civilian police review board may submit a notice of appeal of the board's due process determinations to the city council. Any such appeal must be in writing addressed to the mayor, must state the basis for the appeal, and must be filed with the mayor on or before the day that is thirty (30) days after the date of the board's report.

(b) Within sixty (60) days after receipt of a notice of appeal, the city council shall hold a hearing during which it shall review the board's report, the internal affairs investigation materials, and the notice of appeal. After such hearing, the city council will provide an advisory opinion regarding due process issues of the internal affairs investigation, including, but not limited to, issues of fairness, thoroughness, objectivity, and timeliness, for both the complainant/civilian involved in the matter and the officer. The city council's review shall be de novo and will occur in executive session where required by state law. The council's advisory opinion will not be legally binding on the city, the police department, police officers, or individuals. The city council will have no power or authority to subpoena or call witnesses nor to impose or modify any disciplinary action, or lack of action, against any police officer. The city council's hearing will not address, and its advisory opinion will make no recommendations nor offer any findings or comments relative to any disciplinary action, or lack of action, against any officer or any other personnel matter. The city council's advisory opinion on any appeal will be final and not appealable.

(c) All such appeals to the City Council are subject to the same confidentiality requirements that are applicable to members of the police civilian review board. All reports or decisions of such appeals and requests for disclosure of any information related to an appeal shall be referred to corporation counsel for review prior to release.

Sec. 2-88. Reserved.

Sec. 2-89. Reserved.

Sec. 2-90. Reserved.

July 9, 2025

City Councilors & Mayor Dion,

We, the Portland Citizen Review Subcommittee (PCRS), have some feedback regarding the draft ordinance to establish a new Civilian Police Review Board (CPRB).

As you know, the purpose of that Charter amendment, passed by voters in November 2022, is to replace the PCRS with a more robust oversight body.¹

In their final report, the Charter Commission wrote that “citizen oversight should be in the Charter to elevate the status of the existing board in order to mitigate the potential for harm and to build broader public trust between civilians and police.”²

We are pleased by some of the aspects of the new draft ordinance, and also have some significant concerns that we want to bring to your attention:

(1) We believe the development of this ordinance should follow your standard process, and be sent to committee for discussion with all stakeholders.

Though we are approaching three years since the Charter Amendment was passed by voters, we believe that the City Council should follow its normal legislative process and send this ordinance to committee.

To date, there have been no City Council public hearings regarding this new ordinance, no stakeholders have been formally engaged, and no experts have been consulted. We believe that skipping this critical step will result in a weaker ordinance that has less buy-in from stakeholders and the public.

Full-Council workshops are limited in what they can accomplish: they usually top out at around two hours, individual councilors only get so much time to speak, and public comment is not taken.

In a committee context, a panel could be called that includes experts in police oversight (such as experts from NACOLE or members of oversight boards in other cities), Charter Commissioners or members of the Racial Equity Steering Committee, representatives from

¹ Charter Commission Final Report, 2022, <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67> [Page 79]

² Charter Commission Final Report, 2022, <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67> [Page 10]

organizations who work with marginalized individuals, members of the Police Department's administration and IA Unit, and others. The public could be engaged and their comments invited. The committee would have the time and space to get into the nuance and detail of this complex issue.

The end result of following your normal process and sending this to committee would be an ordinance that has been more thoroughly vetted, and more thoroughly socialized with the public and stakeholders.

The purpose of the new board is to increase public trust. That starts with you, and the process you use to create the ordinance that will enable that new board. We would remind the Council of former Councilor Duson's oft-heard refrain of "*Process, process, process!*"

(2) There continues to be no mechanism for following up with board recommendations.

The draft ordinance says that the CPRB is empowered to "make policy recommendations to the mayor, the city council, and the chief of police." The Charter says that the CPRB may make recommendations to the City Council regarding "the police internal affairs investigative process, policies or training, and for enhancing public confidence in the methods and process of investigation of citizen complaints against police officers."

However, if making recommendations is intended to increase public trust in our police department, we believe that there must be some kind of follow-up or response to those recommendations.

Historically when the PCRS has made recommendations, whether and how the City Manager, Police Chief, or City Council respond has been inconsistent. Sometimes a response is verbal, sometimes it's in an executive session, sometimes it's a letter, and sometimes there's no response at all. We believe that it is important to formalize and standardize this process, and require a written response to formal Board recommendations.

One idea we had was to mandate that the City Manager or their designee formally respond to any formal recommendations from the CPRB within 60 days, but we are open to other methods of accomplishing this.

(3) The ordinance imposes eligibility restrictions far beyond what the Charter intended and required, and have actually been expanded since the last draft seen before bargaining.

The Charter amendment passed by voters only requires that CPRB members be 18 years or older, and have been residents of Portland for at least 3 months. This was intentional: in their final report, they stated that “removing eligibility restrictions for board membership” was one of the “enhancements” they were making.³ They did not specifically stipulate that restrictions could be added, but all the PCRS restrictions they were trying to remove have been added to the draft ordinance nevertheless.

Removing restrictions had been a main recommendation of the Racial Equity Steering Committee in 2020-2021. They wrote in their final report,

“RESC recommends an oversight committee that welcomes all community participants, regardless of their experiences with law enforcement, the criminal justice system, or their employment. The committee is firm in their belief that the current disqualifications attached to the PCRS stigmatize and punish people who have been arrested and/or who have been incarcerated.”⁴

Despite all this, the draft ordinance bans:

- Anyone who was employed by the City or School Department in the last 5 years. (This would actually disqualify the two most senior members of the PCRS - Xavier Botana and Kay Kerina - from serving on the new board.)
- Anyone who has been a City Councilor or School Board member in the last 5 years.
- Anyone who has been arrested by the Portland Police Department in the last 10 years, as well as their spouses, domestic partners, children, grandchildren, parents, grandparents, and siblings.
- Anyone who has submitted a complaint to the Portland Police Department in the last 10 years, as well as their spouses, domestic partners, children, grandchildren, parents, grandparents, and siblings.

Note that the first two have been increased from 1 year (the Council’s stated desire after much discussion in the 2023 workshops) to 5 years after bargaining with the police unions.

Why should a former janitor at Portland High School, retired teacher from Reiche, or former Parks Department landscaper be disqualified from serving on the CPRB?

³ Charter Commission Final Report, 2022, <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67> [Page 11]

⁴ Racial Equity Steering Committee Final Report, 2021, <https://content.civicplus.com/api/assets/41c75af1-d867-4dc0-b4af-39af4a6470d8> [Page 11]

Why should the grandchild of someone arrested during the Obama Administration be disqualified from serving on the CPRB?

Why should someone whose family member submitted a complaint be themselves disqualified from serving for a full decade?

Both the Racial Equity Steering Committee and the Charter Commission discussed the issue of these disqualifications at great length, and they both wanted to remove them. The Charter Commission thought it had accomplished that with its amendment language.

While we strongly recommend that you revisit the disqualifications that have been added back in, and reasonably adjust them to increase the diversity of perspectives on the new board, we also acknowledge that the CPRB will be reviewing sensitive matters and confidential material, and decreasing the risk of potential bias is a complex consideration.

(4) The two non-voting members should not be the Chair & Vice Chair.

The Charter requires two non-voting members, but it does not require that they be the Chair and Vice Chair, as currently written in the draft ordinance. This clause was added after a comment from a former councilor in one workshop two years ago.

These non-voting seats were intended to function like they do on the School Board, for example as youth representatives or representatives from local organizations with helpful perspectives on the matters the board will discuss.

Requiring that the Chair and the Vice Chair be non-voting is not only extremely unusual, it would hamper the ability of the Board to function properly. We would like to see this removed.

We also wish to highlight some of the positive changes that have been made to the draft ordinance:

- As required by the Charter, the new board will be able to receive complaints from the public and send them to the Police Department for review.
- The new board will be able to review *internal* Police Department complaints, not just *external* (i.e. initiated by the public).

- The new board is able to review IA investigations for due process issues *beyond* the four criteria in the PCRS ordinance (fairness, objectivity, timeliness, and thoroughness).
- The new board will have the ability to request a budget and staff from the City Manager; this will also include opportunities for the CPRB to have conversations about budgetary needs with the City Manager.

For more information, we suggest watching the replay of [our June 23 meeting](#) where we discussed the new ordinance in some detail.⁵

We are looking forward to supporting a stronger version of the ordinance, and we reiterate that we believe that having it go to committee would be the best next step. We would appreciate any responses or feedback - we would love to have an open dialogue with the City Council and City Staff as we move forward.

Thank you for your time,

Joey Brunelle
Vice Chair, Police Citizen Review Subcommittee

Rachel Schlein
Member, Police Citizen Review Subcommittee

This letter was formally approved by the PCRS on July 9, 2025.

⁵ PCRS June 23 Meeting, <https://portlandme.portal.civicclerk.com/event/8149/media>