

**Remote HHS and Public Safety  
Meeting Agenda**  
November 13, 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 #4 Opioid Settlement Funds (OSF) New Allocations, Item #5 Emergency Operations Plan, and Item #6 Police Citizen Review Board. To submit written public comment on an agenda item, email [HHSPS@portlandmaine.gov](mailto: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: Nov 13, 2025 05:30 PM Eastern Time (US and Canada)

Topic: Remote HHS and Public Safety Meeting

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1. Announcements
2. Review and Approval of Minutes from October 14, 2025
  - a. Attachments
3. Opioid Settlement Funds (OSF) Dayspace Update (Maggie McLoughlin, HHS Director)  
*Staff to present an update regarding day space operations.*
  - a. Attachments
4. Opioid Settlement Funds (OSF) New Allocations (Councilor Anna Bullett, Chair)  
*Committee to consider recommendation to the Council regarding new allocations of the Opioid Settlement Funds. Public comment will be taken.*
  - a. Attachments
5. Emergency Operations Plan (Emergency Management Coordinator, Caity Hager)  
*Committee vote anticipated; public comment will be taken.*
  - a. Attachments
6. Police Citizen Review Board Discussion (Rachel Millette, Associate Corporation Counsel)  
*Committee vote anticipated; public comment will be taken.*
  - a. Attachments
7. Next Meeting: January 13, 2026

## Health & Human Services and Public Safety Committee

October 14, 2025, 5:30 PM Remote Meeting

Committee Attendance:

Anna Bullett, Chair (District 4), Sarah Michniewicz (District 1), April Fournier (At-Large)  
Wesley Pelletier (District 2).

Councilor Attendance: Kate Sykes (District 5)

City Staff:

Adam Harr, Executive Assistant; Greg Jordan, Assistant City Manager; Chad Johnston, Fire Chief; Caity Hager, Emergency Management Coordinator. Nicole Albert, Associate Corporation Counsel; Rachel Millet, Associate Corporation Counsel; Michael Goldman, Corporation Counsel; Maggie McLoughlin, Director of HHS; Mark Dubois, Police Chief; Bridget Rauscher, Public Health Director.

### 1. Announcements

- None.

### 2. Review and Approval of Minutes from September 9, 2025

- Councilor Pelletier Moved to approve the minutes and seconded by Councilor Michniewicz. The minutes were approved unanimously 4-0.

### 3. (ICE) Resolution 2-25/26 Next Steps

- Staff looking for examples of what action items the committee is interested in; the goal is to brainstorm potential actions the committee is able to take.
  - Examples the public would like the council to do.

Public comment was opened at 5:37 PM

Joey Brunelle 37 pine street gave comments on the unagenda'd item public comment.

Public comment closed at 5:39 PM

Committee questions and discussion

- Councilor Michniewicz wants to identify what the City has control over such as identification of Portland PD uniforms.
  - A tactical unit officer was asked if they were ICE at the Pride Parade.
  - Can we be clearer and able to be identified at a distance that someone is local police and not ICE.
  - This would be a change to the Uniform Policy.
- Councilor Pelletier would like information on police actions as soon as possible.
  - When it is safe to do so and does not hinder the operation.
    - Allows people to know what is and is not ICE enforcement
  - He would also like to be able to close off school related public properties during school hours.

- Councilor Fournier identified policies in process in other states and levels of government and see how they can inform our ordinance.
  - We don't always know where ICE is operating due to an agreement stating the City does not assist them.
  - Require identification without face coverings.
- Councilor Sykes said education is important and wants City staff and corporation counsel to assess the feasibility of the following:
  - What is a signed judicial warrant vs an administrative warrant?
    - Checking judicial warrants for validity.
  - Which locations are public and private in city buildings?
  - Is the airport considered City property?
  - Explain what constitutes non-cooperation and what that means.
  - What are one's rights when ICE knocks at the door,
  - Mandatory staff training such as the sexual harassment policy.
- Councilor Bullett clarified that there are federal actions and that most actions in Maine are Customs and Border Patrol and not ICE.
- Councilor Michniewicz said there is language stating authority when someone represents a clear and present danger to national security
- Councilor Bullett wants to look at policies around the country for what can be implemented locally.
  - Chicago
    - Resolution style
    - Safety around hospitals, places of worship, schools
      - Add courthouses to ours.
  - California
    - face masks
  - Staff training
    - Corporation Counsel has provided guidance to HHS and Parks and Recreation.
      - What spaces are and are not open to the -public,
      - Difference between an administrative warrant versus an assigned judicial warrant.
  - Public Awareness,
    - Hesitant to give legal advice to the public
    - What are the gray areas?
- Councilor Michniewicz asked how our officers identify federal enforcement is or is not operating in a lawful capacity?
  - Solicit officer feedback.
    - Do they:
      - intervene?
      - Actively watch.
- Councilor Sykes wants more communication to the public on what the City is doing and engagement on this process; The City is upholding the law and the Constitution as federal agencies using local law enforcement is against the law.
  - Boston Mayor Wu released a letter explaining this which the City could model after.

## Syringe Services Program (SSP) Update

- 39 clients
- 825898 syringes distributed
- Syringes collected at a rate of 81%.
- Required and installed community sharps containers.
- Collected zip codes of respondents
  - Most are from Portland and of those, most are 04101
- Overdose to Action
  - Occurred in Harm Reduction space at 39 Forest and the Homeless Services Center.
- Syringe redemption project
  - 1702 encounters
  - 390 unique clients
  - Program allows current or new exchange clients to engage in the redemption program; one must disclose use of injection drugs to support injection drug users accessing services at the exchange.
  - Collected 312,000 syringes as part of the redemption program
  - Paid out 31,200 as of September 30<sup>th</sup> with people returning more syringes than can be paid for based on a cap.
  - 74% report collecting syringes from the ground
  - People are now receiving Narcan
  - 150 referrals for recovery
- Operational constraints:
  - Current enrollment is a fraction of the total exchange clients.
  - Weekly and individual maximums
- SeeClickFix needle pickups
  - 25% decrease for needle pickups in 2025
- Bayside and Deering Oaks as well as east bayside were the most common areas where syringes were collected.
- Pre and post redemption comparison.
  - Harm Reduction and Downtown Ambassador teams collecting syringes.
  - Evidence indicates the redemption program is decreasing the number of improperly disposed of syringes thanks to the work of our staff and clients.

#### Committee questions and discussion

- Councilor Michniewicz appreciates the data and has noticed a decrease in syringe litter in Bayside and would like the same analysis of the other areas for Bayside.
- Councilor Pelletier thanked Director Rauscher for the analysis and appreciates the work and positive results.
- Councilor Bullett asked about sustainability and how much funding it received and needs to continue.
  - Will discuss in opioid settlement funds update
- Councilor Fournier asked if it is possible to make an intentional expansion.
- Councilor Michniewicz asked if their collection is being tracked.
  - Yes.

#### OSF Update

- Day space
  - Baxter boulevard not available.
  - Space remains an issue.
- 2024 City did a needs assessment including input from people with lived experience and the following align with these needs.
  - Contingency management program
    - Poly substance use: no approved medication assisted treatment for stimulants.
    - Verified abstinence
    - Could eventually be compensated: 50-75 individuals.
  - OUD supports.
    - Maine Moms supports 30 pregnant women addicted illegal substances.
    - Prescribe and administer Pre-Exposure Prophylaxis to mitigate the risks of HIV outbreak.
  - Access to housing for individual with substance use disorder.
    - Scale up the HOPE program.
    - Success or program means more staff time on retention services versus new inflow housing placements
  - Flexible funding for partners.
  - Continued Syringe Redemption

Committee questions and discussion.

- Councilor Fournier appreciates the engagement with the community.
  - Is not convinced contingency management will see the return on investment as the Maine Mom model or assisting the Syringe redemption program or expanding the HOPE program with the understanding these funds will diminish each year and do, we have enough revenue to support program growth?
  - We should continue to seek day space but does not want to hold on to the funds looking for locations given the opportunity costs of not growing the other programs.
- Councilor Michniewicz sees the CM as science based and cost effective.
  - We should choose options with durable outcomes given the ephemeral funding.
  - HOPE increasing their time allotment to retention is good.
- Councilor Pelletier does not know enough about CM to comment on it; he supports the HOPE program and would like to continue to have the data space conversation but can accept decoupling them from the OSF given there are no organizations or physical spaces for operation.
- Councilor Bullett does not know enough about CM and looking through an equity lens, funding services for women and issues related to poverty and opioid use should be expanded and wants lifeline to be supported.
  - Congenital syphilis is an increasing issue,
  - Supports HOPE program and would like to know how long retention work is being done
  - Are clients connected through Maine care to behavioral health homes who can take the burden off of HOPE's staff capacity.
  - Additional details the programs including education on CM.
  - Short term vs long term outcomes in the context of waning funds.
- Councilor Bullett doesn't want to lose sight of awarding grants to community partners as an option.
- Councilor Fournier sees funding existing practitioners as viable but not to hire new.
- Councilor Michniewicz said if CM becomes reimbursable, it would become more sustainable.

- Councilor Bullett supports using funds to pull in the HHS data analyst or epidemiologist to look at program data for use in funding opportunities.

### **Drones**

- The public comment notice was muddled so out of an abundance of transparency, public comment will be taken tonight.
- SOP updated
  - Clarified confusing terminology.
    - Definition of surveillance changed.
- State law requires the Council's permission to purchase a drone.
- Many laws regulate the use of drones.
  - Constitution
  - FAA regs on police drones and operations must get pilot certification.
    - Not allowed to fly over crowds of people.
- Reports on every use of police drones.
- Public comment opened at 6:49 PM
  - Joey Brunelle of NAME street is concerned how the use of drones intersects with the rise of authoritarianism in the USA. AI enabled drones can monitor huge land areas in battlegrounds; SF is planning to swarm the city with drones. Some drones can fly so high they cannot be seen or heard; these could enable a police state.
- Public comment closed at 6:53 PM.

### **Police Citizen Review Board**

- There are areas of the draft ordinance that need attention and input from stakeholders.
- Background: 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.
- Areas where changes are likely to be made.
  - Board membership
    - 10 board members including 3 non-voting.
  - Board Officers
    - Chair
    - Vice Chair
  - Member Qualifications
    - Disqualifications
  - Receiving Complaints of Police Misconduct
  - Appeals
- Staff seek guidance on which parts of the ordinance councilors are seeking to modify.

Public comment opened at 7:09 PM

- Joey Brunelle of Pine street is on the board and spoke in his personal capacity, not representing the board. It is an HR function

Public comment closed at 7:12 PM.

## Committee questions & Discussion

- Councilor Pelletier is opposed to knowing someone who has been arrested being a disqualifier and is otherwise happy with the exclusions.
  - 10 years is a long time and Councilor Bullett supports decreasing the time period to wait.
- Councilor Sykes is pleased with the changes made since executive session.
  - There is better language around diversity of membership.
  - External training allowed such as from NACOL.
  - Draft says 1 year than 5 year on slides for school board and city council member prohibition.
    - Supports 1 year.
  - Echoes the concern of how many categories or of disqualification for people touching the justice system.
    - They are informed voices.
- Councilor Michniewicz agrees generally and sees the case for some to be brought down to 5 years but should stay to prevent bias.
- The current draft says 5 years in the packet 278 1 and a2.
- The focus should be on the disqualifying criteria; who would the committee like to hear from on these or can it be addressed by the committee itself?
  - A panel is not needed, but three examples from three similarly sized cities on disqualifiers.
- Councilor Pelletier would like to dial back the family background check if applicant were arrested in the last three year
  - If these would pass, are there members of the board who would not qualify
    - There are two current former school board members,
    - Current MOU not in violation for having 2 current/former school employees.
    - He would like to bring these disqualifications back in line to not get rid of people currently serving on the board.
- Councilor Michniewicz would like a look at disqualifying factors in similar cities' PCR. (size, number of complaints, police force)
- Councilor Bullett supports narrowing the definition of immediate family to not include grandparents or grandchildren.
- Councilor Sykes says page 69 of the packet, 2-49, #2 sites 1 year not 5 years.
  - This section includes all 2 subcommittees; the Police Citizen Review Board had its own set of qualifications.
  - The original request did not pull the PCR out; when it did, the two subcommittees became distinct with different qualifications. In the current ordinance, the qualifications are identical.
  - Councilor Sykes wants the restriction to be one year.
- Councilor Fournier asked about officers, the chair and vice chair are non-voting members and shall serve in those positions whenever possible; is this required by the charter change?
  - Not a requirement.
  - Three non-voting members are encouraged to participate by serving as chair or vice chair but the intention is not to limit to them.
  - Would like the board to choose their chair and vice chair.
  - Non-voting members are appointed by the Council;

- If they are not participating, then the board can address it internally and then ask the council for new appointees, if needed.

**Next meeting is November 13.**

Councilor Michniewicz moved to adjourn, and was seconded by Councilor Pelletier. The motion passed unanimously 4-0 and the meeting adjourned at 7:31 PM.

DRAFT



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

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**DATE**

November 13, 2025

**AGENDA ITEM**

Agenda Item #3 - Update on Day Space

**PURPOSE**

This memo serves as background to the Health & Human Services and Public Safety (HHSPS) Committee regarding potential allocation options for Opioid Settlement Funds (OSF) for a day space.

**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). In October 2025 Committee meeting, staff provided an update on the day space, with no clear pathway to support a day space in the near future. Committee members indicated their interest in continuing to prioritize a day space, while also moving forward with potential alternative allocations for OSF. In the meantime, staff continued to pursue opportunities for a day space.

## **SEASONAL HALF-DAY SPACE**

Staff are in discussion with St. Vincent de Paul Soup Kitchen regarding a half-day day space at their current location of 307 Congress St. The non-profit has some experience providing services to individuals with substance use disorders and mental health needs. However, they have not provided services similar to the day space before. While St. Vincent de Paul is still refining details, the space would include:

- Daily operations Monday through Friday from mid-November until end of April
- Clear sight lines and safety monitoring
- Indoor space for respite for 60 unsheltered individuals, with food and restrooms provided.
- Operating hours from 6 AM-11 AM, with the option for individuals to stay for an afternoon hot meal.
- Open approach to partner-led wrap-around services on site. At minimum, this includes the City of Portland's outreach team and mobile medical services. Additional partners have also expressed interest in providing wrap arounds, with final services to be determined.
- Staff and volunteers trained in de-escalation techniques
- On-site security both inside and around the perimeter of the facility
- Low barrier services
- Notification to abutters

While this option lacks some of the priorities originally identified by the Committee,, including full day operating hours and wrap-around services/infrastructure, it reflects the Committee's goals to provide an on-peninsula service that would serve unsheltered individuals.

## **Conclusions/Next Steps**

No Committee or Council action is required. Staff intend to continue discussions with the St. Vincent de Paul Soup Kitchen and support them to coordinate with other providers who may be interested in providing services on-site, with the goal of funding the space for one season. Funding is not expected to exceed \$80,000 in Opioid Settlement Funds for the 2025-2026 winter season.

## **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](#)
- HHSPS OSF Committee Update (October 2025)- [link](#)



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

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**DATE**

November 13, 2025

**AGENDA ITEM**

Agenda Item #4 - Opioid Settlement Funds (OSF) New Allocations

**PURPOSE**

This memo serves as background to the Health & Human Services and Public Safety (HHSPS) Committee discussion regarding additional allocation options for Opioid Settlement Funds

**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. At the July 2025 HHSPS Committee meeting, City staff provided an update on OSF allocations. 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). At the October 2025 Committee meeting, staff provided an update on the day space, with no clear pathway to support a day space in the near future. During the meeting, the Committee noted support for the syringe redemption program, which staff intend to continue funding through OSF.

During recent 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.

The following options, presented for consideration and discussion, align with the Core Strategies designated for the use of OSF settlement funds.

#### POTENTIAL STRATEGIES:

- **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.<sup>1</sup> CM is supported by three decades of research that indicates CM is effective in driving up abstinence from illicit substance use in both the [short](#) and [long term](#). However, dissemination of the approach has been limited due to stigma, administrative, and financial barriers, with critiques often centered around resistance to utilizing financial incentives to drive drug abstinence. Staff are aware of two providers currently offering CM services in Portland, supported by private funding. These programs exist within a continuum of other treatment and recovery services also offered by the providers; their work and the approach have been profiled [nationally](#).

Polysubstance treatment is an approved use of OSF. However, state-level reimbursement for CM incentives is estimated to be at least two years out, leaving funding reliant on inconsistent private donations. An allocation of settlement funds could provide critical bridge funding and support approximately individuals with polysubstance use in accessing an evidence-based treatment option.

- **Expansion and sustainability funding for OUD-related Maternal Health needs and community paramedicine SUD support**- 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 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 amongst individuals with SUD while also helping mitigate risks of a broader HIV outbreak in Portland.
- **Housing support for unsheltered individuals**- In Portland, the HOPE program successfully connects unsheltered individuals to housing through outreach-based

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<sup>1</sup> 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](#).

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.

- **Flexible funding for local partners** - Under this approach, local non-profit 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 support by City staff, which may carry an additional expense..

#### **NEXT STEPS**

Order 62-24/25, enacted by the Council in October 2024, allocates \$936,479.26 for the purposes of funding a day space, syringe redemption program, and/or on-peninsula methadone treatment. If the Committee would like to change or expand the scope of the City's opioid settlement fund program, staff recommend amending Order 62 to reflect those desired changes.

#### **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, Order 62-24/25 (Oct. 2024)- [link](#)
- SSP & RFA Update (March 2025)- [link](#)
- HHSPS OSF Committee Update (July 2025)- [link](#)
- SSP Update (October 2025)- [link](#)



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

**MEETING DATE**

November 13, 2025

**AGENDA ITEM**

Emergency Operations Plan Draft and Chapter 2 Ordinance Changes related to Emergency Management.

**PURPOSE**

Review revisions to the Emergency Operations Plan (EOP) and Chapter 2, Article VIII of the Portland City Code and consider recommending adoption by the City Council.

**COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT**

Per State Statute Title 37-B Sec. 783 and City Ordinance Chapter 2 Article VIII Emergency Preparedness, Municipal Disaster / Emergency Plans must be in place and approved by the governing body.

**BACKGROUND/ANALYSIS**

The proposed changes to the EOP and associated ordinance were presented to the Committee at its September 9, 2025 meeting. Following Committee discussion, no material changes were made to the EOP. However, staff is recommending a change to a previously revised section of the ordinance (Sec. 2-407. Termination of Emergency). The current ordinance requires the City Council to approve the renewal of a state of emergency declared by the City Manager after 5 days. Staff's original proposed change increased the number of days to 10. After additional research and consideration, staff recommends a period of 7 days. Attachment A reflects this change.

A Municipal Emergency Operations Plan (EOP) is vital because it helps the city prepare for and respond to emergencies in a coordinated and comprehensive way. Given recent national events including flooding, wildfires, global pandemic, weather events, shootings, etc. updating the EOP is a top priority for city leadership and the city's Emergency Management Director.

A jurisdiction's EOP is a document that:

- Assigns responsibility to organizations and individuals for carrying out specific actions that exceed routine responsibility at projected times and places during an emergency

- Sets forth lines of authority and organizational relationships and shows how all actions will be coordinated
- Describes how people (including unaccompanied minors, individuals with disabilities, others with access and functional needs, and individuals with limited English proficiency) and property are protected
- Identifies personnel, equipment, facilities, supplies, and other resources available within the jurisdiction or by agreement with other jurisdictions
- Reconciles requirements with other jurisdictions.

An EOP is flexible enough for use in all emergencies. A complete EOP describes: the purpose of the plan along with the situation, assumptions, organization and assignment of responsibilities, administration and logistics, plan development and maintenance, and authorities and references.

To assist with the EOP's update, an internal Emergency Management Project Advisory Committee (EMPAC) was formed with representation from most City departments. The EMPAC has reviewed the attached draft during several feedback and suggestion sessions in the last two months.

As part of this EOP rewrite process, City Ordinance around emergency preparedness needed to be reviewed for potential updates and or language changes to meet the unique needs, priorities, and current resources that currently exist.

Proposed changes to the Ordinance Chapter 2 Article VIII include;

- Updating the title
- Changes in sec. 2-402 Definitions (Change Bureau to Office of Emergency Management)
- Minor changes and additions to sec. 2-403 Organization, 2-404 Director
- Minor changes to the sec. 2-406 Emergency Proclamation
- Added language under sec. 2-409 Emergency Operations Plans
- Changes in sec. 2-411 Compensation for injuries

A final draft of the base plan of the EOP is complete. Over the course of the next year, the Office of Emergency Management will develop the functional and hazard specific annexes and engage with the community about emergency preparedness and planning.

#### **FISCAL IMPACT**

There is no anticipated material fiscal impact associated with updating the EOP and Chapter 2, Article VIII of the City Code. Some funding or budget capacity might be required to train and exercise the final approved plan in the current and future fiscal years.

#### **CONCLUSION(S)**

This item is for information and discussion. Staff anticipate this item will be placed on the committee's October agenda for action and public comment, followed by City Council consideration.

**PRIOR COMMITTEE REVIEW**

Health & Human Services and Public Safety Committee (July 8, 2025) - Introduction

**PREPARED BY**

Chad Johnston  
Fire Chief  
Fire Department

Greg Jordan  
Assistant City Manager  
Executive Office

Caity Hager  
EMA Coordinator  
Fire Department

**ATTACHMENTS**

Attachment A - Proposed changes to Chapter 2 Article VIII Emergency Preparedness  
Attachment B - Final Draft of Emergency Operations Plan (EOP)

**ARTICLE VIII. EMERGENCY ~~PREPAREDNESS~~ MANAGEMENT**

**Sec. 2-401. Purpose.**

It is the intent and purpose of this article to establish an Office of Emergency Management ~~bureau of emergency preparedness~~ in compliance and in conformity with the provisions of Title 37-B, M.R.S.A., Section 781 et seq., to ensure the complete and efficient utilization of the city's facilities and resources to prevent, prepare and respond to all hazards, natural and ~~manmade~~ human-made, that may occur in the City of Portland and the surrounding region.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05)

**Sec. 2-402. Definitions.**

The following definitions shall apply in the interpretation of this article:

~~*Bureau.* "Bureau" shall mean the bureau of emergency preparedness as established by this article.~~

*Director.* "Director" means the Director of Emergency Management appointed by the City Council pursuant to the provisions of this article.

*Emergency Management.* "Emergency Management" means the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster.

*Disaster.* "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, ~~or riot~~ or hostile military or paramilitary action.

~~*Emergency preparedness.* "emergency preparedness" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots, terrorism or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the~~

~~carrying out of these functions.~~

~~Emergency Preparedness—Management ForcesResources.~~ "Emergency preparedness management forcesresources" shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

~~Emergency Operations Plan (EOP).~~ "Emergency Operations Plan" is a comprehensive document that assigns responsibility during an emergency and/or disaster, sets forth lines of authority, describes how people and property are protected. It identifies personnel, equipment, facilities, supplies and other resources available within the jurisdiction or by agreement with other jurisdictions.

~~Fire Chief.~~ "Fire Chief" means the Fire Chief of the City of Portland.

Office. "Office" means the Office of Emergency Management established pursuant to this article.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05)

### **Sec. 2-403. Organization.**

~~(a)~~ The City Manager shall be responsible for the Office's bureau's organization, administration and operation. The City Manager may employ such permanent or temporary employees as they he or she deems necessary and may prescribe their duties.

~~(b)~~ The City Council shall review the existing operational organization to ascertain the bureau's ability to cope with its responsibilities and shall approve the city's emergency preparedness operations plan.

(Ord. No. 377-90, 6-6-90; Ord. 98-15/16, 11-16-2015)

### **Sec. 2-404. Appointment of Director of BureauOffice; duties and responsibilities**

The Fire Chief shall serve as the City Manager or his or her designee shall be the Director of Emergency Management. ~~the Bureau, and The Director~~ shall coordinate the activities of all city departments, organizations and agencies for emergency preparedness management within the city and maintain a liaison with other emergency preparedness agencies, public safety agencies, and have such additional duties as necessary. If the Fire Chief is temporarily absent or otherwise unable to serve as the Director for a period of time, the Chief of Police shall serve as the Director during such period.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

### **Sec. 2-405. Rules and regulations.**

The Director ~~of the Bureau~~ shall prepare such policies as may be deemed necessary for the administration and operational requirements of

~~the bureau~~ Emergency Management, which policies must be approved by the City Council prior to becoming effective.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

#### **Sec. 2-406. Emergency proclamation.**

(a) The City Manager shall have the power and authority, after consultation with the Director and Mayor, or one or more City Council members in the Mayor's absence, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the city. If the City Manager is temporarily absent from the City or otherwise unavailable, the Assistant City Manager may issue the proclamation that an emergency exists. If neither the City Manager nor the Assistant City Manager are available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Fire Chief; if unavailable, the Chief of Police; if unavailable, the Director of Public Works. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the City Clerk.

(b) Notwithstanding the above, when consultation with the Mayor or members of the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager is authorized to take whatever actions are necessary to prevent the loss of life and property in the City.

(c) The City Manager, in consultation with the Director, ~~as the Director of the Bureau~~ shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015; Ord. No. 54-18/19, 9-5-2018)

#### **Sec. 2-407. Termination of emergency.**

(a) When the City Manager is satisfied that a disaster or civil emergency no longer exists, ~~they he or she~~ shall terminate the emergency proclamation by another proclamation affecting the sections of the city covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the City Clerk.

(b) No state of emergency may continue for longer than sevenfive (~~75~~) days unless renewed by the City Council.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

#### **Sec. 2-408. City Manager's duties and emergency powers.**

(a) During any period when an emergency or disaster exists or appears imminent, the City Manager may promulgate such regulations as ~~they he or she~~ deems necessary, and consistent with the purposes of this article, to protect life and property and to preserve critical

resources. Such regulations may include, but are not limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in areas within or without the city;
- (2) Regulations facilitating or restricting the movement of persons within the city;
- (3) Regulations pertaining to the movement of persons from hazardous areas within the city;
- (4) Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, city ordinance or the charter of the city.

(b) The City Manager or ~~his or her~~ designee may order the evacuation of persons from hazardous areas within the city.

(c) The City Manager shall be authorized to request aid or assistance from the state or any political subdivision of the state and shall render assistance to other political subdivisions under the provisions of Title 37-B, M.R.S. [§ 784-A](#).

(d) The City Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property.

(e) The provisions of this section will terminate at the end of the declared emergency.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

**Sec. 2-409. ~~Emergency operational plans~~ Operations Plan.**

The Director ~~of the Bureau~~Emergency Management shall prepare an emergency operational plan (EOP) for the city, which shall be submitted to the City Council for approval. The emergency plan shall reflect the use of the National Incident Management System (NIMS) as its primary command and control system for all city, county, state and federal agencies.

Continued review and revision of the EOP is essential to the City's Emergency preparedness. Not less than once every three years, the Director, in consultation with the City Manager shall review and revise the EOP and submit it to the City Council for approval. Notwithstanding the foregoing, the Director, in consultation with the City Manager, is authorized at any time to make administrative changes to the plan. For purposes of this Article, administrative changes are defined as those that do not substantially change emergency

processes or organizational roles and responsibilities otherwise described in the EOP.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

**Sec. 2-410. Immunity from liability.**

All members of emergency preparedness forces, while engaged in emergency preparedness activities, shall be immune from liability, as set forth in Title 37-B, Section M.R.S. § 822.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

**Sec. 2-411. Compensation for injuries.**

All members of emergency preparedness forces shall be deemed to be employees of the state when engaged in training or on duty while on, preparing for, or training for emergency management duty, and shall have all of the rights of state employees under the Workers' men's Compensation Act, as set forth in Title 37-B, M.R.S. § 823.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

**Sec. 2-412. Violation of regulations.**

It shall be unlawful for any person to violate any provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any member of the emergency preparedness organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05)

**Sec. 2-413. Penalty.**

Any person, firm or corporation violating any provision of this article or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than one thousand five hundred dollars (\$1,000.00~~500.00~~) and the costs of prosecution.

(Ord. No. 377-90, 6-6-90)

**Sec. 2-414. Severability.**

Should any provision of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such declaration.

(Ord. No. 377-90, 6-6-90)

**Sec. 2-415. Conflicting ordinances, orders, rules and regulations**

**suspended.**

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.  
(Ord. No. 377-90, 6-6-90)

**Sec. 2-416. - 2-429. Reserved**

City of  
portland



# City of Portland, Maine EMERGENCY OPERATIONS PLAN



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# SECTION 1: INTRODUCTION AND RISK ASSESSMENT

## 1.1 Introduction

### 1.1.1 Purpose

This Emergency Operations Plan (EOP) provides a framework for the coordinated management of emergencies that affect the City of Portland. This plan considers the entire community and was developed in cooperation with all City departments, agencies and offices (departments), as well as special districts; local, state and federal government agencies; private sector organizations; and citizen groups (partner organizations). The EOP creates a unified framework for emergency operations by identifying roles and responsibilities, as well as actions to be taken before, during and after a disaster. It sets forth lines of authority and organizational relationships. It identifies personnel, equipment, facilities, supplies and other resources available within the jurisdiction or by agreement with other jurisdictions.

### 1.1.2 Foundational Laws and City Code

#### 1.1.2.1 Local

- City of Portland Chapter 2 Article VIII Emergency Management Sec. 2-401
- City of Portland Chapter 2 Administration Sec. 2-17 (a)
- City of Portland Chapter 2 Administration Sec. 2-17 (b)
- City of Portland Chapter 2 Administration Sec. 2-17 (c)
- City of Portland Chapter 2 Administration Sec. 2-17 (d)
- City of Portland Chapter 2 Administration Sec. 2-17 (e)
- City of Portland Chapter 2 Administration Sec. 2-17 (f)
- City of Portland Chapter 2 Article VIII Emergency Management Sec. 2-409

#### 1.1.2.2 State

- Maine State Statute Title 37-B § 781
- Maine State Statute Title 37-B § 783

#### 1.1.2.3 Federal

- Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. § 11001 et. seq.)
- Comprehensive Planning Guide 101 (CPG) 2021 Version 3.0
- FEMA's National Incident Management System (NIMS) 3rd Edition October 2017
- FEMA's National Preparedness Goal, 2nd Edition, September 2015

- Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

### 1.1.3 Emergency Operations Plan (EOP) Structure

This Portland Emergency Operations Plan (EOP) is comprised of three distinct components:

1. **Base Plan:** The Base Plan defines the purpose of the EOP, the plan's legal underpinning and authorities, the City's emergency management organization, roles and responsibilities during an Emergency Operations Center (EOC) activation, and each department's major emergency responsibilities. It defines the roles and relationships of external stakeholders, private partners, and non-governmental organizations.
2. **Support or General Appendices:** The general appendices include a Glossary of Terms and Acronyms, Record of Change / Revision, Record of Distribution and other indexes to guide use of the EOP and exhibit compliance with all relevant standards. Any references that have been used to create this document will be located in this section.
3. **Hazard Specific Annexes:** This section examines management strategies for certain consequential threats and hazards particularly relevant to the City. These annexes focus on critical operational functions and who is responsible for carrying them out. They describe the policies, processes, roles, and responsibilities that agencies and departments carry out before, during and after any emergency. While the base plan provides broad, overarching information relevant for all disasters, these annexes focus on specific responsibilities, tasks, and operational actions that pertain to a particular emergency.
4. **Functional Annexes:** Functional annexes are the "how-to" guide for specific emergency management functions that are essential for an effective and coordinated response. They break down the operational details, roles, responsibilities, and procedures for critical activities that must be performed by multiple departments or agencies during an emergency.

### 1.1.4 Relationship to Other Plans

This EOP is designed to be used with other City and County plans including:

- **Portland Public Health Division All-Hazard Base Plan** - establishes the framework for activating and managing Public Health Division activities and details the public health capabilities and resources available for incident response.
- **Cumberland County Hazard Mitigation Plan** - describes the strategies taken to reduce the impact of hazards in the City of Portland and county before a disaster occurs.
- **One Climate Future Plan** - Portland and South Portland's joint Climate Action Plan that focuses on four areas to reduce our contributions to climate change and strengthen the communities' ability to respond to climate hazards.

- **Portland’s Plan 2030** - Portland’s Comprehensive Plan, a long-range policy for growth, land use, development.

### 1.1.5 Planning Principles

This particular plan outlines the City’s emergency response and recovery framework structured to manage any emergency that occurs. The EOP allows flexibility and discretion within a well-defined emergency management framework to enable a nimble and coordinated response. The EOP is based on the following principles:

- The EOP addresses Portland’s emergency management from a whole community perspective by incorporating the needs, responsibilities and capabilities of not only government, but that of private and non-profit partners as well.
- Emergency preparedness is everyone’s responsibility. Residents, businesses and government have individual preparedness responsibilities that must be internally addressed and coordinated with each other.
- The immediate response priority to any emergency or disaster situation is saving lives and then protecting critical infrastructure, property and the environment.
- Nothing in this plan alters or impedes the ability of local, state, and federal governments or private agencies and organizations from carrying out their specific authorities or performing their specific responsibilities under all applicable laws, executive orders and directives. In other words, day to day duties and responsibilities are not replaced by this EOP. This plan is used when a disaster or emergency exists that warrants the use of parts of it or in its entirety.
- An emergency may impact emergency management and response personnel rendering them unable to execute their emergency responsibilities. Each department and partner organization should build personnel depth within their organizations to ensure they are able to meet their responsibilities outlined in this plan.
- It is the responsibility of Department Heads in each department and organization to ensure their staff are trained, prepared and available to meet the requirements of this plan.
- Response operations may last several hours, days, weeks or longer. Recovery operations may last days, weeks, months or even years.
- An emergency may require the mobilization and reallocation of available local resources. All resources maintained by the City of Portland may be called upon to assist with emergency response. Furthermore, resources not normally available to the City may be acquired through emergency procurement, donations or other means.
- If an emergency exceeds local response capabilities, outside assistance may be available through mutual aid agreements with nearby jurisdictions or through the State’s Emergency Operations Center. Often a local emergency must be declared and local

resources fully committed before state or federal assistance is requested. Additionally, depending on the size and scope of the emergency and/or concurrent emergencies across a wide geographic area, resources may not be available in a timely manner.

### **1.1.6 Scope and Applicability**

The EOP is the principal plan governing all emergencies and disasters occurring within the limits of the City or affecting the well-being of the residents, visitors, businesses or environment. City departments will support the EOP's Concept of Operations and carry out their assigned functional responsibilities to ensure orderly and timely delivery of assistance during an emergency.

Furthermore, the EOP applies to all partner organizations, private businesses and NGOs operating inside the City limits. While the EOP is not binding on the operations of organizations external to City government, this plan strongly encourages all local organizations and businesses to coordinate their emergency plans and procedures with the provisions of the EOP to ensure a coordinated citywide emergency response and recovery effort. This same concept applies to critical infrastructure, facilities, vulnerable geographical areas, Casco Bay Islands, hospitals, assisted living facilities, and nursing homes.

The EOP does not need to be officially activated prior to one or more of the sections herein being implemented. Furthermore, each department and organization listed in the EOP is responsible for understanding its own emergency authority and procedures when implementing the provisions of the EOP. This plan, similar to the NIMS and ICS models, is designed to be scalable to meet the needs of all City departments from small daily incidents to large scale emergencies.

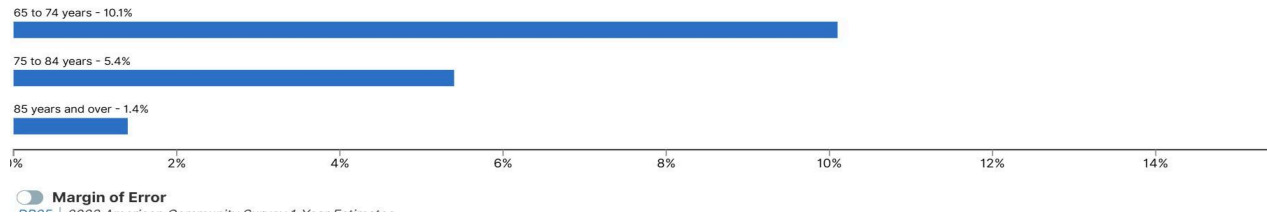
## **1.2 Community Risk**

### **1.2.1 City Overview and Makeup**

Portland is the most populous city in the state of Maine and the seat of Cumberland County. According to the 2023 American Community Survey, Portland's population estimate is 69,104 with an estimate of 32,393 households, 46.7% of which are owner-occupied. The Greater Portland metropolitan area has a population of approximately 550,000 people, making it by far Maine's most populous metropolitan area. Seventeen percent of our population is 65 years or older, and 15.4% is under 18.

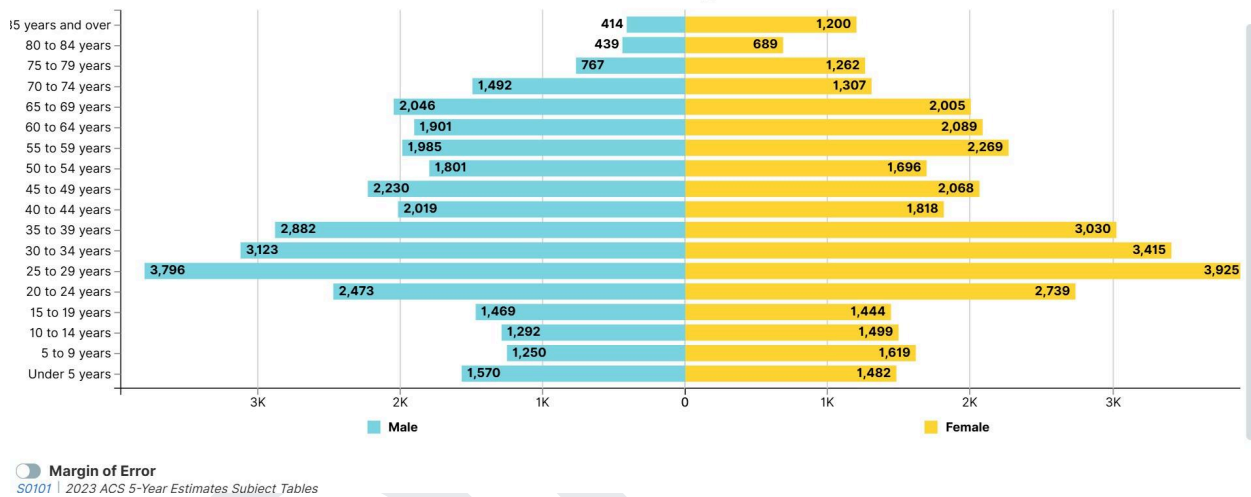
## Visual 1.1 Older Population by Age in Portland, ME

Older Population by Age in Portland city, Maine



## Visual 1.2 Population Pyramid

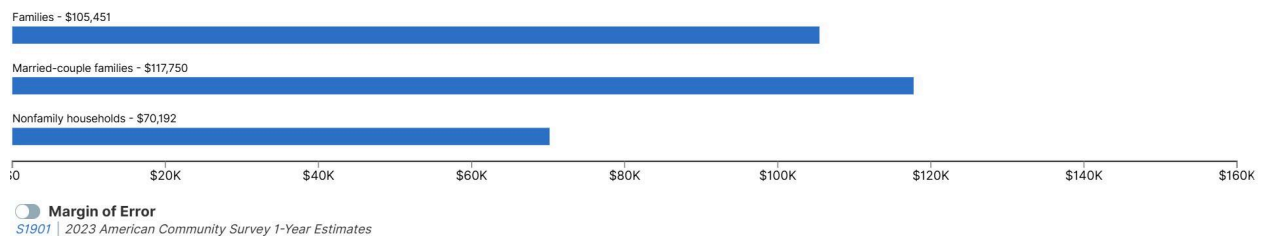
Population Pyramid: Population by Age and Sex in Portland city, Maine



## Visual 1.3 Median Household Income

The median household income is \$76,174.

Median Income by Types of Families in Portland city, Maine



Although English is the primary language spoken in the Portland Metro Area, there is a significant population that speaks different languages. The Portland Public Schools serves approximately 6,500 students in pre-K through grade 12, about one-third of whom come from homes where a language other than English is spoken - for a total of more than 50 languages. The top five languages spoken in Portland other than English are:

1. French
2. Spanish
3. Portuguese
4. Somali
5. Arabic

Roughly 80% of our population identifies as Caucasian with 9% identifying as Black alone, 6.2% as two or more races, 3.2% as Asian, and 3.1% as Hispanic or Latino. Eleven percent of our population identifies as being foreign-born.

**Visual 1.4 Race / Ethnicity Composition**

Race/Ethnicity	2020	2010	2000	1990	1960
White	84.6%	83.6%	91.27%	96%	99.4%
African Americans	8.4%	7.1%	2.59%	1.1%	0.5%
Asian	3.5%	3.5%	3.08%	1.7%	0.1%
Two or more races	2.9%	2.7%	1.86%	0.2%	NA
Hispanic or Latino	3%	3%	1.52%	0.8%	NA
Native American	0.1%	0.5%	0.47%	0.4%	NA

There are also five islands in Casco Bay that are part of the City of Portland. The five Islands which receive City services and are part of City Council District 1 are:

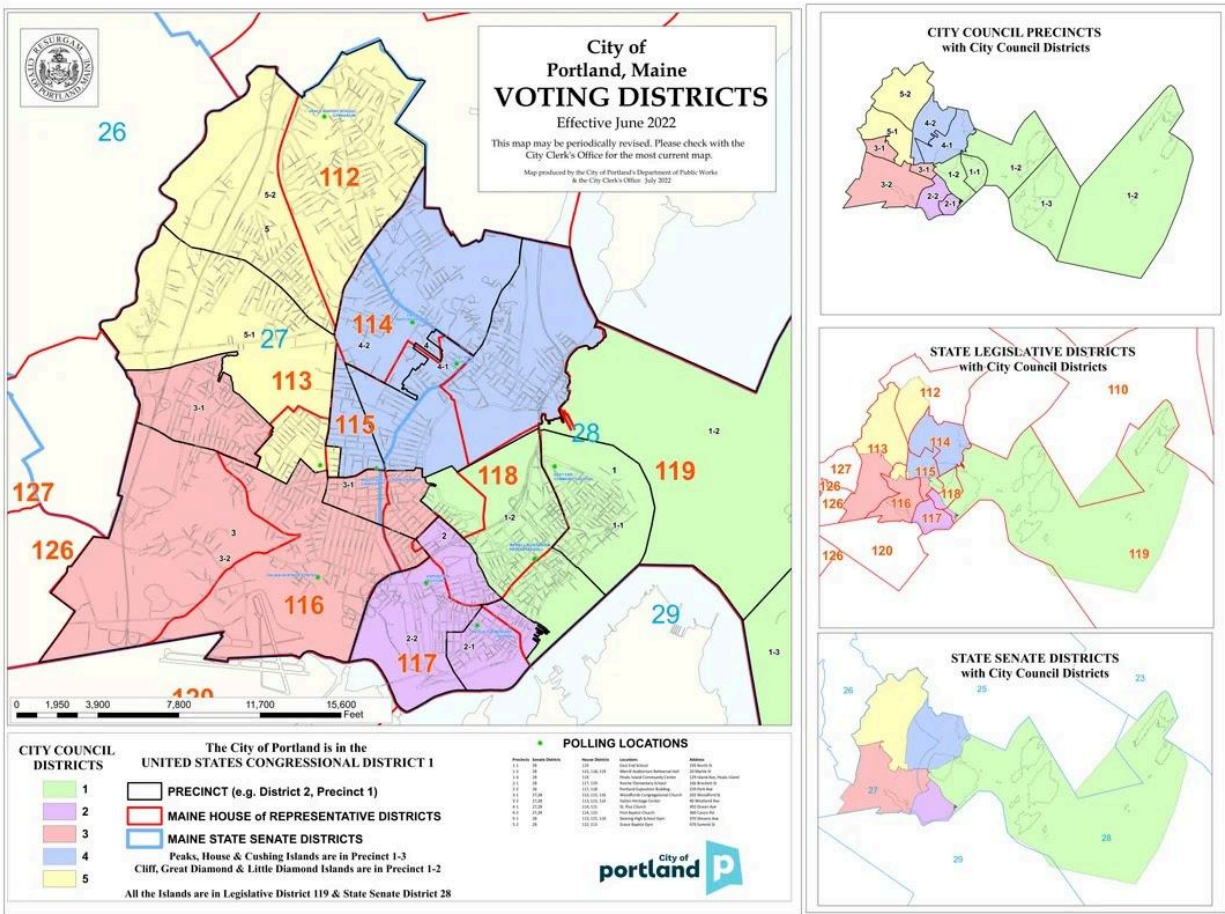
- Peaks Island
- Little Diamond Island
- Great Diamond Island
- Cliff Island
- Cushing Island

### Visual 1.5 City of Portland Islands



The City has adopted a council-manager style of government that is detailed in the City Charter. The citizens of Portland are represented by a nine-member City Council (eight councilors and mayor), which makes policy, passes ordinances, approves appropriations, appoints the City Manager, Corporation Counsel and City Clerk, approves department head positions, and oversees the municipal government. Portland’s municipal budget for FY26 was \$365.6 million. The City Council is elected by the citizens of Portland. The City has five voting districts, with each district electing a city councilor to represent their neighborhood interests for a three-year term. There are also three members of the City Council who are elected at-large for three-year terms. The Mayor is popularly elected and serves a four-year term. Elections for council and mayoral seats are determined by ranked-choice voting when necessary.

## Visual 1.6 The Five Voting Districts of Portland



### 1.2.2 Community Risk and Hazards Summary

#### 1.2.2.1 Threat and Hazard Identification and Risk Assessment

The City of Portland utilizes the Threat and Hazard Identification and Risk Assessment (THIRA) process and the Capability and Risk Assessment Tool (CaRAT) as foundational elements of its emergency management program. These assessments ensure that preparedness efforts are risk-based and capability-driven, aligning with FEMA's National Preparedness System and the State of Maine's emergency management framework.

The THIRA is a structured, FEMA-recommended process used to identify and assess the threats and hazards that could affect the City of Portland. It provides a framework for understanding the potential impacts of these events and determining the capability targets necessary to manage them effectively.

The THIRA process involves:

- Identifying natural, technological, and human-caused hazards relevant to Portland.
- Describing the context and potential impacts of each hazard.
- Establishing measurable capability targets to guide response and recovery.
- Using the results to inform emergency planning, training, exercises, and resource allocation.

#### **1.2.2.2 Capability and Risk Assessment Tool (CaRAT)**

The CaRAT is used in conjunction with the THIRA to measure the City's current capabilities against the identified capability targets. This tool, provided by the Maine Emergency Management Agency (MEMA), allows Portland to assess its strengths and identify areas for improvement across FEMA's Core Capabilities.

The CaRAT process involves:

- Linking THIRA-identified hazards and capability targets to capability assessments.
- Evaluating the City's current capacity for each Core Capability.
- Identifying gaps between existing capabilities and required targets.
- Prioritizing investments in training, equipment, partnerships, and planning to close capability gaps

#### **1.2.2.3 Integration into the EOP**

The results of the THIRA and CaRAT assessments directly inform this Emergency Operations Plan (EOP), particularly the core capabilities matrix, operational concepts, and resource management strategies. While the full THIRA and CaRAT documents are maintained separately as part of the City's emergency management program, their findings are summarized within this plan to ensure alignment between identified risks, capability targets, and operational readiness.

In 2024, the City's Emergency Management Coordinator conducted a series of workshops with key city departments, partner agencies, and community stakeholders to compile a comprehensive Risk and Hazards Summary. These workshops gathered local knowledge and historical data, validated hazard scenarios, and refined the City's hazard profiles. The information collected during these sessions directly informed both the THIRA and CaRAT processes, ensuring that the City's capability targets and gap analyses are based on current, locally relevant risk data.

**Visual 1.6 Summary of Threat and Hazard Risk Assessment**

<b>High Risk</b>	<ul style="list-style-type: none"> <li>● Cyber Incident</li> <li>● Winter Storm - Nor'Easter</li> <li>● Terrorist / Mass Violence</li> <li>● Winter Storms - Blizzard &amp; Ice Storm</li> <li>● Extreme Cold</li> <li>● Flash Flooding</li> <li>● Infectious Disease Outbreak</li> <li>● Summer Weather - Windstorm</li> </ul>
<b>Medium Risk</b>	<ul style="list-style-type: none"> <li>● Coastal Flooding</li> <li>● Transportation (Mass Casualty) Incident</li> <li>● Hazmat Release - Transportation</li> <li>● Hazmat Release - Fixed site</li> <li>● Urban Multi-Structure Fire</li> <li>● Earthquake</li> <li>● Space Weather</li> <li>● Riverine Flooding</li> <li>● Heat Wave</li> <li>● Radiological Incident</li> </ul>
<b>Low Risk</b>	<ul style="list-style-type: none"> <li>● Rural Wildfire</li> <li>● Landslide</li> <li>● Bridge / Building Collapse</li> <li>● Tornadoes</li> <li>● Drought</li> </ul>

## SECTION 2: CONCEPT OF OPERATIONS (CONOPS)

### 2.1 Emergency Management Authorities and Responsibilities

#### 2.1.1 Introduction

City, state and federal agencies are each granted unique authorities to manage emergencies. These authorities are closely coordinated between government agencies as well as with external partner organizations to ensure a whole community emergency management strategy. While successful emergency management is a collaborative effort, **Maine Revised Statutes, Title 37-B, Chapter 13** (the “Maine Emergency Management Act”) vests ultimate legal authority for coordinating emergency response and recovery activities within Portland with City government, and the **City of Portland Code of Ordinances, Chapter 2, Article VIII – Emergency**

**Management** (the “Emergency Management Ordinance”) provides authority and limited liability protections for City employees, agents, or representatives engaged in carrying out these activities. Large emergencies and disasters may require the support and resources of state and federal entities, but overall direction and control of emergency response and recovery activities is maintained by City government until the point that Portland can no longer maintain continuity of operations.

## 2.1.2 City Council

The Portland City Council serves as the legislative body of the City and plays a key policy-making and oversight role in emergency management. While operational authority during an emergency resides with the City Manager and designated incident management officials, the City Council holds important statutory and governance responsibilities to ensure the community’s readiness, response, and recovery.

### 2.1.2.1 Authorities and Responsibilities

- **Policy Oversight:** Provide policy direction and oversight for the City’s emergency management program, including review and adoption of the Emergency Operations Plan (EOP) and any substantive amendments.
- **Appropriation of Funds:** Authorize the allocation or reallocation of City resources and funds for emergency preparedness, response, and recovery activities, including supplemental appropriations during or following a declared emergency.
- **Declaration of Emergency:** Ratify or extend a local emergency proclamation issued by the City Manager, consistent with the Maine Emergency Management Act and the Emergency Management Ordinance.
- **Legislative Support:** Adopt temporary ordinances or measures necessary to protect life, property, and the environment during emergencies.
- **Community Representation:** Serve as representatives of their constituents by communicating public concerns to the City Manager, Public Information Officer, and other officials during an emergency.
- **Post-Incident Review:** Participate in post-incident briefings, After Action Reports (AARs), and improvement planning to assess the effectiveness of City response and recovery efforts.

### 2.1.2.2 Coordination

The City Council works in coordination with the City Manager, Office of Emergency Management, and other executive staff to ensure emergency policies are aligned with community priorities and legal requirements. During emergency operations, Council

Members receive situational updates and may participate in the Joint Information System (JIS) for consistent public messaging.

As elected advocates for the five City Council Districts, council members are responsible for coordinating with their respective districts during an emergency to determine the needs of the citizens of their districts. At-Large council members are responsible for assisting their colleagues in identifying the needs of the City as a whole. These needs should then be communicated back to the City's Emergency Operations Center (EOC).

### 2.1.3 Mayor

Under the Portland City Charter, the Mayor is elected citywide and serves as the official head of the City for ceremonial purposes and as the chair of the City Council. The Mayor's role includes providing policy leadership, presiding over Council meetings, and representing the City in intergovernmental and ceremonial matters.

For Emergency Management purposes, the Mayor's authority and responsibilities include:

- Providing policy leadership to the City Council on emergency preparedness, response, and recovery priorities.
- Communicating with the public as the elected leader of the City to provide reassurance, situational updates, and policy direction during emergencies.
- Representing the City in intergovernmental coordination, including meetings with county, state, federal, and tribal officials on disaster response and recovery matters.
- Coordinating with the City Manager and Emergency Management Director to ensure that emergency declarations, ordinances, and resource requests are consistent with the City's needs and legal requirements.
- Support coordinated public messaging in partnership with the Public Information Officer (PIO) and Joint Information System (JIS).
- Participating in official actions of the City Council, such as adopting emergency measures, approving resource allocations, and ratifying emergency declarations when required.
- Supporting continuity of government operations by ensuring that the Council remains functional and engaged during and after an emergency.

While the City Manager retains administrative control over emergency operations, the Mayor plays a vital role in setting policy priorities, maintaining public confidence, and fostering intergovernmental relationships during all phases of Emergency Management.

## 2.1.4 City Manager

Under the Portland City Charter (Article VI, Section 5), the City Manager serves as the chief administrative officer of the City of Portland. Appointed by the City Council, the City Manager is selected solely on the basis of executive and administrative qualifications.

For Emergency Management purposes, the City Manager's authority includes:

- Enforcing all laws, ordinances, and Council policies applicable to emergency management operations.
- Exercising administrative control over all City departments and directing the implementation of emergency policies established by the Council.
- Ensuring compliance with the City's Emergency Operations Plan (EOP) and delegating authority to department heads and the Emergency Management Director as appropriate.
- Preparing and submitting emergency-related budget proposals and resource requests.
- Presenting reports to the Council on emergency preparedness, response, and recovery status.
- Keeping the Council informed on the condition of the City, including hazard vulnerabilities and emergency response capabilities.
- Coordinating with the Mayor, Emergency Management Director, and other stakeholders to prepare and maintain the City's emergency planning and response framework.
- Issue local emergency proclamations when necessary, consistent with the Maine Emergency Management Act and the Emergency Management Ordinance.
- Serve as the City's Chief Executive Officer with overall responsibility for managing emergency operations.
- Direct and coordinate all City departments and agencies during emergency operations.
- Authorize the activation of the Emergency Operations Center (EOC) and designating an EOC Manager.
- Approve emergency policies, resource allocations, and mutual aid requests.
- Serve as the primary link between the City Council and the Office of Emergency Management during emergency situations.
- Represent the City in intergovernmental coordination efforts at the county, state, and federal levels.
- Ensure that critical information is communicated promptly to elected officials, department heads, and the public.

In all emergency situations, the City Manager retains ultimate administrative responsibility for ensuring that emergency operations are carried out effectively, in accordance with the City Charter, applicable ordinances, and the EOP.

### 2.1.5 City Clerk

Under the Portland City Charter, the City Clerk is appointed by the City Council and serves as the official records custodian for the City of Portland. The Clerk's duties include maintaining the official record of Council proceedings, preserving all ordinances and resolutions, managing public notices, and ensuring compliance with applicable open government laws.

For Emergency Management purposes, the City Clerk's authority and responsibilities include:

- Maintaining official emergency records, including Council resolutions declaring a state of emergency and related legislative actions.
- Attesting and certifying emergency declarations, ordinances, and orders issued by the City Council or City Manager under emergency powers.
- Coordinating public notification of emergency measures, including publishing official notices as required by law.
- Preserving historical documentation related to the emergency for legal, financial, and after-action reporting purposes.
- Supporting continuity of government operations by safeguarding critical records and ensuring access to essential documents during emergency situations.
- Working in coordination with the Emergency Management Director and City Manager to ensure that official communications are timely, accurate, and compliant with statutory requirements.

In all emergency situations, the City Clerk plays a critical role in ensuring legal compliance, accurate recordkeeping, and transparency in official City actions, in accordance with the City Charter, applicable ordinances, and state public records laws.

### 2.1.6 Emergency Management Director (Local)

Under the City of Portland's municipal code and in accordance with the Maine Revised Statutes, Title 37-B, the City's Emergency Management Agency (EMA) Director is responsible for the coordination and administration of the City's emergency management program. In Portland, this position is held by the Fire Chief, who serves in a dual role providing both operational leadership for the Fire Department and overall direction for Emergency Management activities within the City.

For Emergency Management purposes, the EMA Director / Fire Chief's authority and responsibilities include:

- Coordinating all-hazards emergency preparedness, response, recovery, and mitigation activities within the City of Portland.
- Activating and directing the City's Emergency Operations Center (EOC) during incidents requiring multi-agency coordination.
- Serving as the primary point of contact between the City Manager, Mayor, Department Heads, Cumberland County EMA, and the Maine Emergency Management Agency (MEMA) during emergencies.
- Developing, maintaining, and exercising the City's Emergency Operations Plan (EOP) and related annexes.
- Overseeing emergency training and exercise programs to ensure readiness of City personnel and partner agencies.
- Coordinating resource requests from City departments and integrating mutual aid, county, state, and federal resources into City operations.
- Advising the City Manager and Mayor on emergency declarations, public protective actions, and policy decisions.
- Ensuring compliance with NIMS and the National Response Framework (NRF) for all City emergency management activities.
- Maintaining situational awareness and ensuring timely dissemination of critical information to stakeholders and the public.

#### **2.1.6.1 Legal Authority**

The position and authorities of the EMA Director are established by the Emergency Management Ordinance in alignment with section 782 of the Maine Emergency Management Act, which mandates each municipality to designate an EMA Director with responsibility for local emergency management. The Fire Chief also operates under Chapter 2 Sec. 2-17 (b) and Chapter 10 Fire Prevention & Protection.

#### **2.1.7 Office of Emergency Management**

The City of Portland Office of Emergency Management (OEM) serves as the central coordination body for all emergency management activities within the City. The OEM functions under the authority of the City's Emergency Management Ordinance and the Maine Emergency Management Act, and in alignment with the National Incident Management System (NIMS) and the National Response Framework (NRF).

The OEM is responsible for ensuring that the City is prepared to prevent, protect against, respond to, recover from, and mitigate the impacts of all hazards, whether natural, technological, or human-caused. The City Manager is responsible for the Office's organization, administration and operation.

### **2.1.7.1 Composition**

The OEM is composed of:

- Fire Chief / Local EMA Director – serving as the lead official for emergency management coordination.
- City Emergency Management Coordinator – managing day-to-day emergency management program activities and planning efforts.
- Assistant City Manager for Public Safety – providing executive-level oversight and policy direction.
- Key Department Heads or Designees – including representatives from Fire, Police, Communications & Digital Services, Public Works, Parks, Recreation & Facilities, Health & Human Services, and other departments as necessary based on incident type.

### **2.1.7.2 Authority and Responsibilities**

The OEM's authority and responsibilities will include:

- Maintaining, updating, and exercising the City's Emergency Operations Plan (EOP) and associated annexes.
- Oversee hazard and risk assessments, including the Threat and Hazard Identification and Risk Assessment (THIRA) and Capability Assessment for Readiness (CaRAT).
- Coordinating the activation and management of the City's Emergency Operations Center (EOC) during emergencies and planned events.
- Facilitating interdepartmental coordination to ensure a unified, efficient, and timely emergency response.
- Serving as the primary liaison to Cumberland County EMA, Maine Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA) and supporting voluntary organizations..
- Overseeing citywide training and exercise programs to ensure operational readiness across departments.
- Coordinate emergency preparedness outreach and public education.
- Coordinating public warning and information systems to provide timely and accurate information to the public.
- Managing resource requests, logistics, and mutual aid integration during emergencies.
- Leading hazard mitigation planning efforts in collaboration with city departments and external partners.
- Engaging the private sector, non-governmental organizations, and community-based groups in preparedness and resilience initiatives.
- Maintaining situational awareness by monitoring potential hazards, threats, and incidents in coordination with relevant partners.

- Coordinating City-wide recovery efforts for federally declared disasters.

### **2.1.7.3 Legal Authority**

The OEM derives its authority from the Emergency Management Ordinance and Maine Emergency Management Act, which require municipalities to establish and maintain a local emergency management agency. The OEM's operational structure and activities will be consistent with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Title 44 of the Code of Federal Regulations, and other applicable state and federal guidance.

### **2.1.8 Private Sector**

Private sector partners include for-profit businesses, trade organizations, and infrastructure owners/operators that provide critical goods, services, and capabilities to the City of Portland before, during, and after emergencies. While they operate under private ownership and governance, many are recognized as part of the community's essential infrastructure and lifeline sectors under the National Infrastructure Protection Plan (NIPP) and the National Response Framework (NRF).

For Emergency Management purposes, the private sector's authority and responsibilities include:

- Maintaining continuity of operations to provide essential goods and services during disruptions.
- Coordinating with the City of Portland and Cumberland County EMA to share situational information and resource availability.
- Protecting critical infrastructure and key resources such as utilities, transportation hubs, and communication systems.
- Participating in preparedness activities, including planning, training, and exercises with public agencies.
- Supporting response operations by providing equipment, facilities, personnel, and technical expertise.
- Collaborating on recovery efforts, including debris management, restoration of utilities, and resumption of commercial operations.
- Complying with emergency orders and regulations issued under Municipal, County, State, and Federal authority.

### 2.1.8.1 Legal and Policy Frameworks

- Private sector emergency management engagement is recognized in the Robert T. Stafford Disaster Relief and Emergency Assistance Act and implemented through the National Response Framework.
- Critical infrastructure protection responsibilities are defined in the National Infrastructure Protection Plan and relevant Presidential Policy Directives (PPDs).
- Sector-specific entities may also be subject to federal and state regulations, such as 49 CFR for transportation, 47 CFR for communications, and 42 CFR for healthcare facilities.

**Table 2.1 Key Private Sector Partners in the Portland Metro Area**

Organization	Role in Emergency Management
<b>Central Maine Power (CMP)</b>	Electric utility responsible for restoring power and supporting critical infrastructure during outages.
<b>Unitil / Summit Natural Gas</b>	Natural gas provider ensuring safe restoration of service and supporting heating needs during emergencies.
<b>Portland Water District</b>	Ensures potable water supply, water quality, and wastewater management during incidents.
<b>Casco Bay Lines</b>	Provides ferry transportation to Casco Bay Islands, critical for evacuation and supply delivery.
<b>Eimskip / International Marine Terminal</b>	Maritime shipping and cargo handling for supply chain continuity. MaineHealth Maine Medical Center – Portland.
<b>MaineHealth Maine Medical Center – Portland / Northern Light Mercy Hospital</b>	Healthcare facilities providing emergency medical services and surge capacity.
<b>WGME / WMTW / WCSH / Maine Public</b>	Local broadcast media partners for public information and emergency alerts.
<b>Hannaford / Shaw’s / WholeFoods / Trader Joe’s Supermarkets</b>	Retail food supply chains ensure community access to groceries and essential goods.

<b>Home Depot &amp; Lowes</b>	Support response and recovery efforts by providing construction and mitigation supplies during emergencies.
<b>HospitalityMaine / Major Hotels</b>	Supports sheltering, feeding, and housing of displaced individuals during emergencies.
<b>Verizon / AT&amp;T / Spectrum</b>	Telecommunications providers ensure restoration of communications infrastructure.

### 2.1.9 Non-Governmental Organizations (NGOs)

Non-Governmental Organizations (NGOs) are private, nonprofit, and/or faith-based entities that provide essential services and support before, during, and after emergencies. While NGOs are not government agencies and therefore are not governed by the same statutory authorities, their emergency management roles are recognized within the National Response Framework (NRF) and the National Incident Management System (NIMS) as critical partners in preparedness, response, recovery, and mitigation.

For Emergency Management purposes, NGOs’ authority and responsibilities include:

- Providing disaster relief services, such as sheltering, feeding, health services, and case management.
- Supporting community resilience through preparedness training, public education, and outreach programs.
- Offering volunteer and donations management capabilities during disasters.
- Providing specialized technical services such as disaster mental health support, animal sheltering, debris removal, or transportation assistance.
- Partnering with local, county, state, and federal agencies to coordinate resources and services in alignment with the Emergency Operations Plan (EOP).
- Operating under agreements such as Memoranda of Understanding (MOUs) or mutual aid compacts with the City of Portland or other jurisdictions.

#### 2.1.9.1 Legal and Policy Frameworks

While NGOs operate under their own organizational bylaws and governance structures, their emergency functions are recognized and supported through the National Response Framework, NIMS, and state and local emergency management plans.

Specific NGOs may operate under additional legal authority based on their charter or enabling legislation (e.g., American Red Cross Charter Act, 36 U.S.C. §§ 300101–300111).

The following Non-Governmental Organizations (NGOs) operate in the Portland, Maine metropolitan area and play important roles in emergency preparedness, response, recovery, and community resilience. While not government agencies, these organizations are recognized within the National Response Framework (NRF) and National Incident Management System (NIMS) as key partners in disaster operations.

**Table 2.2 Key NGOs in the Portland Metro Area**

Organization	Key Functions
<b>American Red Cross – Northern New England</b>	Provides sheltering, mass care, emergency preparedness education, and assistance coordination during disasters.
<b>Salvation Army – Northern New England Division</b>	Offers emergency feeding services, mobile canteen response, spiritual and emotional care, and long-term recovery support.
<b>Maine VOAD (Volunteer Organizations Active in Disaster)</b>	Coordinates disaster-related nonprofits to ensure effective community support during crises.
<b>Maine Island Trail Association (MITA)</b>	Conserves coastal islands, supports Maine Island Trail, assists in environmental disaster debris cleanup.
<b>Maine Ready / Volunteer Maine</b>	Connects trained volunteers to emergency needs such as sheltering, supply distribution, and donation coordination.
<b>Maine Wing, Civil Air Patrol (CAP)</b>	Provides aerial search-and-rescue, aerial damage imagery, and supports emergency services.

### 2.1.10 Cumberland County EMA (CCEMA)

The Cumberland County Emergency Management Agency (CCEMA) operates under the authority of the Maine Revised Statutes, Title 37-B, which establishes the framework for emergency management within the State of Maine. CCEMA serves as the designated county-level emergency management organization responsible for coordinating preparedness, response, recovery, and mitigation activities across all municipalities in Cumberland County, including the City of Portland.

For Emergency Management purposes, CCEMA’s authority and responsibilities include:

- Providing regional coordination and support to municipalities during incidents and disasters.
- Serving as the liaison between municipal emergency management officials and the Maine Emergency Management Agency (MEMA). In this case they are the direct conduit to the State for the local EMA Director, Portland's Fire Chief and EMA Coordinator.
- Facilitating the sharing of resources, personnel, and equipment among jurisdictions during emergencies.
- Assisting in the development, maintenance, and exercise of municipal emergency operations plans, including the City of Portland's EOP.
- Coordinating county-level training and exercises to enhance readiness and interoperability among municipalities.
- Activating and managing the Cumberland County Emergency Operations Center (EOC) to provide situational awareness, resource management, and operational support to affected communities. Cumberland County's primary EOC is located in Portland.
- Assisting with damage assessment, disaster recovery coordination, and the administration of state and federal disaster assistance programs.

In all emergency situations, CCEMA functions as a critical partner to the City of Portland, ensuring that countywide resources and capabilities are integrated into the City's preparedness, response, and recovery efforts.

### **2.1.11 State of Maine EMA (MEMA)**

The Maine Emergency Management Agency (MEMA) operates under the authority of the Maine Revised Statutes, Title 37-B, which establishes the state's emergency management system. MEMA is the primary state agency responsible for coordinating emergency preparedness, response, recovery, and mitigation activities across Maine.

For Emergency Management purposes, MEMA's authority and responsibilities include:

- Serving as the statewide coordinating agency for disaster preparedness, response, and recovery operations.
- Supporting county and municipal emergency management agencies, including the Cumberland County EMA and the City of Portland.
- Coordinating state resources, personnel, and equipment to support local jurisdictions during incidents and disasters.
- Administering the State of Maine Emergency Operations Plan and integrating it with local and federal emergency plans.

- Managing the State Emergency Operations Center (SEOC) to provide situational awareness, resource coordination, and operational oversight.
- Serving as the primary liaison to the Federal Emergency Management Agency (FEMA) and other federal partners.
- Administering state and federal disaster assistance programs, including the Public Assistance and Individual Assistance programs.
- Coordinating statewide training, exercises, and public education programs to strengthen readiness.
- Supporting long-term hazard mitigation planning and project implementation to reduce disaster impacts.

In all emergency situations, MEMA works in close coordination with the Cumberland County EMA and the City of Portland to ensure that local needs are met and that state and federal resources are effectively integrated into emergency operations.

### **2.1.12 Federal Emergency Management Agency (FEMA)**

The Federal Emergency Management Agency (FEMA) operates under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and is part of the U.S. Department of Homeland Security (DHS). FEMA is the primary federal agency responsible for coordinating national efforts to prepare for, respond to, recover from, and mitigate the impacts of disasters and emergencies.

For Emergency Management purposes, FEMA's authority and responsibilities include:

- Coordinating the federal government's role in preparing for, preventing, mitigating, responding to, and recovering from disasters.
- Supporting state, tribal, territorial, and local governments when their capabilities are overwhelmed.
- Administering federal disaster assistance programs, including Public Assistance, Individual Assistance, and Hazard Mitigation Grant Programs.
- Managing the National Response Framework (NRF) and National Incident Management System (NIMS) to ensure nationwide interoperability and coordinated response.
- Providing technical assistance, training, and exercise support to enhance state and local readiness.
- Pre-positioning resources and deploying federal assets such as Urban Search and Rescue teams, Disaster Medical Assistance Teams, and incident management teams.
- Coordinating with the Maine Emergency Management Agency (MEMA) and Cumberland County EMA to integrate federal resources into state and local operations.

- Supporting long-term disaster recovery, including community resilience initiatives and infrastructure rebuilding projects.

In all emergency situations, FEMA works in partnership with state and local governments to ensure that federal capabilities and resources are rapidly mobilized to meet the needs of affected communities, including the City of Portland.

### 2.1.12.1 Legal Authority

FEMA’s emergency management authorities are derived from the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§ 5121–5207) and implemented through Title 44 of the Code of Federal Regulations, including but not limited to Parts 201 (Mitigation Planning), 204 (Fire Management Assistance Grant Program), and 206 (Federal Disaster Assistance for Disasters Declared After November 23, 1988).

## 2.2 Emergency Organization and Operations

### 2.2.1 Introduction

The management of large emergencies or declared disasters within the City of Portland requires coordination between on-scene resources, support and coordination organizations, public information entities and policy makers. The concerted effort of the multiple organizations needed to accomplish these key emergency management tasks is known as a Multi-Agency Coordination System (MACS). Portland adheres to the principles of the National Response Framework, National Disaster Recovery Framework and NIMS in organizing a MACS. The components that the City may use during an emergency response are outlined in the table below.

**Table 2.3 NIMS Components and Key Functions**

NIMS Component	Key Function
Incident Command System (ICS)	Organization for on-scene incident response
Incident Command Post (ICP)	Central hub for tactical-level, on-scene command and control of the emergency response
Emergency Operations Center (EOC)	Support and coordination for Citywide emergency response and short-term recovery

<b>Department Operations Center (DOC)</b>	Established by a specific department to coordinate its internal emergency response activities and resources
<b>Airport Emergency Operations Center (AEOC)</b>	DOC for the Portland International Jetport, supported by a 24-7 Operations Center
<b>Long-Term Recovery Committee (LTRC)</b>	Coordination of unmet needs for months or years after a disaster
<b>Joint Information Center (JIC)</b>	Coordinates all citywide emergency public information
<b>Disaster Assistance Centers (DACs)</b>	Center that opens for the public to provide access to key emergency information, services and programs
<b>Commodity Points of Dispensing (C-PODs)</b>	Centralized, temporary location(s) where life-sustaining commodities are directly distributed to the public when normal commercial supply chains have been severely disrupted or destroyed by a disaster
<b>Medical Countermeasure Points of Dispensing (PODs)</b>	Temporary location(s) for mass dispensing of medical countermeasures (e.g. antibiotics, vaccines) to the public to prevent or mitigate the spread of disease

**2.2.2 Incident Command System (ICS)**

**2.2.2.1 ICS Overview**

The Incident Command System (ICS) establishes a structure for how all incidents throughout the City are managed. The ICS uses the principle of span of control, meaning that teams of three to seven responders on an incident site each report to one supervisor, and the supervisors in turn report to one supervisor, on up the chain to the Incident Commander (IC). The IC is responsible for leading multi-agency operations on an incident scene, establishing objectives, and approving an Incident Action Plan (IAP). An IC should be from the agency with the appropriate incident management responsibility listed in Section 3 of this plan. All agencies involved in incident response report up through the ICS structure regardless of their usual chain of command. The ICS structure is scalable, modular and flexible to meet changing incident demands. This means that only the components needed to meet incident demands are activated.

Some complex incidents fall within the jurisdiction of multiple agencies and require increased inter-agency coordination to manage. For these incidents, the IC may choose to establish a Unified Command. Unified Command consists of two or more representatives from different agencies working together to lead an ICS structure. Establishing Unified Command means that there is no longer a single IC, and all command decisions must be agreed upon among the Unified Commanders (UCs) and communicated down the ICS structure with a singular voice. Whether led by an IC or UC, a fully implemented ICS structure consists of the command staff and four or five general staff sections.

#### **2.2.2.2 ICS Command Staff**

The Safety Officer, Liaison Officer, and Public Information Officer are the ICS Command staff. They report to the IC and ensure incident safety, liaise with the EOC or other MACS structures, and coordinate with the media or JIC.

#### **2.2.2.3 ICS Operations Section**

The Operations Section is responsible for all tactical operations at the incident level. This includes carrying out the objectives of the incident action plan and providing information on ongoing operations to the ICS Planning Section. The Operations Section Chief manages the section and reports to the IC.

#### **2.2.2.4 ICS Planning Section**

The Planning Section is responsible for the collection, evaluation and dissemination of information related to the incident, and for the preparation and documentation of Incident Action Plans and situation reports. The Planning Section maintains information on the current and forecasted situation and tracks the status of resources assigned to the incident. The Planning Section Chief manages the section and reports to the IC.

#### **2.2.2.5 ICS Logistics Section**

The Logistics Section is responsible for providing facilities, services and materials for the incident. The Logistics Section Chief manages the section and reports to the IC.

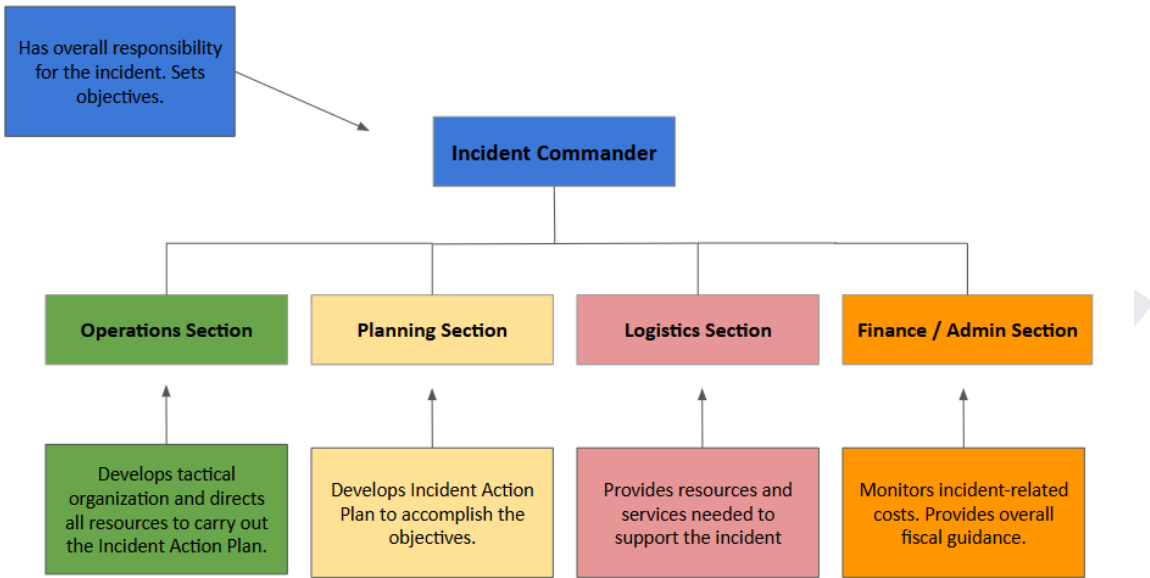
#### **2.2.2.6 ICS Finance and Administration Section**

The Finance and Administration Section is responsible for reviewing expenditures, allocating funds, and managing all other financial considerations. The Finance and Administration Section Chief manages the section and reports to the IC.

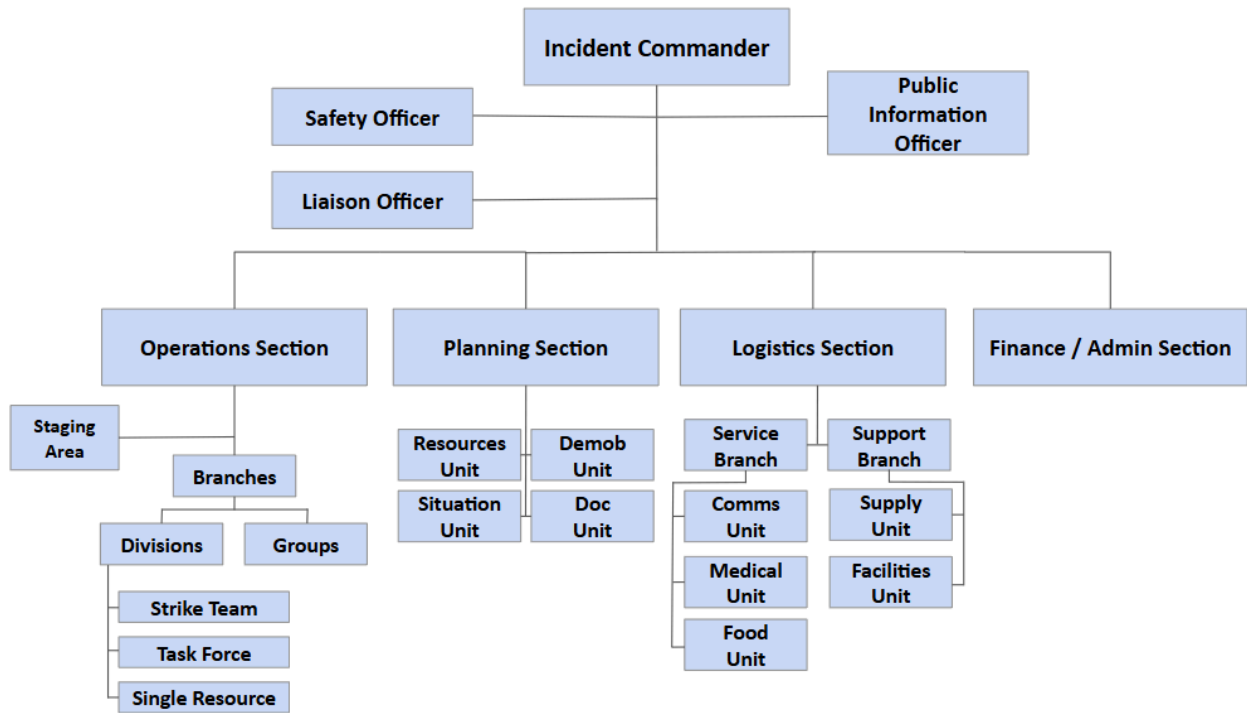
### 2.2.2.7 ICS Intelligence and Investigation Section

During certain incidents, the IC may choose to add an ICS Intelligence and Investigation Section. This section is responsible for investigating possible crimes and gathering information to prevent future threats.

**Visual 2.1 Incident Command Sections Explained**



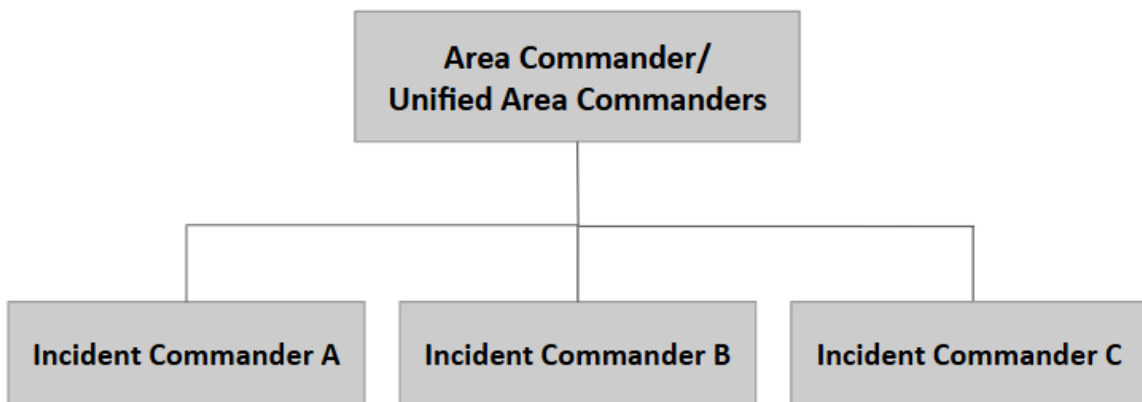
**Visual 2.3 ICS Chart**



**2.2.2.8 Area Command**

For emergency incidents spanning multiple geographic locations, an Area Command may be established. An Area Command structure consists of an individual or unified command structure that oversees multiple incident locations which are in turn managed by their own IC and ICS structure. An Area Commander (AC) is responsible for the operational response components of the incident area and the effective deployment of resources to each of the area’s ICs and UCs.

**Visual 2.4 Area Command**



## 2.2.3 Emergency Operations Center (EOC)

### 2.2.3.1 EOC Purpose and Application

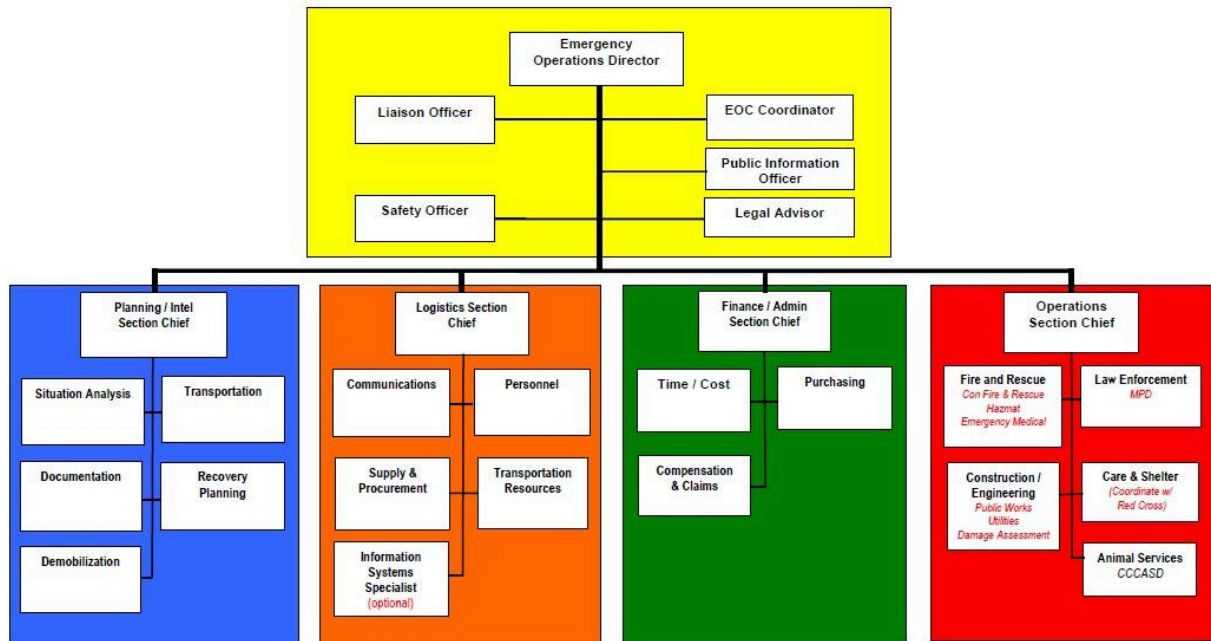
Typically the EOC activates at the discretion of the City's Emergency Management Director in consultation with the City Manager and Emergency Management Coordinator, all who are part of the Office of Emergency Management (OEM). The EOC is established to manage an emergency or disaster that is beyond the normal capabilities of one or two departments. The EOC does not usurp the responsibilities of an IC but instead supports ICs while managing citywide emergency needs by mobilizing resources, tracking costs, planning for future needs and addressing issues that are beyond the focus of any individual incident. EOC operations are guided by an EOC Action Plan that outlines objectives for each operational period. The OEM maintains primary and alternate EOC facilities for Portland. The Primary EOC is located in the Munjoy Hill / Cummings Center building at 134 Congress Street. If needed, a back up EOC can be established at the Police DOC, AEOC, or Public Works DOC.

Similar to the ICS structure, the EOC is scalable, modular and flexible to meet the demands of each emergency. If the EOC is going to be activated for an extended period of time, generally the operational periods will be either 12 or 24 hours at a time.

### 2.2.3.2 EOC Management Section

The EOC Management Section is responsible for setting the EOC strategic objectives, making key citywide emergency management decisions and supporting each of the other sections as they work to achieve these objectives. Coordination between the EOC and the Incident Command Post is done through the Liaison Officer. The City Manager serves as the EOC Director or delegates this role to another senior City official. Portland does not establish a separate policy group or multi-agency coordination group (MAC Group) to issue emergency policy directives.

**Visual 2.5 EOC Functional Chart**



**2.2.3.3 EOC Operations Section**

The EOC Operations Section is the coordination conduit between the EOC and the response organizations in the field. The EOC Operations Section provides updates from the public and private organizations involved in emergency response activities to track progress towards achieving the EOC’s strategic objectives. Additionally, the EOC Operations Section identifies unmet response needs and works with the logistics sections to meet them. The EOC Operations Section Chief leads the EOC Operations Section.

**2.2.3.4 EOC Planning Section**

The EOC Planning Section is responsible for gathering status updates from the other EOC sections, forecasting future incident demands, resource accountability, and creating plans to accomplish the EOC’s strategic objectives for each upcoming operational period. The Planning Section prepares EOC Action Plans and situation reports. In addition, the Planning Section begins planning recovery actions during the initial response phase of an emergency. The EOC Planning Section Chief leads the EOC Planning Section.

### **2.2.3.5 EOC Logistics Section**

The EOC Logistics Section is responsible for ordering, tracking and overseeing delivery of all resources requested through the EOC. Departments may deploy their internal resources or other resources for which there are pre-existing agreements without processing the request through the EOC Logistics Section. The EOC Logistics Section coordinates with the EOC Finance and Administration Section to track expenditures and adhere to spending limits. The EOC Logistics Section Chief leads the EOC Logistics Section.

### **2.2.3.6 EOC Finance and Administration Section**

The EOC Finance and Administration Section is responsible for managing all emergency expenditures by setting purchase limits, tracking costs and managing claims. The EOC Finance and Administration Section is also responsible for coordinating with the Plans Section to quantify damage estimates to determine possible eligibility for state and federal disaster assistance programs. The EOC Finance and Administration Section Chief leads the EOC Finance and Administration Section.

### **2.2.3.7 IT Information Section**

The IT Information Section is part of the Logistics Section and is responsible for managing all technology, including camera systems, dashboards, computers, networks, communications, information sharing tools and Geographic Information Systems (GIS). The EOC Information Section also houses the Amateur Radio Emergency Service (ARES), which provides auxiliary communication capability to the EOC. The IT Information Section Chief leads the IT Information Section.

### **2.2.3.8 EOC Liaison Section**

The EOC Liaison Section is responsible for managing relationships and communications with a wide array of organizations including City Council, other EOCs, Portland Public Schools, the State of Maine Emergency Management Agency and the private sector. The EOC Liaison Section consists of standing positions as well as numerous ad hoc positions that can be filled by representatives from various companies and organizations affected by the emergency. The EOC Liaison Section Chief leads the EOC Liaison Section.

## **2.2.4 Joint Information System (JIS) & Center (JIC)**

During an emergency, the City must gather information from a myriad of departments, partner organizations, media outlets and open source platforms; synthesize it into clear messaging; and communicate the message with one voice to the public. For small incidents, this is accomplished using a Joint Information System (JIS) in which an agency's Public Information Officer (PIO) coordinates messaging with relevant organizations and then communicates directly

with the public. During a significant emergency, however, public information demands quickly outpace the ability of one PIO, and the JIC must be activated. The JIC brings together public information professionals from across the City in one location to manage citywide media relations, public relations, public warnings and advisories, and media monitoring. The JIC is led by the PIO, who reports directly to the EOC Director when the EOC is active and to the City Manager, or his or her designee, when the EOC is inactive.

### **2.2.5 Incident Management Assistance Teams (IMATs)**

Incident Management Assistance Teams (IMATs) are small groups of County or State personnel (typically about 5 members) that deploy to an EOC during a large emergency that may require assistance. An IMAT's primary responsibility is to coordinate with the local EOCs to support the deployment of state or federal resources to assist in response and recovery efforts. IMATs do not possess direction and control authority. Instead, an IMAT supports the City and state as they exercise their respective emergency management responsibilities and authorities. Portland coordinates with IMAT teams through Cumberland County first and a State IMAT team if the emergency should warrant additional support. Portland may request an IMAT for incidents that are highly complex, long duration, or when the incident overwhelms the City's capabilities.

### **2.2.6 Disaster Assistance Center (DAC)**

Portland's EOC may establish Disaster Assistance Centers (DACs) to serve as a clearinghouse for recovery assistance during an emergency or declared disaster. Each DAC provides disaster assistance to residents, visitors and businesses. These services include financial, insurance, employment and housing assistance, among others. DACs are staffed by representatives from public, private and non-profit recovery service providers. DACs coordinate with the EOC through the EOC Liaison Section's DAC Branch.

If the City and or Cumberland County is included in a Presidential Disaster Declaration, a DAC may transition to a Disaster Recovery Center (DRC) by integrating state and federal staff into the existing DAC. The DRC structure makes resources available that may not be regularly offered or are depleted at the local level. DRC supervision is provided jointly by the Federal Emergency Management Agency (FEMA), state and local managers through the Joint Field Office (JFO). The process of establishing a DRC is initiated through a recommendation by the State Coordinating Officer (SCO) to the Federal Coordinating Officer (FCO) overseeing federal operations for the disaster.

## 2.2.7 Mass Casualty Management Structures

### 2.2.9.1 Victim Identification Center (VIC)

The rapid identification of human remains during a mass fatality incident is critical to supporting victims' families and informing any ongoing investigation. If the normal resources of the Medical Examiner's Office are overwhelmed, the City may establish a Victim Identification Center (VIC) to augment and expedite the City's existing victim identification capabilities. The VIC is responsible for collecting records, data, DNA and other resources to identify victims and assist the Family Assistance Center (FAC) in managing the missing persons list.

### 2.2.9.2 Family Assistance Center (FAC)

A Family Assistance Center (FAC) may be established following a mass casualty incident to assist the families of the missing, injured or deceased. FACs are responsible for managing the missing persons list and informing family members of the status of their loved ones. This often includes answering questions from family members who arrive at the FAC or who call in for information. The FAC may also provide initial psychological, spiritual and emotional support services to the family members of those affected. The FAC Coordinates its operations with City emergency management efforts through the EOC.

## 2.2.8 Public Alert and Warning

The purpose of the Public Alert and Warning function is to ensure that timely, accurate, and actionable emergency information is disseminated to the public before, during, and after an incident. Effective alerts help protect life and property, guide protective actions, and maintain public confidence.

### 2.2.8.1 Authority

The City of Portland's public alert and warning activities are conducted under the authority of:

- Maine Revised Statutes Title 37-B, Chapter 13 (Emergency Management)
- Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System (IPAWS) guidelines
- Local emergency management ordinance and operational policies

This section summarizes the key elements of the City of Portland's Public Alert and Warning program in a matrix format, grouping related elements under their respective categories for clarity and ease of reference.

**Table 2.4 Key Elements of Public Alert and Warning**

Category	Element	Description
<b>Primary Agencies and Roles</b>	Office of Emergency Management (OEM)	Coordinates citywide alert and warning efforts and ensures alignment with Cumberland County EMA and Maine EMA protocols
	Public Information Officer (PIO) Communications & Digital Services Department	Develops and approves public messaging in coordination with the Joint Information System (JIS) and Joint Information Center (JIC) when activated. Operates and maintains City communication channels, including website, social media, and mass notification systems.
	Police and Fire Departments	Provide incident-specific information to the OEM/PIO for rapid dissemination
	City Manager	Authorizes major alerts when required by policy or in sensitive situations
<b>Methods of Notification</b>	Wireless Emergency Alerts (WEA) via IPAWS	Life-safety threats requiring immediate public action
	Emergency Alert System (EAS)	Widespread or multi-jurisdictional emergencies
	City Mass Notification System	Localized incidents or public information needs
	Social Media Platforms	General updates, advisories, and situational awareness
	City Website Alerts	Supplementary to other alerts; ongoing incident updates
	Press Releases / Media Briefings	Provide details, context, and updates to media outlets and the public
	Outdoor Warning Systems	Localized audible alerts for immediate protective actions

	Door-to-Door Notifications	Used in high-priority or inaccessible areas
<b>Message Development and Approval</b>	Common Alerting Protocol (CAP) Format	Standardized format for interoperability and compliance
	PIO & Incident Command Coordination	Ensures timeliness, accuracy, and actionable guidance
	Sensitive Alert Protocols	Allows expedited release without full administrative approval when time-critical
<b>Accessibility</b>	Plain Language Messaging	Easily understood by the general public
	Language Translation	Where feasible, translated into commonly spoken languages in the community
	ADA-Compliant Formats	Accessible to individuals with visual, hearing, or cognitive impairments
<b>Coordination</b>	Regional & State Alignment	Coordination with Cumberland County EMA, Maine EMA, and neighboring municipalities
	Joint Information System (JIS)	Integrated messaging during regional or statewide incidents
<b>Testing and Training</b>	Annual System Testing	Testing of public alerting systems at least annually or as required
	Staff Training	Annual training for staff authorized to issue or approve alerts

## 2.2.9 Public Protective Actions

### 2.2.9.1 Introduction

Public protective actions consist of instructions to the public to take measures to protect their lives, property and wellbeing. These orders may be issued by an IC for an incident scene or by the City Manager for large portions of the City. While there are many potential public protective action orders that may be issued, the most common are detailed below.

### 2.2.9.2 Evacuation

Evacuation orders are notices to the public to leave a geographic area. Evacuation areas can be a single city block or a large portion of the City. Evacuations must consider the transportation needs and accessibility challenges of people in the area being evacuated. Affected populations must also be given information regarding safe evacuation routes. Additionally, an evacuation center should be set up to receive evacuees and provide information related to returning to the evacuated area or support evacuees through an extended displacement. Evacuations also require significant coordination to ensure safe and organized re-entry and reoccupation of evacuated areas. The Portland Police Department & Portland Fire Department are responsible for enforcing and carrying out evacuation orders.

### 2.2.9.3 Shelter in Place

Certain threats require the public to immediately go indoors and stay there until told it is safe to leave. This type of protective action is typically implemented to address immediate security threats, police operations in an area or a hazardous materials release. The order to shelter in place is normally short-lived and targets a specific neighborhood or at-risk geographic area. For hazardous materials releases, the public may also receive instructions to close all doors, windows, flumes and other exterior openings of a structure. Portland Police and or Fire are responsible for enacting and enforcing shelter in place orders. When relevant, the Fire Department and Police Department are charged with providing subject matter expertise involving the chemical or environmental hazard and what areas should be sheltered in place.

### 2.2.9.4 Curfew

Curfew orders assist in preventing damages, injuries or unrest by restricting who may be outside of their home in a certain geographic area at a given time. Curfew orders should include the times of the curfew, the area of the curfew and who is exempt from the curfew. Only the City Manager has the authority to issue curfews, which are then enforced by the Police Department and publicized by the JIC.

### 2.2.9.5 Avoid the Area

Avoid the area orders deny access to a geographic area and instruct the public to avoid that area. Avoid the area orders are often issued in tandem with orders to those living, working or otherwise doing business in the restricted area to shelter in place or evacuate. The Police Department is responsible for enacting and enforcing avoid-the-area orders.

### 2.2.9.6 Public Health Protective Actions

Public health protective actions are as varied as the public health threats that may face the City. For example, contamination of the City's drinking water may result in instructions to boil or not use tap water. Portland Water District is responsible for issuing Boil Water, Do Not Drink, or Do Not Use Order. For communicable diseases, certain quarantine, isolation, or social distancing orders may be issued. Subsequent to a state of emergency and upon the recommendation of subject matter expertise or any lead agency, the City Manager may issue a public health protective action. Portland Public Health is responsible for implementing public health protective actions and coordinating with all relevant lead, support and partner organizations.

## SECTION 3: ROLES AND RESPONSIBILITIES

### 3.1 Organizational Emergency Functions

#### 3.1.1 Emergency Functions Overview

City departments and outside partner organizations have critical emergency management roles, categorized by core capability. Core capabilities are the key functions necessary to comprehensively address Portland's five emergency management mission areas: **Prevention, Protection, Mitigation, Response** and **Recovery**. Each City department and external organization supports Portland's core capabilities as either the lead agency, support agency or a partner organization.

### 3.1.1.1 Lead Agencies / Organizations

Lead agencies are Portland departments that are assigned primary responsibility for coordinating the community's effort to address a capability. Lead agencies are not expected to address their core capabilities alone but are instead charged with organizing support from other City departments and external organizations. Lead agencies are ultimately accountable to the City Manager for the development of their core capability.

### 3.1.1.2 Support Agencies / Organizations

Support agencies are Portland departments that assist the lead agency in accomplishing an assigned core capability. Core capabilities are assigned only one lead agency, but they may have numerous support agencies that bring an array of useful assets and skill sets. Support agencies work in coordination with the lead agency but are ultimately accountable to the City Manager for assisting the lead agency in developing an assigned core capability.

### 3.1.1.3 Partner Organizations

Partner organizations are organizations external to the City of Portland that are critical in addressing a core capability. Core capabilities may require the resources and aptitudes of numerous partner organizations to successfully build resiliency. Like support agencies, partner organizations should coordinate their efforts with the lead agency; however, partner organizations do not ultimately report to the City Manager and therefore possess more autonomy than support agencies. This concept falls in line with Unified Command under the NIMS and ICS models which are further defined in section 2.2 of this document.

## 3.1.2 Core Capabilities

Core capabilities must be continuously developed and evaluated to ensure the City is adequately prepared for an emergency. Portland's core capabilities are listed by mission area in this section. Some capabilities are shared among all mission areas and are listed first. The five mission areas in emergency management are as follows:

1. **Prevention:** Activities focused on avoiding, preventing, or stopping an imminent threat, such as terrorism or a mass casualty incident.
2. **Protection:** Capabilities aimed at securing the homeland against threats and hazards, protecting citizens, residents, visitors, and assets.
3. **Mitigation:** Actions taken to reduce the loss of life and property damage by lessening the impact of future disasters.
4. **Response:** Actions taken immediately before, during, or after an incident to save lives, protect property and the environment, and meet basic human needs.
5. **Recovery:** Activities that focus on restoring the affected area to its pre-incident condition.

The Prevention and Protection Mission Areas share a number of common capabilities and are grouped together in this core capability section.

### **3.1.2.1 Capabilities Shared Among All Mission Area**

- Operational Coordination: Establish and maintain a unified and coordinated operational structure and process that integrates all critical stakeholders and supports the execution of core capabilities.
- Planning: Create an ongoing and systematic process engaging the whole community in the development and execution of strategic, operational and/or tactical-level approaches to meet defined objectives.
- Public Information and Warning: Deliver coordinated, prompt, reliable and actionable information to the whole community through the use of clear, consistent, and culturally and linguistically appropriate communications regarding any threat or hazard, including the actions taken and the assistance available.

### **3.1.2.2 Prevention and Protection Mission Areas**

- Access Control and Identity Verification: Apply and support necessary physical, technological and cyber measures to control access to critical locations and systems.
- Cyber Security: Protect (and if needed, restore) electronic communications systems, data and services from damage, unauthorized use, and exploitation.
- Forensics and Attribution: Conduct forensic analysis (including means, methods and attribution) of terrorist acts and/or preparation for an attack in an effort to prevent initial or follow-on acts and/or swiftly develop counter-options.
- Intelligence and Information Sharing: Gather and provide timely, accurate and actionable information concerning physical and cyber threats; the development, proliferation, or use of weapons of mass destruction; or any other matter threatening Portland's security. Information sharing is the ability to exchange intelligence, information, data or knowledge among government or private sector entities.
- Interdiction and Disruption: Delay, divert, intercept, halt, apprehend or secure threats and/or hazards.
- Physical Protective Measures: Implement and maintain risk-informed countermeasures and policies protecting people, structures, materials, products and systems associated with key operational activities and critical infrastructure.
- Risk Management for Protection Programs: Identify, assess and prioritize risks to inform protection activities, countermeasures and investments.

- Screening, Search and Detection: Identify, discover and locate threats and/or hazards through active and passive surveillance and search procedures. This may include the use of systematic examinations and assessments, bio surveillance, sensor technologies or physical investigation and intelligence.
- Supply Chain Integrity and Security: Strengthen the security and resilience of the supply chain.

### **3.1.2.3 Mitigation Mission Area**

- Community Resilience: Enable the recognition and understanding of potential risks, encourage adequate planning for those risks and empower individuals and communities to make informed decisions necessary to adapt to, withstand and quickly recover from future incidents.
- Long-Term Vulnerability Reduction: Build and sustain resilient systems, communities, critical infrastructure and key resource lifelines to reduce vulnerability to natural, technological and human-caused threats and hazards by lessening the likelihood, severity and duration of the adverse consequences.
- Risk and Disaster Resilience Assessment: Assess risk and disaster resilience so that decision makers, responders and community members can take informed action to reduce risk and increase resilience.
- Threat and Hazard Identification: Identify the threats and hazards that could occur, determine the potential frequency and magnitude and incorporate this into planning processes to clearly understand the needs of a community or entity.

### **3.1.2.4 Response Mission Area**

- Critical Transportation: Provide transportation (including infrastructure access and accessible transportation services) for response priority objectives, including the evacuation of people and animals, and the delivery of vital response personnel, equipment and services into the affected areas.
- Environmental Response/Health and Safety: Conduct appropriate measures to ensure the protection of the health and safety of the public and workers, as well as the environment, from all-hazards in support of responder operations and the affected communities.
- Fatality Management Services: Provide fatality management services, including decedent remains recovery and victim identification; provide mortuary processes, temporary storage or permanent internment solutions; share information with mass care services for the purpose of reunifying family members and caregivers with missing persons/remains; and provide counseling to the bereaved.

- Fire Management & Suppression: Provide structural, wild-land and specialized firefighting capabilities to manage and suppress fires of all kinds and complexities while protecting the lives, property and the environment in the affected area.
- Infrastructure Systems (Shared with the Recovery Mission Area): Stabilize critical infrastructure functions to minimize health and safety threats, and efficiently restore and revitalize infrastructure systems and services to support a viable, resilient community.
- Logistics and Supply Chain Management: Deliver essential commodities, equipment and services in support of impacted communities and survivors, to include emergency power and fuel support, as well as the coordination of access to community staples.
- Mass Care Services: Provide life-sustaining and basic services to the affected population, including hydration, feeding, sheltering, temporary housing, evacuee support, reunification and emergency supplies.
- Mass Search & Rescue Operations: Deliver traditional and atypical search-and-rescue capabilities, including personnel, services, animals and other assets to survivors in need, with the goal of saving the greatest number of endangered lives in the shortest time possible.
- On-Scene Security, Protection and Law Enforcement: Ensure a safe and secure environment through law enforcement and related security and protection operations for people and communities in affected areas and also for response personnel engaged in lifesaving and life-sustaining operations.
- Operational Communications: Ensure the capacity for timely communications in support of security, situational awareness and other emergency operations by any and all means available, among and between affected communities in the impact area and all response forces.
- Public Health, Healthcare and EMS: Provide life-saving medical treatment via emergency medical services and related operations, and avoid additional disease and injury by providing targeted public health, medical treatment and behavioral health support, and bringing medications and other medical supplies to all affected populations.
- Situational Assessment: Provide all decision makers with relevant information regarding the nature and extent of the hazard or emergency, the status of the response and any cascading effects.

### 3.1.2.5 Recovery Mission Area

- Economic Recovery: Return economic and business activities (including food and agriculture) to a healthy state and develop new business and employment opportunities that result in an economically viable community.
- Health and Social Services: Restore and improve health and social services capabilities and networks to promote the resilience, independence, health (including behavioral health) and well-being of the whole community.
- Housing: Implement housing solutions that effectively support the needs of the whole community and contribute to its sustainability and resilience.
- Natural and Cultural Resources: Protect natural and cultural resources and historic properties through appropriate planning, mitigation, response and recovery actions to preserve, conserve, rehabilitate and restore them consistent with community priorities and best practices and in compliance with applicable environmental and historic preservation laws and executive orders.

### 3.1.3 Capability Tables

According to FEMA, core capabilities are the essential elements needed to achieve the National Preparedness Goal. FEMA identifies 32 core capabilities in total. Examples include **Planning, Public Information and Warning, Operational Coordination, Community Resilience, Critical Transportation, and Public Health, Healthcare, and Emergency Medical Services**. Each capability has defined target outcomes and performance objectives that ensure a coordinated, whole-community approach to preparedness. By assessing these core capabilities, jurisdictions can identify gaps, prioritize investments, and develop training, exercises, and plans that enhance their ability to withstand and rapidly recover from disasters.

The following tables list core capabilities and identify the role that each Portland Department, agency, or outside partners play during an emergency or disaster.

**Figure 3.1.3 Portland’s Capability Roles by Department**

<b>Core Capability / Function</b>	<b>Finance</b>	<b>Planning &amp; Urban Dev.</b>	<b>Health &amp; Human Svcs.</b>	<b>Corporation Counsel</b>	<b>Permitting &amp; Insp.</b>	<b>Police</b>	<b>Fire</b>	<b>Public Works</b>
Operational Coordination	S	S	S	S	S	S	S	S
Planning	S	P	S	S	S	S	S	S
Public Information & Warning	S	S	S	S	S	S	S	S
Access Control & Identity Verification				S	P	S	S	
Cyber Security								
Forensics & Attribution						P	S	
Intelligence & Information Sharing						P	S	
Interdiction & Disruption						P	S	
Physical Protective Measures		S			S	S	P	S
Risk Management for Protection Programs	S			S	S	P	S	S
Screening, Search & Detection						P	S	S
Supply Chain Integrity & Security					S	S	S	P
Community Resilience	S	S	P	S	S	S	S	S
Long-Term Vulnerability Reduction		P	S		S	S	S	S
Risk & Disaster Resilience	S	S	P	S	S	S	S	S
Threat & Hazard Identification	S	S	S	S	S	S	S	S
Critical Transportation								S
Environmental Response / Health Safety			P			S	S	S
Fatality Management Services			S			S	P	
Fire Management & Suppression						S	P	
Infrastructure Systems	S	S			S	S	S	P
Logistics & Supply Chain Management	P				S	S	S	S
Mass Care Services	S		P			S	S	
Mass Search & Rescue Operations						S	P	
Scene Security, Protection & Law Enforc.						P	S	S
Operational Communications								
Public Health, Healthcare & EMS				P			S	S
Situational Assessment	S	S	S	S	S	S	S	S
Economic Recovery	P	S	S		S			
Health & Social Services			P			S	S	
Housing		P	S		S			
Natural & Cultural Resources								

**P = Primary**   **S = Support**   **O = Outside Organization**

**Figure 3.3.1 Cont. Portland’s Capability Roles by Department**

Core Capability / Function	Parks, Rec. & Facilities	Portland Int. Jetport	City Clerk	Assessor	IT	Communication & Digital Svc.
Operational Coordination	S	S	S	S	S	S
Planning	S	S	S	S	S	S
Public Information & Warning	S	S	S	S	S	P
Access Control & Identity Verification		S	S		S	
Cyber Security					P	S
Forensics & Attribution						
Intelligence & Information Sharing						
Interdiction & Disruption						
Physical Protective Measures	S	S				
Risk Management for Protection Programs						
Screening, Search & Detection			S			
Supply Chain Integrity & Security		S				
Community Resilience	S	S	S		S	S
Long-Term Vulnerability Reduction	S	S				
Risk & Disaster Resilience	S	S				
Threat & Hazard Identification	S	S				
Critical Transportation		P				
Environmental Response / Health Safety	S	S				
Fatality Management Services						
Fire Management & Suppression						
Infrastructure Systems	S	S				
Logistics & Supply Chain Management		S				
Mass Care Services	S					
Mass Search & Rescue Operations						
On-Scene Security, Protection & Law Enf.						
Operational Communications					S	P
Public Health, Healthcare & EMS						
Situational Assessment	S	S				
Economic Recovery	S	S				
Health & Social Services						
Housing						
Natural & Cultural Resources	P					

**P = Primary** **S = Support** **O = Outside Organization**

### 3.1.4 Other Emergency Responsibilities

In addition to the specific authorities and responsibilities assigned to City leadership, departments, and agencies, all City personnel and partner organizations share common emergency responsibilities that support the overall readiness and resilience of the City of

Portland. These responsibilities ensure a coordinated, efficient, and effective response to all hazards.

#### **3.1.4.1 General Responsibilities for All City Departments and Agencies**

- **Plan Familiarity and Compliance:** Maintain familiarity with the Emergency Operations Plan (EOP), Hazard-Specific Annexes, and relevant departmental procedures, and execute assigned roles in accordance with these documents.
- **Continuity of Operations:** Maintain a departmental Continuity of Operations Plan (COOP) to ensure the ability to perform essential functions during and after an incident
- **Resource Management:** Identify, maintain, and make available resources, equipment, and personnel that may be required to support emergency operations.
- **Situational Reporting:** Provide timely and accurate information on departmental status, capabilities, and needs to the Emergency Operations Center (EOC) or Incident Command.
- **Staff Training:** Ensure that personnel are trained in their emergency roles and participate in City-led exercises and drills as required.
- **Workforce Accountability:** Maintain rosters and contact information to account for all employees during emergencies and ensure personnel safety.
- **Damage Assessment:** Assist in the collection and reporting of preliminary damage and impact assessments within the department's areas of responsibility.
- **Public Information Support:** Provide subject matter expertise to the Public Information Officer (PIO) for the development of coordinated public messaging.

#### **3.1.4.2 Responsibilities for Partner Organizations**

- **Coordination:** Maintain liaison with the City's Office of Emergency Management and participate in EOC operations when requested.
- **Mutual Aid Support:** Provide personnel, equipment, and services in accordance with existing mutual aid agreements or memoranda of understanding (MOUs).
- **Information Sharing:** Exchange timely and relevant information to support a common operating picture across all responding organizations.

#### **3.1.4.3 Responsibilities for All Personnel**

- **Personal Preparedness:** Maintain personal and family emergency plans to ensure availability during a City emergency.
- **Compliance with Direction:** Follow lawful orders and directions issued by the Incident Commander, EOC Manager, or department leadership during emergency operations.
- **Safety Practices:** Adhere to safety guidelines and report hazards or unsafe conditions to supervisors immediately.

## 3.2 Responsibilities: City of Portland Departments

### 3.2.1 Finance Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (f)

**Capabilities Led:** Risk Management for Protection Programs

**EOC Positions Staffed:** EOC Finance & Admin Section Chief, EOC Documentation Branch, EOC Cost/Time Branch, EOC Claims & Compensation Branch, EOC Risk Manager Branch, EOC Safety Officer, EOC Scribe

**JIC Positions Staffed:** None

**DOC Managed:** None

**Incident Management Responsibilities:** None

#### **Major Emergency Management Responsibilities:**

- Coordinate with the EOC's Finance and Administration Section to set citywide spending limits for emergency response activities.
- Ensure employees, contractors and vendors continue to be paid during an emergency.
- Coordinate with all City departments and agencies to track, collect and catalog all emergency expenditures.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- As the City's lead agency for disaster finance and administration, account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.2 Planning & Urban Development Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (h)

**Capabilities Led:** None

**EOC Positions Staffed:** EOC Plans Section Chief, EOC Situation Branch, EOC Advance Planning Branch, EOC Recovery Branch, EOC Resources Branch

**JIC Positions Staffed:** None

**DOC Managed:** None

**Incident Management Responsibilities:** Incidents related to the structural habitability of buildings and or recovery efforts

#### **Major Emergency Management Responsibilities:**

- Assist with the demolition of any unsafe structures.

- Assist with GIS mapping as needed to identify environmental hazards.
- Assist Permitting and Inspections Department in evaluating structural stability of public infrastructure.
- Oversee the long-term recovery operations of the City.
- Advise recovery and rebuilding efforts to ensure compliance with the Portland Comprehensive Plan, otherwise known as [Portland's Plan 2030](#).
- Vet and credential vendors and residents for re-entry operations.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.3 Health and Human Services Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (g)

**Capabilities Led:** Health and Safety; Mass Care Services; Public Health, Healthcare

**EOC Positions Staffed:** EOC Public Health and Environment Branch,

**JIC Positions Staffed:** JIC Status Board Administrator

**DOC Managed:** Public Health and Environment DOC

**Incident Management Responsibilities:** Public health emergencies, environmental emergencies, animal health emergencies.

#### **Major Emergency Management Responsibilities:**

- Public Health: Lead citywide public health preparedness, response, and recovery efforts.
- Public Health: Support the JIS or JIC with public information messaging for incidents involving public health.
- Public Health: In coordination with Maine CDC, support the implementation of emergency behavioral health provider support to incident scenes, the EOC, shelters, DACs or other locations.
- Public Health: In coordination with the Maine CDC, provide vector control by assessing the threat of vector-borne diseases following a major emergency or disaster, providing technical assistance and offering protective actions regarding vector-borne threats.
- Public Health: Assist in fatality management efforts, including management of the Victim Identification Center (VIC).
- Public Health: Assist the Maine CDC in public health surveillance and disease investigations

- Public Health: Support the activation and enforcement of pharmaceutical and non-pharmaceutical public health interventions deemed necessary
- Public Health: Complete any necessary community health assessments associated with the emergency, as relevant.
- Public Health and Social Services: Establish, staff, and equip emergency shelters and other temporary housing options (including accessible housing) for the affected population.
- Social Services: Administer emergency financial assistance and housing support programs.
- Social Services and Office of Elder Affairs: Coordinate with social service agencies and volunteer organizations to ensure continuity of care.
- Office of Elder Affairs: Identify and maintain contact with vulnerable older adult populations.
- Office of Elder Affairs: Support public messaging targeted to older adults, including accessibility considerations.
- Office of Elder Affairs: Assist with sheltering and resource distribution tailored to seniors' needs.
- All: Ensure equitable access to services for all residents, especially vulnerable populations.

### 3.2.4 Corporation Counsel / Legal Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (e)

**Capabilities Led:** None

**EOC Positions Staffed:** EOC City Attorney, EOC Contracting Branch

**JIC Positions Staffed:** None

**DOC Managed:** None

**Incident Management Responsibilities:** None

#### **Major Emergency Management Responsibilities:**

- Advise the City Manager and Mayor concerning the legal implications of emergency management decisions and declaring an emergency declaration.
- Vet all emergency contracts to ensure compliance with laws, regulations, and state and FEMA guidelines.
- Risk Management: Manage emergency volunteer waivers, insurance and liability issues.
- Risk Management: Determine what losses to the City during an emergency are covered by insurance and calculate the total uninsured loss.
- Ensure all emergency intergovernmental agreements and mutual aid contracts comply with applicable laws and regulations.
- Review all emergency plans for legality.

- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.5 Permitting and Inspections Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (h) (*The Directors of both Planning & Urban Development and Permitting & Inspections fall under same section of Portland city code for authority*)

**Capabilities Led:** None

**EOC Positions Staffed:** EOC Plans Section Chief, EOC Situation Branch, EOC Advance Planning Branch, EOC Recovery Branch, EOC Resources Branch

**JIC Positions Staffed:** None

**DOC Managed:** None

**Incident Management Responsibilities:** Incidents related to the structural habitability of buildings and or recovery efforts

**Major Emergency Management Responsibilities:**

- Assist with initial damage assessments of all private businesses and homes within the City of Portland.
- Assist in the restoration of operations at licensed facilities following an emergency through expedited permitting and communicating the needs of licensed facilities to the EOC
- Evaluate structural stability and safety of homes and businesses.
- Oversee the demolition of any unsafe structures.
- Assist with initial damage assessments of all private businesses and homes within the City of Portland.
- Evaluate structural stability and safety of homes and businesses.
- Respond and assist Fire Department, Police Department and other departments during emergencies involving structures for; licensing, stability, and damage assessment.
- Evaluate structural stability of public infrastructure.
- Oversee the long-term recovery operations of the City.
- Vet and credential vendors and residents for re-entry operations.
- Conduct initial damage assessments of all private businesses and homes within the City of Portland.
- Evaluate structural stability and safety of homes and businesses.

- Respond to emergencies involving public restaurants and Portland licensed vendors.
- Assist Technology Services as needed with mapping environmental hazards.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.6 Police Department

**Legal Authority:** Portland City Code Chapter 2-17 (c); Chapter 20; Maine Statutes 30-A M.R.S. §2671

**Capabilities Led:** Forensics and Attribution; Intelligence and Information Sharing; Screening, Search, and Detection; Access Control and Identity Verification; Physical Protective Measures; Supply Chain Integrity and Security; Response to Mass Casualty incidents; Bomb Threats; On-Scene Security; Protection and Law Enforcement

**EOC Positions Staffed:** EOC Operations Section Chief, EOC Police Branch, EOC 911 Branch, EOC Evacuation Branch, EOC Security Branch, EOC Scribe

**JIC Positions Staffed:** JIC Warning Coordinator, JIC Media Relations Branch, JIC Social Media Branch, JIC Dissemination Branch

**Communication Center/DOC Managed:** 911 Communications

**Incident Management Responsibilities:** Law enforcement incidents, criminal investigation incidents, fire suppression incidents, search and rescue incidents, hazardous materials incidents (initial response only), search-and-rescue incidents, technical rescue incidents, evacuations and shelter-in-place orders.

#### Major Emergency Management Responsibilities:

- 911 Communications: Issue initial warning to the public through the 911 system, the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA). Alerts are issued in geographically targeted means and with attention to various access and functional needs. Use of Integrated Public Alert & Warning System (IPAWS) in collaboration with County & State EMA.
- 911 Communications: Take calls for assistance through 911 and dispatch the appropriate resources to incidents throughout the City.
- 911 Communications: Serve as the City's primary entity for routine emergency information gathering, detection and monitoring.
- 911 Communications: Manage Police and Fire response resources and triage calls by priority when resources are limited.

- 911 Communications: Request mutual aid or other routine first-response resources to assist in incident response.
- Police: Provide law enforcement, incident investigation, forensic analysis and crime prevention services.
- Police: Establish and enforce perimeters around incident scenes or critical infrastructure.
- Police: Partner with Health and Human Services and other providers to provide behavioral health services to emergency victims.
- Police: Coordinate victim identification and family reunification operations.
- Police: Make initial evacuation decisions and coordinate with 911 communications to issue public warnings.
- Police: Provide continuous on-scene protection at shelter sites.
- Police: Issue and enforce evacuation and shelter-in-place orders.
- All: Provide subject matter experts and public information officers to help manage incidents.
- All: Support and control traffic flow around critical emergency facilities.
- All: In coordination with the OEM, maintain mutual aid agreements for emergency response resources with entities external to the City.
- All: Maintain tactical level incident plans related to crowd control, response deployment, facility pre-plans, triage or other relevant incident response tasks.
- All: Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- All: Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.7 Fire Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (c); Chapter 10 Fire Prevention

**Capabilities Led:** Intelligence and Information Sharing; Fire Management and Suppression; Emergency Medical Response; Fire Prevention and Fire Investigation; Access Supply Chain Integrity and Security; Mass Search and Rescue Operations; Technical Rescue and Water Rescue; Emergency response to all five Islands; and Public Education.

**EOC Positions Staffed:** EOC Operations Section Chief, EOC Planning Section Chief, EOC Fire Rescue Branch, EOC 911 Branch, EOC Evacuation Branch, EOC Scribe,

**JIC Positions Staffed:** JIC Warning Coordinator, JIC Media Relations Branch, JIC Social Media Branch, JIC Dissemination Branch

**Communication Center/DOC Managed:** 911 Communications

**Incident Management Responsibilities:** Law enforcement incidents, criminal investigation incidents, fire suppression incidents, search and rescue incidents, hazardous materials incidents (initial response only), search-and-rescue incidents, technical rescue incidents, evacuations and shelter-in-place orders.

**Major Emergency Management Responsibilities:**

- Provide fire suppression, fire prevention, search-and-rescue services and hazardous materials response.
- Provide emergency medical services at the Advanced Life Support (ALS) level.
- Provide fire code regulation/enforcement.
- Provide technical rescue response (swift water, open water, ice, confined space, structural collapse/instability, rope rescue and high/low angle rescue).
- Conduct evacuations of residents from unsafe structures.
- Coordinate victim identification and family reunification operations.
- Make initial evacuation decisions and coordinate with 911 communications to issue public warnings.
- Issue and enforce evacuation and shelter-in-place orders.
- Provide buses and trucks for the movement of responders, evacuees or supplies.
- Provide subject matter experts and public information officers to help manage incidents.
- Support and control traffic flow around critical emergency facilities.
- In coordination with the OEM, maintain mutual aid agreements for emergency response resources with entities external to the City.
- Maintain tactical level incident plans related to crowd control, response deployment, facility pre-plans, triage or other relevant incident response tasks.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.8 Public Works Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (d) (*The Directors of both Public Works and Parks, Recreation, and Facilities fall under the same section of Portland City Code for authority*)

**Capabilities Led:** Critical Transportation, Infrastructure Systems

**EOC Positions Staffed:** EOC Fleet and Fuels Branch, EOC Infrastructure Branch, EOC Transportation Branch, EOC Utilities Branch, EOC Damage Assessment Branch, EOC Debris Management Branch, EOC WebEOC Resource Ordering Branch

**JIC Positions Staffed:** JIC Field Information Branch

**DOC Managed:** Traffic Management Center (TMC)

Incident Management Responsibilities: Utility interruptions, water shortages, transportation incidents

**Major Emergency Management Responsibilities:**

- Fleet Management: Assist in maintaining fuel needs and mechanical readiness for vehicles involved in emergency operations.
- Street Maintenance: Manage debris collection, staging, sorting and disposal operations.
- Street Maintenance: Maintain primary and contingency debris management and monitor contracts to augment the City’s debris management capabilities.
- Street Maintenance: Maintain Portland’s transportation infrastructure and provide rapid repair of key transportation pathways.
- Traffic Operations: Oversee transportation and traffic management operations from the State of Maine DOT.
- Traffic Operations: Assist in routing and traffic control during evacuations.
- Water Resources: Maintain Portland’s wastewater/stormwater and flood mitigation infrastructure.
- All: Coordinate with public and private sector partners to ensure the maintenance or rapid restoration of energy and utility services.
- All: Conduct initial damage assessments of Portland’s wastewater, fiber optic and transportation networks in coordination with the Portland Water District (PWD).
- All: Assist in providing heavy equipment as needed for certain recovery and response efforts.
- All: Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- All: Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.9 Parks, Recreation, and Facilities Department

**Legal Authority:** Portland City Code Chapter 2 Sec. 2-17 (d) (*The Directors of both Public Works and Parks, Recreation, and Facilities fall under the same section of Portland City Code for authority*)

**Capabilities Led:** Natural and Cultural Resources

**EOC Positions Staffed:** EOC Parks and Recreation Branch

**JIC Positions Staffed:** JIC Gathering, Writing, Production and Analysis (GWPA) Branch – Info Gathering

**DOC Managed:** None

**Incident Management Responsibilities:** Incidents occurring on/in Parks and Recreation property and facilities (often conducted in unified command with other departments).

**Major Emergency Management Responsibilities:**

- Provide land for debris management sites and response staging areas.
- Conduct initial Damage Assessments of all Parks and Recreation facilities within the City.
- Conduct initial Damage Assessments of all Public Buildings and Waterfront Facilities within the City.
- Create and maintain mitigation strategies for hazards affecting parks, trails, public buildings, and City owned waterfront facilities.
- Coordinate and conduct debris removal in conjunction with Public Works.
- Provide public buildings and/or recreation facilities and staff to establish DACs and shelters.
- Coordinate facilities and support personnel to manage LSAs, C-PODs and P-PODs.
- Provide personnel, vehicles, and resources for DACs, shelters and emergency logistics operations.
- Coordinate with public safety agencies to ensure event safety and security.
- Integrate emergency planning into large-scale event operations.
- Serve as liaison to event organizers during emergencies that impact public gatherings.
- Support public information dissemination during planned events and unplanned incidents affecting event activities.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.10 Portland International Jetport (PWM)

**Legal Authority:** Portland City Code Chapter 18 Article IV Airport Facilities § 18.81 14 C.F.R. Part 139; 49 C.F.R. § 1542; 14 C.F.R. 91.137; 29 C.F.R. 1910.120; 29 C.F.R. 1910.1200

**Capabilities Led:** None

**EOC Positions Staffed:** EOC Airport Branch

**JIC Positions Staffed:** None

**Communication Center/DOC Managed:** Airport Emergency Operations Center (AEOC)

**Incident Management Responsibilities:** Incidents, aviation-related or otherwise, on airport property

**Major Emergency Management Responsibilities:**

- Maintain or restore Portland's air transportation infrastructure to meet the needed capacity following an emergency.
- Maintain an Airport Emergency Plan (AEP) for the Portland International Jetport that provides both authority and responsibility for organizations to perform tasks during emergency situations.
- Assist with the coordination of the orderly movement of evacuees out of Portland by aircraft.
- Receive emergency supplies, equipment, response personnel and repatriates arriving in Portland by aircraft.
- Support ground transportation operations at the airport by providing vehicles, drivers and equipment for evacuation and movement of supplies and responders.
- Ensure adequate passenger and cargo air transportation capabilities exist to support the Portland Metro Area economy and recovery operations following an emergency.
- Warn travelers and implement protective actions when hazards threaten airport property, including activation of Wireless Emergency Alerts (WEA).
- Coordinate and assist in sheltering, feeding and supporting all airport passengers stranded at the airport during an emergency.
- Conduct damage assessment of airport property when necessary and report findings to the EOC Damage Assessment Branch.
- Rapidly remove debris from airport property that impedes airport operations or emergency services and coordinate with the EOC Debris Management Branch to collect and dispose of debris on airport property.
- Ensure security protections for all airport facilities and flight operations.
- Coordinate with Portland's Public Health Division and Maine CDC to implement infectious disease control measures at the airport during times of public health concern.
- Identify mission essential functions that must be maintained or rapidly restored during an emergency and maintain a department specific continuity of operations plan to address these functions.
- Account for all internal emergency/disaster related expenditures and report these expenditures to the EOC Finance and Administration Section with the appropriate supporting documentation.

### 3.2.11 Communications & Digital Services Department

**Legal Authority:** N/A

**Capabilities Led:** Public Information & Warning

**EOC Positions Staffed:** EOC Public Information Officer (PIO), EOC Joint Information Center (JIC) Manager, EOC Social Media Branch, EOC Media Relations Branch, EOC Rumor Control Branch

**JIC Positions Staffed:** JIC Manager, Media Liaison, Social Media Coordinator, Public Outreach Specialist

**DOC Managed:** None

**Incident Management Responsibilities:** Lead agency for citywide public information and warning during emergencies.

**Major Emergency Management Responsibilities:**

- PIO: Coordinate all official City communications during emergencies through the Joint Information System (JIS).
- PIO: Ensure timely and accurate dissemination of information to the public through multiple channels, including news media, social media, City website, and emergency alert systems.
- PIO: Monitor media and public information sources for accuracy, misinformation, and public sentiment.
- Public Outreach: Ensure communications are accessible, culturally appropriate, and available in multiple languages as needed.
- All: Maintain public information templates and pre-scripted messages for likely hazards.
- All: Support rumor control and ensure consistent messaging across all departments and partner agencies.
- All: Identify mission essential functions related to public communication and maintain a department-specific Continuity of Operations Plan (COOP).

### 3.2.12 Information & Technology (IT)

**Legal Authority:** N/A

**Capabilities Led:** Cybersecurity, Infrastructure Systems

**EOC Positions Staffed:** EOC IT Branch Director, EOC Network Support Unit, EOC Communications Systems Support, EOC Data Management Unit

**JIC Positions Staffed:** None

**DOC Managed:** IT Operations Center (if activated)

**Incident Management Responsibilities:** The Information Technology Department is responsible for maintaining critical City technology systems, ensuring continuity of data and communications infrastructure, and supporting the EOC with technical resources during emergency incidents. Cybersecurity incidents?

During activations, IT will coordinate with OEM and departmental stakeholders to ensure technology services remain operational and responsive to the needs of first responders, leadership, and field operations.

### **Major Emergency Management Responsibilities:**

- Maintain critical City technology infrastructure, including on-premise servers, core network systems, and emergency communications platforms during incidents.
- Coordinate with OEM and vendors to maintain redundant network connectivity and ensure availability of remote access solutions for continuity operations.
- Maintain City VoIP systems and coordinate with PRCC and OEM to support continuity of radio and dispatch communications infrastructure.
- Support EOC activities by providing staffing, hardware, networking, and access to productivity tools for EOC personnel
- Ensure continuity of essential applications and services, including CAD/RMS (in coordination with PRCC), Finance ERP, Permitting systems, and GIS (in coordination with Public Works)
- Provide access to GIS servers and mapping platforms hosted by IT in support of situational awareness and emergency planning, in coordination with Public Works GIS staff.
- Ensure reliable data protection and recovery through backup and continuous data protection; Execute system restoration based on predefined RTO/RPO objectives.
- Support departmental COOP by assisting in the identification of mission-essential applications and infrastructure and enabling alternate service delivery methods.
- Maintain and regularly test department-specific COOPs to identify and prioritize mission-essential IT functions and services that must be maintained or rapidly restored during emergencies.

### **Cybersecurity Response**

Cybersecurity responsibilities, including threat monitoring, incident response, and protection of City systems against malicious activity during emergencies, are covered in the separate Cyber Incident Annex (in development). IT will maintain heightened vigilance during incidents, especially during known periods of disruption or exposure.

## **3.3 Responsibilities: Internal City Support**

Some City Departments may not have a role in the City's Emergency Operations Center (EOC) but provide support to emergency operations.

### 3.3.1 Human Resources

The Human Resources (HR) Department plays a critical role in supporting the City's workforce during emergency operations. HR ensures that personnel resources are effectively managed, policies are followed, and employee needs are addressed to maintain continuity of government operations and essential services.

#### Primary Responsibilities

- Ensure workplace safety and train employees on the Employee Emergency Action Plan and safety policies.
- Maintain an up-to-date roster of all City employees, including emergency contact information.
- Coordinate with department heads to identify essential personnel and ensure adequate staffing levels during incidents.
- Facilitate reassignments or cross-department deployments when necessary to support emergency operations.
- Assist in communicating personnel reporting instructions, alternate work locations, and telework expectations during emergencies.
- Track employee availability and maintain a current status of on-duty, off-duty, and displaced personnel.
- Advise leadership on HR-related policies, procedures, and labor agreements during emergency response and recovery operations.
- Support implementation of emergency-related leave policies, timekeeping procedures, and overtime approvals.

#### Support Responsibilities

- Coordinate employee wellness checks, counseling, and access to Employee Assistance Programs (EAP) during and after emergencies.
- Support demobilization and recovery by addressing workforce fatigue and stress management needs.
- Maintain processes to recruit and onboard temporary personnel or contractors to fill staffing gaps.
- Support volunteer and mutual aid integration when required.

#### Coordination

The HR Department works closely with:

- City Manager's Office for continuity of government functions
- Department Heads for staffing coordination
- Finance Department for payroll, benefits, and compensation during emergencies

- Emergency Management & Public Safety for integration with the Emergency Operations Center (EOC) and situational awareness

### 3.3.2 Housing and Economic Development

#### Primary Responsibilities

- Assist in identifying locations for PODs, LSAs, shelters and other emergency facilities.
- Administer emergency programs that assist with repairing, rebuilding, or purchasing permanent housing when available.
- Coordinate with local businesses on continuity planning and recovery resources.
- Facilitate public-private partnerships for disaster response and recovery.
- Assist affected businesses in accessing state and federal economic recovery programs.
- Provide economic impact assessments to the EOC during recovery operations.

### 3.3.3 Assessor

#### Primary Responsibilities

- Assist with surveys to physically inspect and document damaged or destroyed properties.
- Reassessing the value of properties affected by a disaster to reflect their post-disaster condition.
- Assist with GIS mapping to track damaged properties.
- Provide information on property damage to help decision makers understand the economic impact of a disaster to assist in long-term recovery planning.

## 3.4 Responsibilities: Independent Agencies, State Government, Federal Government and Quasi-governmental Organizations

The City of Portland works closely with a range of independent agencies, state and federal government entities, and quasi-governmental organizations to ensure a coordinated and effective emergency management program. These partners provide critical expertise, resources, and operational capabilities that enhance the City’s preparedness, response, recovery, and mitigation efforts. The following outlines the primary roles and responsibilities of these organizations in relation to the City’s Emergency Operations Plan (EOP).

### 3.4.1 Portland Public Schools (PPS)

Portland Public Schools operates under the authority of the Maine Revised Statutes, Title 20-A, and is governed by the Portland Board of Public Education. PPS is responsible for ensuring the safety, security, and continuity of education for all students, staff, and visitors across its facilities. The district maintains an all-hazards District Emergency Operations Plan (EOP) that aligns with the City of Portland's EOP and coordinates closely with the City's emergency management, police, and fire departments to prepare for, respond to, and recover from emergencies that may impact school operations.

For emergency management purposes, their authority and responsibilities include:

- Implementing protective actions such as lockdown, shelter-in-place, evacuation, or relocation to safeguard students and staff.
- Activating and managing the District Operations Center (DOC) to coordinate school-based emergency response efforts.
- Maintaining accountability systems to track the status and location of students and staff during incidents.
- Communicating timely and accurate information to parents, guardians, staff, and students during emergencies.
- Providing facilities, when requested by the City, for use as temporary shelters, reunification centers, or points of distribution (PODs).
- Supporting the continuity of educational services, including remote learning capabilities, following significant disruptions.
- Participating in joint training, exercises, and after-action reviews with City departments and partner agencies.

### 3.4.2 Metropolitan Transportation (Greater Portland METRO)

The Greater Portland Transit District (METRO) operates under Maine Revised Statutes, Title 30-A, Chapter 163, providing public bus transportation services to the Portland metropolitan area and surrounding communities. METRO is a vital partner in the City's emergency transportation network, supporting evacuation, relocation, and the movement of essential personnel and resources.

For emergency management purposes, their authority and responsibilities include:

- Providing buses and drivers to support evacuation and relocation operations when requested by the City.
- Assisting in the transportation of individuals with access and functional needs to shelters or safe locations.
- Maintaining communications with the City's EOC during emergencies to coordinate transportation resources.

- Adjusting routes and services to support emergency operations and avoid hazardous areas.
- Participating in preparedness planning, training, and exercises with City and regional partners.

### 3.4.3 Central Maine Power (CMP)

Central Maine Power, regulated by the Maine Public Utilities Commission, is the primary electric utility serving the City of Portland. CMP plays a critical role in restoring electrical service during emergencies and prioritizes power restoration for critical facilities.

For emergency management purposes, their authority and responsibilities include:

- Assessing damage to electrical infrastructure and deploying repair crews during emergencies.
- Prioritizing restoration for critical facilities, including hospitals, emergency shelters, and public safety facilities.
- Coordinating with the City’s EOC for resource requests, situational updates, and public information dissemination.
- Supporting public safety operations by isolating damaged electrical infrastructure.
- Participating in joint training and exercises to improve response and coordination capabilities.

### 3.4.4 Portland Water District (PWD)

The Portland Water District, established under Maine Private and Special Laws of 1907 and governed by an elected Board of Trustees, provides water and wastewater services to the City of Portland. PWD is a key partner in maintaining public health and safety during emergencies.

For emergency management purposes, their authority and responsibilities include:

- Ensuring the safety and quality of drinking water during emergencies. Including issuing any Boil Water Orders for customers in any affected areas of the City.
- Maintaining and restoring water and wastewater services disrupted by incidents.
- Providing technical expertise and equipment to support emergency response operations.
- Coordinating with the City’s EOC for situational awareness and resource requests.
- Participating in hazard mitigation and infrastructure resilience planning.

### 3.4.5 Unitil Corporation

Unitil, doing business as Northern Utilities Maine Division and Granite State Gas Transmission, is a utility regulated by the Maine Public Utilities Commission. As the primary natural gas utility serving the City of Portland and operator of a natural gas transmission pipeline supporting the

area's gas supply, Unitil plays a critical role in ensuring the safety and reliability of gas service in the community.

For emergency management purposes, their authority and responsibilities include:

- Promptly responding to emergency calls and odor complaints.
- Supporting public safety operations by isolating damaged natural gas infrastructure.
- Assessing damage to natural gas distribution and transmission infrastructure and deploying repair crews during emergencies.
- Coordinating with the City's EOC for resource requests, situational updates, and public information dissemination.
- Prioritizing restoration for critical facilities, including hospitals, emergency shelters, and public safety facilities to the greatest extent possible while ensuring the protection of people, property, infrastructure, and the environment.
- Participating in joint training and exercises to improve response and coordination capabilities.

### **3.4.6 MaineHealth Maine Medical Center – Portland and Northern Light Mercy Hospital**

MaineHealth Maine Medical Center – Portland and Northern Light Mercy Hospital operate under applicable federal and state healthcare regulations, including licensure through the Maine Department of Health and Human Services. These hospitals are critical healthcare providers in the City of Portland, delivering emergency medical care, inpatient services, and specialized treatments. They maintain hospital-specific emergency operations plans that coordinate with the City's EOP.

For emergency management purposes, their authority and responsibilities include:

- Providing emergency and inpatient medical care during disasters or mass casualty incidents.
- Coordinating with emergency medical services (EMS) and the City's EOC for patient surge and resource needs.
- Maintaining hospital incident command systems to manage internal response operations.
- Supporting public health surveillance and reporting during outbreaks or public health emergencies.
- Participating in regional healthcare coalitions, training, and exercises.

### **3.4.7 Portland Housing Authority (PHA)**

The Portland Housing Authority operates under the authority of the U.S. Housing Act of 1937 and relevant HUD regulations. PHA provides affordable housing options for low-income

residents and plays an important role in ensuring the safety and well-being of tenants during emergencies.

For emergency management purposes, their authority and responsibilities include:

- Implementing emergency procedures to protect residents during incidents affecting PHA properties.
- Coordinating with the City's EOC and social services agencies to meet residents' needs during and after emergencies.
- Providing information to tenants regarding protective actions and recovery resources.
- Identifying available housing units for relocation of displaced residents.
- Participating in community preparedness and outreach initiatives.

### **3.4.8 Colleges and Universities**

Portland is home to several institutions of higher education, including the University of Southern Maine, University of New England, The Roux Institute - Northeastern University and the Maine College of Art and Design. These institutions operate under state higher education statutes and maintain their own campus safety and emergency management programs that coordinate with the City's EOP.

For emergency management purposes, their authority and responsibilities include:

- Maintaining campus emergency operations plans aligned with the City's EOP.
- Implementing protective measures such as lockdown, evacuation, or shelter-in-place when necessary.
- Coordinating with local law enforcement, fire, and EMS during emergencies affecting campus operations.
- Providing facilities and resources, when available, to support City response operations.
- Participating in training, exercises, and public information campaigns.

### **3.4.9 Private Schools and Charter Schools**

Private and charter schools in Portland operate under applicable state education laws and maintain independent governance structures. These schools are responsible for the safety of their students and staff and work in coordination with City emergency services to prepare for and respond to incidents.

For emergency management purposes, their authority and responsibilities include:

- Developing and maintaining school emergency operations plans consistent with best practices.
- Implementing protective actions during emergencies to safeguard students and staff.

- Maintaining communications with parents, guardians, and City emergency management during incidents.
- Participating in joint training and exercises with City and regional partners.
- Providing facilities, when feasible, for community response needs such as sheltering.

### 3.4.10 Neighborhood Districts

Neighborhood districts, including organized neighborhood associations, play an important role in supporting community resilience and emergency preparedness. These groups operate under their own governance structures but often collaborate with the City to enhance communication, mutual aid, and disaster response efforts.

For emergency management purposes, their authority and responsibilities include:

- Providing local situational awareness and damage reports to the City's EOC during emergencies.
- Coordinating volunteer efforts and community resources for preparedness and recovery activities.
- Assisting in disseminating emergency information to residents.
- Supporting vulnerable populations within their neighborhoods during incidents.
- Participating in community-based training and exercises.

### 3.4.11 Amtrak and Railroad Transportation

Passenger rail services in Portland are provided by Amtrak's Downeaster line, while freight rail operations are conducted by regional carriers. Rail operators are subject to federal safety regulations and work in coordination with the City for emergency planning and incident response.

For emergency management purposes, their authority and responsibilities include:

- Implementing rail-specific emergency response plans and coordinating with City public safety agencies.
- Providing transportation resources during evacuations or large-scale incidents when feasible.
- Ensuring rapid communication with the City's EOC during rail incidents affecting public safety.
- Supporting hazardous materials response efforts when incidents involve rail cargo. Following Federal Rail Administration (FRA) guidelines by reporting any collision, derailment, or incident resulting in a fatality or serious injury to a passenger or crew member, and events involving hazardous materials or property damage exceeding a certain reporting threshold.
- Participating in joint training and emergency drills with City and regional partners.

### 3.4.12 Cumberland County

Cumberland County administers essential county-wide resources such as judicial services, Registry of Deeds, Sheriff's Office, Jail, Regional Communications Center, Public Health Department and Emergency Management Agency (CEEMA). CEEMA serves as a vital link between local municipal emergency operations and State and Federal resources. CEEMA's primary function is to provide coordination, logistical expertise (surge capacity), and support for large-scale, all-hazards incidents. When local resources are overwhelmed or additional coordination is needed, county-level agencies are available for additional support.

For emergency management purposes, their authority and responsibilities include:

- Activating and managing the Cumberland County EOC.
- Coordinating the flow of information to adjacent counties and MEMA.
- Requesting additional resources from the State and other partners on behalf of municipalities.
- Developing and disseminating information to foster a common operating picture.
- Coordinating activation of public alerting systems, including IPAWS and CodeRED
- Coordinating and supporting other sites, including, but not limited to:
  - Emergency Shelters
  - Joint Information Centers
  - Volunteer Reception Centers
  - Points of Distribution (POD)
  - Reunification Centers
- Coordinating emergency management training.
- Coordinating the assistance provided by private organizations, groups or volunteers, in partnership with the American Red Cross (ARC) and other non-government agencies.

### 3.4.13 State of Maine

The State of Maine, through its various departments and the Maine Emergency Management Agency (MEMA), provides statewide coordination, resources, and support to municipalities during emergencies. State agencies operate under Maine Revised Statutes and collaborate closely with the City to enhance preparedness, response, recovery, and mitigation capabilities.

For emergency management purposes, their authority and responsibilities include:

- Providing specialized resources, technical expertise, and personnel to support local emergency operations.
- Coordinating with the City's EOC through coordination with Cumberland County EMA and City emergency management officials.
- Administering state-level disaster assistance programs and facilitating federal aid requests.
- Supporting public health, public safety, and critical infrastructure protection.

- Participating in statewide training and exercises that include City agencies.

### 3.4.14 Federal Government

The Federal Government, through agencies such as the Federal Emergency Management Agency (FEMA), provides nationwide coordination, funding, and operational support to state and local governments during emergencies. Federal agencies operate under applicable U.S. laws and regulations and coordinate with the State of Maine and the City of Portland during major disasters.

For emergency management purposes, their authority and responsibilities include:

- Providing disaster assistance through FEMA programs and other federal agencies.
- Deploying federal resources, teams, and equipment when requested and approved.
- Coordinating with state and local governments to ensure an integrated response.
- Offering technical guidance, training programs, and planning support.
- Supporting long-term recovery and hazard mitigation initiatives.

## 3.5 Responsibilities: Private Sector Partners

The City of Portland relies on private sector organizations across multiple industries to support preparedness, response, and recovery operations. Each subsection below details sector-specific partners, their roles, and their capabilities.

### 3.5.1 Local Business Groups & Organizations

Local business associations help coordinate resources, maintain economic continuity, and provide situational awareness during emergencies.

Business Group/ Association	Organization(s)	Emergency Role & Capabilities
Chamber of Commerce	Portland Regional Chamber of Commerce	Coordinates communication with businesses, assists in mobilizing private sector resources.
Downtown District	Portland Downtown	Supports storefront resilience, event coordination, and outreach to small businesses.

Regional Planning	Greater Portland Council of Governments (GPCOG)	Provides regional planning, transportation coordination, and business continuity resources.
Hospitality Advocacy	HospitalityMaine	Liaison for hotels and restaurants; assists in feeding and sheltering during incidents.

### 3.5.2 Portland Downtown District

The downtown district is vital for commerce, tourism, and events, requiring coordination to sustain operations during disruptions.

Entity	Organization(s)	Emergency Role & Capabilities
Merchant Associations	Portland Downtown	Coordinates communication with local businesses and supports continuity planning.
Event Venues	Cross Insurance Arena; State Theatre	Facilitates emergency use of venues for sheltering or staging operations.
Storefront Businesses	Local retailers and restaurants	Support economic recovery, provide food and supplies during emergencies.

### 3.5.3 Lodging / Hotel Providers

Hotels and lodging providers play a key role in sheltering evacuees, housing emergency responders, and supporting displaced populations.

Lodging Type	Organization(s)	Emergency Role & Capabilities
Hotels	Marriott, Hilton, Holiday Inn, Westin, Harbor Hotel	Provide shelter for displaced residents, first responders, and recovery workers.
Boutique Hotels	Local independent inns and hotels	Offer supplemental sheltering capacity and short-term housing.

Short-Term Rentals	Airbnb, VRBO, local rental properties	Expand sheltering options for visitors and evacuees.
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### 3.5.4 Tourism Industry

Tourism partners support continuity of visitor services and large-event coordination.

Tourism Sector	Organization(s)	Emergency Role & Capabilities
Destination Marketing	Visit Portland	Help share timely, accurate information with hotels, restaurants, attractions, and visitors. Supports coordination of tourists during emergencies.
Tour Operators	Local tour companies, bus lines	Assist in evacuation transport and continuity of services.
Event Services	Convention and visitor bureaus	Support relocation of large gatherings and conferences.

### 3.5.5 Cruise Ship Industry

The cruise industry brings thousands of passengers and requires coordination for safety and evacuation during emergencies.

Cruise Entity	Organization(s)	Emergency Role & Capabilities
Cruise Coordination	CruiseMaine, Port of Portland	Coordinate arrival/departure, manage large-scale passenger handling in emergencies.
Passenger Services	Shore excursion companies	Support evacuation logistics and visitor safety.
Hospitality Support	Local tourism providers	Assist in housing stranded passengers or crew.

### 3.5.6 Supermarkets and Food Suppliers

Food suppliers and retailers ensure access to essential goods and emergency food support.

Food Entity	Organization(s)	Emergency Role & Capabilities
Supermarkets	Hannaford, Shaw's	Maintain food supply chains and support emergency food distribution.
Wholesalers	Sysco, UNFI	Provide large-scale food distribution to shelters and hospitals.
Food Banks	Good Shepherd Food Bank, Preble Street, Wayside Food	Offer emergency food support for vulnerable populations.

### 3.5.7 Assisted Living Facilities & Nursing Homes

Facilities caring for seniors and vulnerable populations must coordinate closely in emergencies.

Care Type	Organization(s)	Emergency Role & Capabilities
Assisted Living	Local assisted living facilities	Ensure safety of residents, coordinate evacuation when necessary.
Nursing Homes	Long-term care centers in Portland	Provide medical support and coordinate with hospitals for patient transfer.
Memory Care	Specialized dementia care facilities	Safeguard highly vulnerable populations and support medical evacuation.

### 3.5.8 Transportation Industry

Transportation partners provide continuity of mobility and support evacuation efforts.

Transport Mode	Organization(s)	Emergency Role & Capabilities
Ferry Service	Casco Bay Lines	Maintain lifeline access to islands, support evacuation operations.

Rail Service	Amtrak Downeaster	Support evacuation of passengers and transport of supplies.
Bus / Coach Service	Concord Trailways	Support evacuation of passengers and or support for transportation vehicles for mass evacuation.
Public Transit	Greater Portland METRO	Assist in evacuation, transport responders, and maintain commuter mobility.
Trucking/Logistics	Private trucking companies	Maintain supply chain distribution and deliver emergency resources.

### 3.5.9 Financial Institutions

Banks and credit unions maintain financial stability and ensure continuity of access to funds.

Financial Entity	Organization(s)	Emergency Role & Capabilities
Banks	Local and regional banks	Ensure continuity of services, facilitate emergency loans, protect assets.
Credit Unions	Regional credit unions	Support members with emergency relief funding and continuity of services.
ATM Networks	Banking networks	Maintain access to cash and digital banking services during power outages.

### 3.5.10 Hospitals

Hospitals provide surge medical support, coordinate with EMS, and support mass care operations.

Healthcare Facility	Organization(s)	Emergency Role & Capabilities
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Primary Hospital	MaineHealth Maine Medical Center – Portland	Provide trauma and specialty care, maintain regional surge capacity.
Community Hospital	Northern Light Mercy Hospital	Support inpatient and outpatient care, coordinate with regional EMS.
Clinics	Local urgent care centers and clinics	Offer supplemental medical capacity and urgent care support.
Pharmacies	CVS, Walgreens, Hannaford, Walmart, independent pharmacies	Ensure access to medications, support mass dispensing.

### 3.5.11 Utility Companies

Utilities sustain community lifelines by restoring power, water, and communications systems.

Utility Type	Organization(s)	Emergency Role & Capabilities
Electricity	Central Maine Power (CMP)	Restore power, prioritize critical facilities, and manage outages.
Natural Gas	Summit Natural Gas, Unitil	Maintain gas distribution and ensure safe restoration after outages.
Water & Wastewater	Portland Water District	Maintain drinking water supply and wastewater systems.
Telecommunications	Verizon, AT&T, Spectrum, T-Mobile	Ensure continuity of phone, internet, and emergency communications.

## SECTION 4: PLAN MAINTENANCE

### 4.1 Introduction

The City of Portland Emergency Operations Plan (EOP) is a living document that will be maintained to ensure its continued relevance, accuracy, and compliance with local, state, and federal requirements.

### 4.2 Maintenance Process

#### 4.2.1 Formal Approval

- Substantive Changes – Any substantive changes that alter the intent, scope, authorities, or responsibilities outlined in the EOP shall require formal review and approval by the Portland City Council.
- Administrative Changes – Administrative changes, such as updates to contact information, resource inventories, department names, or minor procedural adjustments, may be approved and implemented by the City Manager without City Council action.
- Council Review Cycle – The EOP shall be formally reviewed and reapproved by the Portland City Council at least once every three (3) years, or more frequently if required by changes in law, organizational structure, or hazard risk.

#### 4.2.2 Record of Changes / Revisions

All updates to the EOP, whether administrative or substantive, will be documented in the Record of Changes log, including the date, nature of the change, and the approving authority.

### 4.3 Training, Exercises, and Evaluation

#### 4.3.1 Training, Exercises, and Evaluation

The City of Portland recognizes that the effectiveness of the Emergency Operations Plan (EOP) depends on the ability of City staff, partner agencies, and stakeholders to understand their roles and responsibilities and to perform assigned tasks under real-world conditions. To that end, the City's Office of Emergency Management (OEM) will maintain a comprehensive training, exercise, and evaluation program in alignment with the Homeland Security Exercise and Evaluation Program (HSEEP).

#### **4.3.1.1 Training**

The OEM will coordinate annual training opportunities for City staff and partner agencies to ensure familiarity with the EOP, Hazard-Specific Annexes, Standard Operating Guidelines (SOGs), and related plans.

- Training will include both classroom-based instruction and practical, scenario-driven activities, tailored to the hazards and operational priorities identified in the City's Threat and Hazard Identification and Risk Assessment (THIRA).
- New employees in designated emergency response or support roles will receive orientation on EOP roles and responsibilities within their first year of service.

#### **4.3.1.2 Exercises**

- The OEM will plan and conduct exercises in accordance with HSEEP guidelines to test and validate the EOP and supporting procedures.
- Exercises will vary in type and complexity, including seminars, workshops, tabletop exercises, functional exercises, and full-scale exercises.
- At least one City-wide exercise will be conducted every year, with additional hazard-specific or department-level exercises scheduled as needed.

#### **4.3.1.3 Evaluation and Improvement Planning**

- All exercises and actual incidents will be evaluated to identify strengths, areas for improvement, and recommended corrective actions.
- The OEM will develop an After Action Report (AAR) and Improvement Plan (IP) following each exercise or incident, documenting lessons learned and assigning responsibility for corrective actions.
- Identified improvements will be incorporated into the EOP, Hazard-Specific Annexes, and departmental procedures during the next plan review cycle, or sooner if urgent.

## SECTION 5: APPENDICES AND ANNEXES

### 5.1 Support Appendices

#### 5.1.1 Glossary of Terms and Acronyms

**Table 5.1 Portland EOP Glossary of Terms and Acronyms**

Acronym	Term	Definition
AAR	After Action Report	A formal report analyzing response actions, lessons learned, and recommendations following an incident or exercise.
ARC	American Red Cross	Nonprofit organization providing disaster relief, shelter, and humanitarian services.
COOP	Continuity of Operations Plan	A plan to ensure essential government functions continue during and after a disruption.
DAC	Disaster Assistance Center	Facility where individuals and businesses can access post-disaster services and information.
DEM	Department of Emergency Management	City/County office coordinating preparedness, response, recovery, and mitigation activities.
DOC	Department Operations Center	Facility where a department coordinates its own emergency response activities.
EAS	Emergency Alert System	National system for public warning via broadcast, cable, and satellite media.
EOC	Emergency Operations Center	Central location for coordinating emergency management activities and resources.
EOP	Emergency Operations Plan	Document describing the framework for how the City responds to emergencies and disasters.
FEMA	Federal Emergency Management Agency	U.S. agency providing federal disaster response and recovery support.
ICS	Incident Command System	Standardized, on-scene, all-hazards incident management approach.
IMAT	Incident Management Assistance Team	Team providing operational support to incident management activities.

<b>JIC</b>	<b>Joint Information Center</b>	Facility for coordinating public information and media relations during an incident.
<b>JIS</b>	<b>Joint Information System</b>	Framework for integrating public information across agencies during incidents.
<b>LEOP</b>	<b>Local Emergency Operations Plan</b>	The jurisdiction-specific plan for managing emergencies.
<b>LTRC</b>	<b>Long-Term Recovery Committee</b>	Group coordinating resources and services for long-term disaster recovery.
<b>MACS</b>	<b>Multiagency Coordination System</b>	Framework for coordinating resources and decision-making among multiple agencies.
<b>MOU</b>	<b>Memorandum of Understanding</b>	Agreement between parties outlining roles, responsibilities, and resource sharing.
<b>NIMS</b>	<b>National Incident Management System</b>	Nationwide framework for standardized incident management and coordination.
<b>OEM</b>	<b>Office of Emergency Management</b>	The central coordination body for all emergency management activities within the City.
<b>PIO</b>	<b>Public Information Officer</b>	Designated official responsible for disseminating public information during an incident.
<b>POD</b>	<b>Point of Distribution</b>	Location where the public can obtain emergency supplies or services.
<b>SitRep</b>	<b>Situation Report</b>	Summary of incident status, actions taken, and resource needs.
<b>VOAD</b>	<b>Voluntary Organizations Active in Disaster</b>	Coalition of nonprofit groups supporting disaster response and recovery.



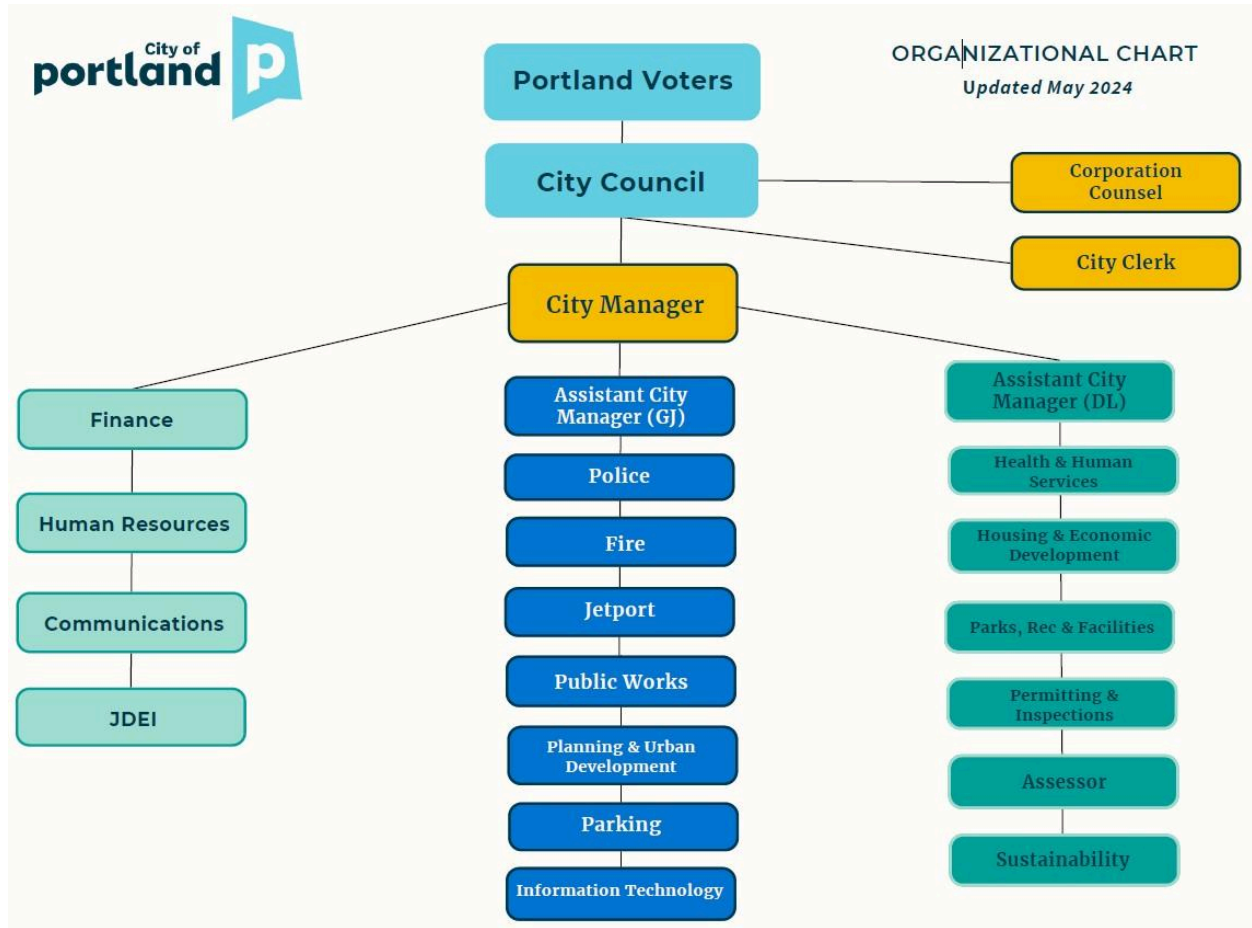
### 5.1.3 Record of Distribution

#### Record of Distribution

Name	Agency	Date of Delivery	Number of Copies

### 5.1.4 City of Portland Organizational Chart

Visual 5.1 City of Portland Organizational Chart



### 5.1.5 Private Sector Partners – Quick Reference

The City of Portland relies on a broad range of private sector partners to support emergency preparedness, response, recovery, and continuity of community lifelines. The table below summarizes key partners, their roles, and the capabilities they provide.

Sector / Partner	Organization(s)	Emergency Role & Capabilities
Utilities	Central Maine Power (CMP); Unutil; Summit Natural Gas	Restore electrical and natural gas service, protect utility infrastructure, support critical facilities during outages.

<b>Water &amp; Wastewater</b>	Portland Water District (PWD)	Maintain potable water supply, water quality, and wastewater management during incidents.
<b>Transportation</b>	Casco Bay Lines; Amtrak; Greater Portland METRO; private trucking & logistics companies	Provide continuity of ferry service to Casco Bay Islands; maintain commuter and freight mobility; support evacuation and supply distribution.
<b>Healthcare</b>	MaineHealth Maine Medical Center – Portland; Northern Light Mercy Hospital; private clinics & pharmacies	Deliver emergency medical care, surge capacity, pharmaceutical distribution, and coordination of healthcare response.
<b>Telecommunications</b>	Verizon; AT&T; Spectrum	Ensure continuity and restoration of phone, internet, and data systems critical for response operations.
<b>Media &amp; Communications</b>	WGME, WMTW, WCSH (local TV); Portland Press Herald, Maine Public Radio	Provide accurate, timely emergency messaging to the public; support Joint Information System/Center.
<b>Food Supply &amp; Retail</b>	Hannaford; Shaw’s; local supermarkets, wholesalers, food distributors	Maintain food distribution chains; coordinate with the City for emergency food supply and shelter feeding.
<b>Hospitality &amp; Lodging</b>	HospitalityMaine; major hotel providers; local inns and short-term rentals	Provide shelter and housing for displaced populations, emergency responders, and recovery personnel.
<b>Tourism &amp; Cruise Industry</b>	CruiseMaine; Portland cruise ship operators; Visit Portland	Support large-scale passenger management, assist in coordinating visitors during emergencies.
<b>Financial Institutions</b>	Local and regional banks & credit unions	Ensure continuity of financial services, expedite disaster assistance disbursement, protect customer assets.

<b>Assisted Living &amp; Nursing Homes</b>	Local long-term care facilities	Safeguard vulnerable populations, coordinate evacuation and medical support when required.
<b>Business &amp; Industry</b>	Portland Regional Chamber of Commerce; Portland Downtown; local business associations	Coordinate private sector resources, share situational awareness, and support continuity of economic activity.

## 5.2 Hazard Specific and Functional Annexes

### 5.2.1 Introduction

The EOP is supported by Hazard Specific Annexes (HSAs), Functional Annexes, Standard Operating Guidelines (SOGs), department-specific policies, and other operational documents that provide detailed procedures for the management of specific incident types. These documents are primarily intended for use by City staff and partner agencies during operations and may contain sensitive or security-related information. Due to the confidential and operational nature of these materials, HSAs, SOGs, and certain policies will not be made readily available to the public. Publicly releasable summaries of hazard-specific strategies may be developed for community awareness and engagement purposes.

### 5.2.2 List of Hazard Specific Annexes

The following Hazard-Specific Annexes provide targeted response guidance for identified threats and hazards. Detailed operational procedures, sensitive information, and Standard Operating Guidelines (SOGs) are maintained separately as noted in Section 5.2.1 to protect security and confidentiality.

Hazard / Incident	Annex Title	Scope & Key Considerations
<b>Pandemic / Public Health Emergency</b>	<b>Annex A</b> – Pandemic / Public Health Response	Mass prophylaxis, vaccination, quarantine, continuity of operations, coordination with CDC/State DHHS.

<b>Cyberattack / Infrastructure Failure</b>	<b>Annex B</b> – Cybersecurity & IT Resilience	Cyberattacks, failures in critical infrastructure systems, systematic failures, data integrity and availability, coordination with Maine IT, MEMA, CISA.
<b>Aircraft Incident (Plane Crash / Aircraft Down)</b>	<b>Annex C</b> – Aviation Incident Response	FAA/NTSB coordination, Jetport emergency plan integration, mutual aid fire/rescue, mass casualty management.
<b>Extreme Weather (Snow, Ice, Nor'easter)</b>	<b>Annex D</b> – Extreme Weather Response	Snow emergencies, road clearance, utility outages, warming centers, vulnerable populations.
<b>Hurricane / Tropical Storm</b>	<b>Annex E</b> – Hurricane & Coastal Storm Response	Evacuation zones, storm surge, coastal flooding, sheltering, debris management.
<b>Hazardous Materials Release</b>	<b>Annex F</b> – Hazardous Materials Response	HazMat team deployment, decontamination, evacuation, public safety messaging.
<b>Flooding (Riverine / Urban)</b>	<b>Annex G</b> – Flood Response	Sandbagging, pumping operations, evacuation, coordination with Army Corps & PWD.
<b>Terrorism / Active Threat</b>	<b>Annex H</b> – Terrorism / Active Shooter Response	Law enforcement coordination, unified command, triage, casualty management, FBI/State Police support.
<b>Mass Casualty Incident (General)</b>	<b>Annex I</b> – Mass Casualty & Fatality Management	Medical surge, hospital coordination, fatality management, MEOC integration.
<b>Emerging Hazard (Reserved)</b>	<b>Annex J</b> – [To be Determined]	Placeholder for new or emerging risks (e.g., PFAS contamination, energy grid failure).

### 5.2.3 List of Functional Annexes

Functional Annexes are the detailed, action-oriented sections of the EOP. This structure allows for easy updates to specific functions without a complete overhaul of the entire plan and ensures that responders can efficiently and effectively perform their assigned duties during an

emergency. The following Functional Annexes provide targeted response guidance for essential emergency management functions. Detailed operational procedures, sensitive information, and Standard Operating Guidelines (SOGs) are maintained separately as noted in Section 5.2.1 to protect security and confidentiality.

Functional Area	Annex Title	Scope & Key Considerations
<b>Continuity of Government</b>	<b>Annex 1</b> – Continuity of Government	Succession of leadership, preservation of records, essential functions, relocation of government operations.
<b>Communications</b>	<b>Annex 2</b> – Communications	Redundant systems, interoperability, backup infrastructure, coordination with MaineIT, FCC compliance.
<b>Emergency Public Information &amp; Warning</b>	<b>Annex 3</b> – Public Information & Warning	Alert & warning systems, Joint Information Center (JIC), social media coordination, rumor control.
<b>Mass Care, Emergency Assistance, Housing &amp; Human Services</b>	<b>Annex 4</b> – Mass Care & Human Services	Sheltering, feeding, reunification, functional needs support, coordination with Red Cross & DHHS.
<b>Resource Management</b>	<b>Annex 5</b> – Resource Management	Procurement, staging, mutual aid, asset tracking, emergency contracts.
<b>Critical Infrastructure &amp; Key Resources (CIKR) Restoration</b>	<b>Annex 6</b> – CIKR Restoration	Protection & restoration of utilities, transportation, energy, water, and essential services.
<b>Damage Assessment</b>	<b>Annex 7</b> – Damage Assessment	Field surveys, structural inspections, coordination with MEMA & FEMA for disaster declarations.
<b>Firefighting</b>	<b>Annex 8</b> – Firefighting Operations	Urban & wildland fire suppression, mutual aid, resource staging, firefighter safety protocols.

<b>Logistics Management &amp; Resource Support</b>	<b>Annex 9</b> – Logistics & Resource Support	Supply chain continuity, staging sites, PODs (Points of Distribution), private sector integration.
<b>Search &amp; Rescue</b>	<b>Annex 10</b> – Search & Rescue	Urban search & rescue (USAR), water rescue, K9 deployment, Coast Guard coordination.
<b>Hazardous Material Response</b>	<b>Annex 11</b> – Hazardous Materials Response	HazMat team deployment, decontamination, evacuation, coordination with Maine DEP & EPA.
<b>Public Safety &amp; Security</b>	<b>Annex 12</b> – Public Safety & Security	Law enforcement, crowd control, site security, unified command with State Police & FBI.
<b>Long-Term Community Recovery</b>	<b>Annex 13</b> – Long-Term Recovery	Housing recovery, infrastructure restoration, small business support, FEMA Recovery Support Functions.
<b>Financial Management</b>	<b>Annex 14</b> – Financial Management	Disaster finance tracking, FEMA Public Assistance (PA), cost recovery, audits, reimbursement processes.
<b>Mutual Aid / Multi-Jurisdictional Coordination</b>	<b>Annex 15</b> – Mutual Aid Coordination	EMAC agreements, regional coordination, interstate mutual aid, integrated response operations.
<b>Volunteer &amp; Donations Management</b>	<b>Annex 16</b> – Volunteer & Donations Management	VOAD coordination, donations warehousing, volunteer credentialing, convergence management.



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

**MEETING DATE**

November 13, 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**

During its October 2025 meeting, the Committee reviewed the current draft of the Civilian Police Review Board ordinance (Attachment B) and provided feedback regarding which section(s) require additional attention. The only section identified by the Committee as requiring additional review was the qualifications/disqualifications for Board membership. The PCRS identified this as an area of concern as well in their letter from July 2025. (Attachment C). In response to the Committee's request for information, Attachment A provides samples of qualifications from other civilian oversight boards.

**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**

Health and Human Services & Public Safety Committee - October 14, 2025 (Issue review)

**PREPARED BY**

Rachel Millette  
Associate Corporation Counsel  
Corporation Counsel

**ATTACHMENTS**

Attachment A - Corporation Counsel Memo to the HHS-PS Committee (November 13, 2025)  
Attachment B - Draft Changes to Chapter 2 of Portland City Code  
Attachment C - Letter from Members of Police Citizen Review Subcommittee (July 9, 2025)

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## MEMORANDUM

**To:** Health & Human Services & Public Safety Committee

**From:** Associate Corporation Counsel Rachel Millette

**Date:** November 13, 2025

**Subject:** Sample Membership Qualifications from Civilian Oversight Boards

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During its October meeting, the Committee reviewed the current draft of the Civilian Police Review Board ordinance (*attached hereto*) and provided feedback regarding which section(s) require additional attention. The only section identified by the Committee as requiring additional review was the qualifications/disqualifications for Board membership. The PCRS identified this as an area of concern as well in their letter from July 2025. (*attached hereto*) The Committee requested that they be provided with samples of qualifications from other civilian oversight boards.

Boards across the country vary greatly, both in terms of their duties and authority as well as their membership requirements. The only consistent criteria among the Boards reviewed was a residency requirement. Many Boards also expressed a preference for individuals representing a cross-section of the community and included age restrictions.

Below I have outlined some of the other broad types of restrictions/qualifications that were present in various boards, as well as sample language from the communities where these restrictions were present. For each sample, I have indicated where the restriction comes from and what type of oversight board (investigative, appellate, review, etc.). I prioritized in my

research, to the extent possible, oversight boards in the Northeast and boards with similar duties to the Civilian Police Review Board.

### **Criminal History Restrictions**

Some Boards indicate that they conduct background checks prior to appointment, while others provide more explicit restrictions on Board member's criminal histories. A number of Boards specify that they conduct background checks, but aren't clear about what criminal history would disqualify a member, including: Anaheim, CA (*review*); Berkeley, CA (*review*); and Portland, OR (*appellate*).

Columbia, MO (*appellate*) conducts a criminal history check and precludes those with a "serious" criminal record. More specific restrictions with respect to criminal history include:

- No felony convictions within the past ten years (Corvallis, OR - *appellate*)
- No conviction of a felony or a misdemeanor, excluding summary offenses (Pittsburgh, PA - *investigative*)
- No convictions of a felony against a police officer or any member of law enforcement, no convictions of a violent crime, no incarceration in the past five years, and no probation or parole in the past five years (Schenectady, NY - *review*)
- No crimes involving dishonesty or moral turpitude in the past seven years (Spokane, WA - *review*)

Conversely, Hartford, CT (*investigative*) requires that at least 1 member have previously been involved with the criminal justice system as a defendant.

### **Employee Restrictions**

Many Boards prohibit current employees from serving, but permit former city employees from participating, including: Columbia, MO (*appellate*); Pittsfield, MA (*review*); and Schenectady, NY (*review*). In addition to city employees, Berkeley, CA (*review*) also includes restrictions on officers and contractors, and Pittsburgh, PA (*investigative*) restricts employees of the City's authorities.

Other boards prohibit both current and former employees from serving for a certain period of time:

- Two year period after employment, including immediate family (Cambridge, MA - *investigative*)
- Outright prohibition on all current or former City employees, and no immediate family of current City employees (Spokane, WA - *review*)

A few communities have more nuanced restrictions on employees' participation based on the type of employment.

- No current or former employees of the City for a period of five years after their employment; though a super-majority of the City Council may approve the appointment of a current or former temporary employee who received less than seven pay checks in any year from the City (Ann Arbor, MI - *review/investigatory*)
- No current employees unless they are hourly employees who are not entitled to benefits and have been authorized by the City Manager (Fort Collins, CO - *review*)

### **Law Enforcement Restrictions**

Some communities include additional restrictions on law enforcement officials, both those who work for the community itself and those from other law enforcement agencies. Examples of law enforcement specific restrictions are included below.

- No current sworn police officers from any agency or representatives of an employee association representing sworn police officers (Berkeley, CA - *review*)
- No current, former, or retired officer of the City police department or any other law enforcement agency, and no immediate family members of an officer of the City police department (Hartford, CT - *investigative*)
- No current City law enforcement employees or their immediate family members (Pittsfield, MA - *review*)

- No current law enforcement officers or members of their immediate family (Providence, RI - *investigative*; Syracuse, NY - *investigative*)
- No current or previous employees of the City police department, or their family members (Rochester, NY - *investigative*)
- No affiliation with any law enforcement agency (Washington, D.C. - *review*)

In contrast, some communities encourage law enforcement experience, as outlined below:

- Desirable quality to have familiarity with police procedures (Berkeley, CA - *review*)
- Preference for those with past experience and knowledge of law enforcement (Boston, MA - *review*)
- At least one member must have law enforcement experience (Pittsfield, MA - *review*)
- Law enforcement experience is considered as a factor for appointment, but only if the individual has left law enforcement for at least two years prior to their appointment (Spokane, WA - *review*)

Other communities do not restrict those with law enforcement experience from participating, but limit the number of individuals on the board who may have such experience.

- No more than one member can be former law enforcement with an agency other than the City's police department or have an immediate family member formerly employed by law enforcement agency, and former employment must have been at least three years ago (Rochester, NY - *investigative*)
- No more than two members may be former members of the City's police department and must have left employment for at least two years (Springfield, MA - *disciplinary*)

## Elected Official Restrictions

Many boards restrict elected and appointed officials from eligibility for membership, with variations as outlined below:

- No City officials (Cambridge, MA - *investigative*)
- No elected public office holders or candidates for elected public office (Columbia, MO - *appellate*)
- No elected City officials (Ithaca, NY - *disciplinary*)
- No one holding an elective office (Pittsburgh, PA - *investigative*; Providence, RI - *investigative*; Schenectady, NY - *review*)
- No current or former City elected official for a period of three years after leaving office and no immediate family of incumbent elected official representing any district or municipality in NY for a period of three years after they have left office (Rochester, NY - *investigative*)
- No immediate family of any incumbent elected official of the City nor any financial ties with any incumbent elected official of the City (Syracuse, NY - *investigative*)

## Other Restrictions

A variety of other board member restrictions were also present in the communities reviewed. For example, a number of boards did not permit individuals who had been involved in certain types of litigation from serving:

- Cannot be a part to any pending litigation against the City (Columbia, MO - *appellate*)
- No practicing attorney or their immediate family who represents or has represented a plaintiff or defendant in a police misconduct lawsuit initiated against the City's police department, police chief, etc. (Rochester, NY - *investigative*)
- No practicing attorney or member of their firm or the immediate family thereof who represents a plaintiff or defendant in the police misconduct lawsuit against the City police department, police chief, or the police

union; no plaintiff or any family member of a plaintiff in such a case (Syracuse, NY - *investigative*)

Other restrictions included:

- No two members shall be related (Schenectady, NY - *review*)
- No financial ties with members of the City's police department (Syracuse, NY - *investigative*)

### **Preferences & Methods of Appointment**

In addition to outright restrictions, many communities included preferences and factors for consideration with respect to the desired characteristics of the board members. Some of these included intangible attributes, as outlined below:

- Commitment to community service (Berkeley, CA - *review*; Portland, OR - *appellate*; Schenectady, NY - *review*; Spokane, WA - *review*)
- Fair minded and objective; able to establish a reputation for even-handedness in dealing with both complainants and the regulated parties; or other similar language (Berkeley, CA - *review*; Pittsburgh, PA - *investigative*; Portland, OR - *appellate*; Spokane, WA - *review*)
- Commitment to operation of the board and/or having sufficient time to serve (Fort Collins, CO - *review*; Pittsburgh, PA - *investigative*; Springfield, MA - *disciplinary*)
- Ability to build working relationships and communicate effectively with diverse groups (Spokane, WA - *review*)

Some communities sought board members with particular professional and/or personal experiences and expertise. For example:

- Familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations (Berkeley, CA - *review*)

- Preference for licensed attorneys with experience in civil rights advocacy, youth advocacy, and those with past experience and knowledge of law enforcement (Boston, MA - *review*)
  - Chair must have knowledge and expertise relevant to police reform or accountability and knowledge of how demographic groups are impacted by use of force and field investigation
- Specially fitted by education, training or experience to perform the duties of a member of the board (Springfield, MA - *disciplinary*)
- Factors considered include education, professional and/or personal experience including but not limited to judicial, legal, investigative, mental health and law enforcement experiences (Spokane, WA - *review*)

Some communities sought board members through the recommendation or appointment by third-party groups.

- One member appointed by commission on human rights (Columbia, MO - *appellate*; Hartford, CT - *investigative*)
- One member from each of the following: human rights commission, NAACP, local faith communities, youth community, immigrant community (Pittsfield, MA - *review*)
- Nine members appointed from recommendations made by community organizations, including NAACP, human rights commission, united neighborhoods, chamber of commerce, inner city ministry, league of women voters, municipal housing authority, and city council (Schenectady, NY - *review*)

These examples represent just a fraction of the wide-variety of board member qualifications that exist across civilian oversight groups. I hope that this memo is helpful in guiding the discussion during the Committee meeting and assist in the decision-making process for what criteria should apply to the members of the new Civilian Police Review Board.

Please do not hesitate to reach out to me if you have any questions or if I can provide any further information on this topic.

## Chapter 2 ADMINISTRATION\*

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**\*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.

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**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**

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

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**\*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.  
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**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.

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**\*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.  
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(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)

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**ARTICLE IV. CIVIL SERVICE\***

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\*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.  
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## 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 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.* 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.<sup>1</sup>

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.”<sup>2</sup>

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

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

<sup>2</sup> 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.<sup>3</sup> 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.”<sup>4</sup>*

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?

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

<sup>4</sup> 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.

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**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.<sup>5</sup>

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.*

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

## Chapter 2 ADMINISTRATION\*

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**\*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.

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**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**

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

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**\*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.  
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**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.

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**\*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.  
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(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)

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**ARTICLE IV. CIVIL SERVICE\***

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\*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.  
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## 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 hertheir successor is appointed and qualified, but in no case longer than one hundred twenty (120) days from the expiration of his or hertheir 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 subcommittee~~commission may promulgate rules to implement this section, including forms and deadlines for appeal.  
(Ord. No. 143-17/18, 2-5-2018)

#### **Sec. 2-59.7. 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 her~~their reasons for rejection in writing, and provide those reasons to the employee and the ~~employment subcommittee~~commission.

(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 subcommittee~~commission:

- (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.