

CIVILIAN POLICE REVIEW BOARD

Thursday, June 11, 2026 at 6:00 PM
City Hall, Room 209



MEMBERS

Ryan Schmitz, TJ Boisclair, Cody Austin Sims,
Chiara Liberatore, Emily Finely, Walter Biha,
Diane Herman, Rachel Schlein (Non-Voting),
Joey Brunelle (Non-Voting)

REMOTE ACCESS INFORMATION:

PUBLIC COMMENT INFORMATION:

To submit written public comment on an agenda item, email cprb@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the 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).

AGENDA:

1. **Introductions**
2. **Appointment of chairperson and vice chairperson**
3. **Adoption of Remote Meeting Policy**
 - i. Attachment
4. **Training:**
 - i. Freedom of Access Act (FOAA)
 - ii. Internal Affairs (IA) process
5. **Public comment on agenda items**
6. **Adjourn**

REMOTE PARTICIPATION POLICY
OF THE
CITIZEN POLICE REVIEW BOARD

Adopted on June 11, 2026

Pursuant to 1 M.R.S. § 403-B, and after public notice and a hearing, the Citizen Police Review Subcommittee (hereinafter referred to as “CPRB”) hereby adopts the following policy to govern remote methods of participation in public proceedings or meetings (collectively, “meetings”).

In addition to conducting meetings with in-person participation, the CPRB conducts meetings with two other types of participation: remote and hybrid.

Remote meetings allow CPRB members and the public to participate only by telephonic or video technology allowing simultaneous reception of information but may include other means necessary to accommodate disabled persons (referred to herein as “remote methods of participation”). Remote meetings will not be by text-only means such as e-mail, text messages, or chat functions.

Hybrid meetings allow CPRB members and the public to participate in-person or by remote methods of participation. Members of the CPRB are encouraged to participate in-person for hybrid meetings.

Prior to each meeting, the Chair or other presiding officer, in consultation with other members of the CPRB if appropriate and possible, will determine whether participation at a meeting will be in-person, remote, or hybrid in as timely a manner as possible under the circumstances. Any CPRB member who is unable to attend a meeting in-person will notify the Chair or other presiding officer as far in advance as possible.

The public, City staff and applicants before the CPRB will be provided a meaningful opportunity to attend a meeting via remote methods of participation when any member of the CPRB participates via remote methods or when remote methods are available and operational at a given CPRB meeting. If public input via remote methods is allowed or required at a meeting, an effective means of communication between the CPRB and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent situation that requires the entire CPRB to meet only by remote methods.

Notice of all CPRB meetings will be provided in accordance with 1 M.R.S. § 406, and the City Charter, City Code or policy, if applicable. When the public may attend via remote methods, the notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. The notice will also identify the location where the public may attend the meeting in person. The CPRB will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires it to meet using remote methods of attendance.

The CPRB will make all documents and materials to be considered by it during a meeting available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred.

All votes taken during a CPRB meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the CPRB and the public. A member of the CPRB who participates remotely will be considered present for purposes of establishing a quorum and voting.

This policy will remain in force indefinitely unless amended by the CPRB.

Freedom of Access Act

1 M.R.S. § 401 et seq.

June 11, 2026



01

Purpose of the Law



Freedom of Access Act

Maine's "Right to Know" Law

The purpose of Maine's Freedom of Access Act, commonly referred to as FOAA, is to create transparency in the government.

As a governmental body, this board is subject to FOAA requirements.

FOAA Requirements

Public Proceedings

“the transactions of any functions affecting any or all citizens of the State by . . . any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision or any advisory organization established, authorized or organized by law, resolve or executive order”

Public Records

“any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions . . . and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business”

02

Public Proceedings



Public Proceedings

What is a public proceeding?

Includes:

- Regularly scheduled meetings of public bodies
- Workshops & working sessions
- Strategy meetings & other informal meetings

Where business of the public body is being discussed between three (3) or more members of the public body



Public Proceedings

What does FOAA require of a public proceeding?

Must be open to the public and any person must be permitted to attend

- Except where the law permits a body to meet in executive session

Notice of the meeting must be posted in advance

- Posting must be made in ample time to allow public attendance
- Notice must be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served

Record must be made of the meeting, including:

- Date, time, and place
- Members present and absent
- Motions and votes taken

Communications Outside a Public Meeting

Email Communications

Refrain from using email as a substitute for deliberating or deciding substantive matters properly confined to public proceedings.

Non-Substantive Matters

Email is permissible to communicate with other members about non-substantive matters, such as scheduling meetings, developing agendas, and disseminating information and reports.



Executive Sessions

When can a meeting be closed to the public?

Because FOAA creates a strong preference for transparency in government, there are only limited reasons permitted for a board or agency to meet in executive session – not open to the public.

- Before going into executive session, the statutory reasons for the ES must be placed on the record (Ex: “We are going into executive session pursuant to 1 M.R.S. §405(6)(D) to discuss contract negotiations with ____ union.”)
- Once in executive session, the board can only discuss the matter for which the executive session was called.

Final approval of rules, regulations, contracts, appointments, and other official actions cannot be approved in executive session.

Reasons for Executive Sessions

- Employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation discipline, resignation, or dismissal of employees or investigation or hearing of charges or complaints against a person
 - Only if public discussion could damage person's reputation or right to privacy
 - Person charged or investigated must be allowed to attend
 - Person charged or investigated can request that the discussion occur in open session
 - Person bringing charges, complaints, or allegations of misconduct must be allowed to attend
- Condition, acquisition, or use of real or personal property or disposition of publicly held property or economic development
 - If premature disclosure would prejudice the competitive or bargaining position
- Discussion of labor contracts and proposals and meetings with labor negotiators
- Consultations between a body and its attorney about legal rights and duties or litigation
- Discussion of confidential records
- Discussion or approval of exams for licensing, permitting, or employment purposes
- Discussion with a code enforcement officer regarding the prosecution of an enforcement matter

03

Public Records



Public Records

What is a public record?

Almost everything that a municipal entity uses to store or transmit information is a public record.

- Paper & electronic documents (e.g. meeting minutes, agendas, notes, etc.)
- Emails & text messages
- Audio & video recordings

Exclusions of Public Records

- Records designated confidential by law (e.g. personnel records)
- Privileged documents
- Personal information shared between a constituent and an elected official
- Collective bargaining preparation and negotiation materials
- Medical records and municipal ambulance reports
- Juvenile records and reports related to the investigation of a juvenile fire setter
- Information concerning minors related to recreational or other non-mandatory educational programs or services
- Security plans, safety procedures, and risks assessments to prevent acts of terrorism
- Architecture, design, and security information of technology infrastructure, systems, and software
- Social security numbers
- Personal contact information of employees
- Geographic information of recreational trails located on private land without public deed or guaranteed right of public access
- Email addresses obtained for the purpose of disseminated non-interactive notifications, updates, and cancellations
- Personal information regarding community well-being programs



Public Record Requests

How do you respond to a public records request?

1. Acknowledge receipt of the request within five (5) working days
2. Make the records available within a reasonable period of time
 - a. Redact or withhold confidential information
 - b. Explain why certain information was redacted or withheld

Permitted Actions

- Seek clarification from requester, if necessary
- Charge a reasonable fee for copying and for time spent retrieving, compiling & redacted records
 - Requires providing an estimate to the requester

Not required to answer questions or create records!

04

Violations



Violations

What is the penalty for violating FOAA requirements?

Willful violations of the law are punishable by a civil fine of up to:

- \$500 - first violation
- \$1,000 - second violation within four (4) years
- \$2,000 - third and subsequent violations within four (4) years

In an appeal, the Superior Court may:

- Order disclosure of wrongfully withheld public records
- Invalidate action taken illegally in executive session



Questions?

INTERNAL AFFAIRS UNIT ORIENTATION



AGENDA

01

Professional Standards Division

02

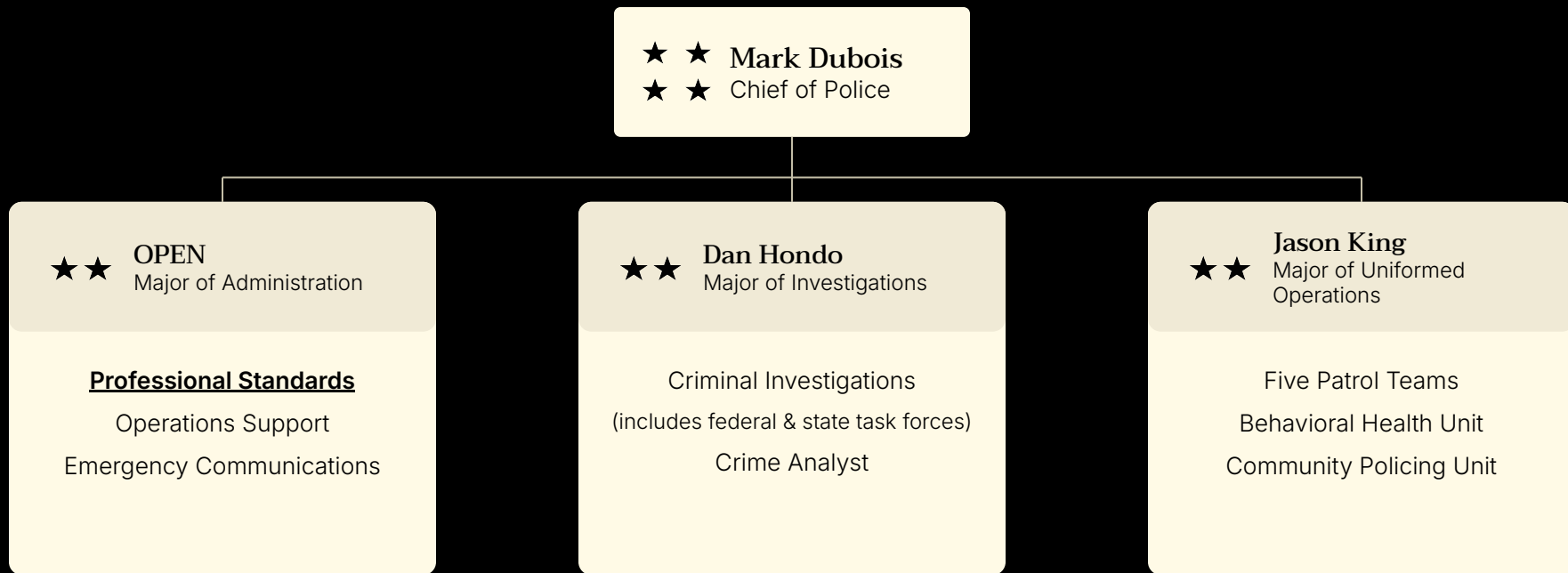
Internal Affairs Complaint Process

03

Basic Labor Rights



PROFESSIONAL STANDARDS DIVISION



PROFESSIONAL STANDARDS & INTERNAL AFFAIRS



LIEUTENANT

Jacob Titcomb

Job duties include direct oversight of the Internal Affairs Unit and Training Unit. Specific roles include incorporating all information from internal fact-finding investigations into formal recommendations, review of all use of force investigations, maintaining the internal affairs and application of force RMS, administering the Department's BWC access/software, and completing annual reports for application of force, cruiser crashes, and Internal Affairs investigations.

SERGEANT

Sara Clukey

Job Duties include conducting fact finding investigations for complaints against officers, conducting background investigations for job candidates for officer, dispatcher, and civilian roles within the Department, and conducting training for new hires related to the internal affairs process and force reporting.



INTERNAL AFFAIRS UNIT MISSION

The Portland Police Department's core values are **Leadership, Integrity, and Service**. The main function of the Internal Affairs Unit is to ensure Integrity through three pillars.



To establish uniform procedures for receiving, investigating, reviewing, addressing and analyzing complaints of misconduct or violations of law or department policy or procedure by police personnel with the intention of providing a thorough, timely, objective, and fair review that will serve to protect the public, the department and the employee. **(SOP 90-1)**

The Portland Police Department and the Maine State Police are the only law enforcement agencies in Maine which have dedicated units for the investigation of officer complaints & misconduct.



SOP Purpose (SOP 90-I)

Fair

Is the process impartial and balanced?

Thorough

Was enough pertinent information gathered and documented to establish a definitive disposition?



Objective

Is the evidence viewed, analyzed, and balanced in an unbiased manner?

Timely

Was the investigation completed without unreasonable delay, using 60 business days as a guideline?

INTERNAL AFFAIRS COMPLAINT PROCESS



HOW A COMPLAINT IS MADE



Submission Guidelines

- Numerous methods available
- In-person complaints are the preferred method
- Must meet the definition of a complaint

The Definition of a Complaint

SOP 90: "A clear, specific, and reasonably credible allegation of employee misconduct which, if true, would constitute a violation of law, order, directive, rule, regulation or department standard operating procedure. An inquiry about police procedure or department policy is not a complaint."

IN-PERSON COMPLAINTS



Step 01

In-Person Complaint Receipt

Step 02

The complaint is recorded, if possible

Step 03

Assessment & Documentation

ADDITIONAL COMPLAINT SUBMISSIONS

Online

Complaints submitted via the PD website under "Online Services" or the City's "Online Forms Portal".

PCRS and translated forms were available in the past.

Received by Command Staff, Police Attorney, PS Lieutenant, and IA Sergeant.

Telephone

Infrequently received; handled by the Shift Commander on a recorded line.

Business Alarm Installation Permit

Bicycle Registration

Business & Residential Alarm Registration

CodeRED Community Notification

Concealed Weapons Permit

Criminal Trespass Authorization Form

File a Complaint / Commendation

Get Accident/Crash Report

Graffiti Reporting

*Hire A Detail Officer (new)

*Property & Evidence Recovery

Online Services/FAQ

*Submit Online Police Report

Use this link to file an online police report as long as your complaint fits the said criteria.

Business Alarm Installation Permit

Portland City Code Chapter 2.5 requires that alarm agents or alarm businesses (persons or employees of businesses whose duties include installing, servicing or repairing alarm systems located within the City of Portland) obtain permits.

Bicycle Registration

Register your bicycle with the Police Department.

Business & Residential Alarm Registration

Read the City Code policies regarding burglar alarm permits.

CodeRED Community Notification

Cumberland County has contracted with Emergency Communications Network, Inc for its "CodeRED" high speed telephone emergency notification service.

Concealed Weapons Permit

See documents related to concealed weapons permits.

Criminal Trespass Authorization Form

Access a form that officially requests the Portland Police Department's assistance with identifying and removing any individual(s) found on your property that are not legitimately there.

File a Complaint / Commendation

Tell the Portland Police about an interaction you had with one of their officers.

Get Accident/Crash Report

Obtain crash information from Crashdocs.

Graffiti Reporting

Portland, Maine is on a mission to wipe out graffiti on homes and businesses.

*Hire A Detail Officer (new)

Use this link to request hiring a detail officer(s) for police services such as traffic control, event security or crowd control.

*Property & Evidence Recovery

Use this link to find out how to recover your collected property or evidence.

Rape Aggression Defense Registration (PDF)

Register for the basic Rape Aggression Defense (RAD) program training.

Email & Written

Letters/notes mailed to the PD or received via email (generally to the Chief of Police).



INTERNAL COMPLAINT SUBMISSIONS

Command Staff Intake

- Command Staff acts as a shift commander would to intake complaints.
- Command Staff then forwards relevant information to the Professional Standards Lieutenant to start the process as any other complaint.



BASIC COMPLAINT FLOW



TRIAGE PERIOD: Information Collection

INFORMATION GATHERING

PS Lieutenant &
IA Sergeant

POSSIBLE COMPLAINANT CONTACT

IA Sergeant

ASSESSMENT

Professional Standards



TRIAGE PERIOD (Recommendation)



Allegations

Category

Category U
Found to be unfounded or within policy with immediately available evidence.

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Found to be unfounded or within policy with immediately available evidence.

Category 1

Generally minor violations

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Generally minor violations

Category 2
Generally more serious violations, or does not definitionally fit in the other categories.

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Generally more serious violations, or does not definitionally fit in the other categories.



TRIAGE PERIOD (Investigation Confirmation)



COMPLAINT / INVESTIGATION TYPES

COMPLAINT INVESTIGATION

CATEGORY U

Found to be unfounded or within policy with immediately available evidence.

CATEGORY 1 & 2

Category 1: Generally minor violations.

Category 2: More serious violations, or does not definitionally fit other categories.



Category U Process

1. PS Lt. Assessment & Recommendation

The investigation & disposition is drafted with official recommendation of finding and Categorization.

2. Legal Review

The investigation and disposition is reviewed by the police attorney.

Also shared with the IA Sergeant to ensure nothing is missed.

3. Command Review

The investigation and disposition is reviewed by the Command Staff.

4. Notification(s)

The complainant and officer are both notified.

5. Post Disposition Action(s)

Information is logged into IA Pro. Moved for sharing with Police Review Board.



Category 1 & 2 Process

1. Internal Affairs Investigation

Fact Finding investigation is completed by the IA sergeant, including appropriate interviews.

Category 1 only: May be diverted to investigation by the Shift Lieutenant.

2. Assessment & Recommendation

The letter of transmittal is drafted by the PS Lieutenant.

Category 1 only: The Shift Lieutenant drafts the letter, which is incorporated into the investigation.

3. Legal Review

The investigation and disposition is reviewed by the police attorney.

4. Command Review

The investigation and disposition is reviewed by the Command Staff.

5. Notification(s)

All but sustained: Complainant and officer notified.

Sustained: Officer notified of recommended finding.

6. Pre-disciplinary Hearing

Sustained: Labor law/CBA grants officer right to a hearing with the Chief prior to final discipline.

7. Notification(s)

Sustained: Complainant and officer are both notified.

Depending on the circumstances, they complainant notification may be delayed 30 days for appeal.

8. Post Disposition Action(s)

Logged into IA Pro. Moved to Police Review Board.

Sustained: Discipline administered. Moved to CPRB after 30 days.



INTERNAL AFFAIRS SERGEANT INVESTIGATION

Fact-Finding Nature

The investigation is fundamentally fact-finding in nature.

Communications

Responsible for sending notices and interfacing with other agencies.

Interviews

Conducts detailed interviews as part of the evidence gathering.

Data Collection

Systematically collects information from various Police Department systems.

Reporting

Compiles a comprehensive final report containing all data collected throughout the investigation.



IA SERGEANT INVESTIGATION CONSIDERATIONS

Officer Interviews (SOP)

- The past practice has been established to serve all officers with Garrity.
- Unless there is a criminal investigation, in which case the officer may be requested to provide a voluntary statement.

Officer Interviews (CBA)

- Officers have the right to a union representative and legal representation during their interview.

Officer Interviews (CBA)

- Must be conducted at a reasonable time.
- Must be limited to questions "directly, narrowly, and specifically" related to the alleged violation.

Timeliness (SOP & CBA)

- "An employee who is the subject of a complaint should be advised of the final outcome... within 60 business days of filing the complaint." (SOP)
- "The investigation will be conducted without unreasonable delay" (PBA & SOA CBA, similar language in SOP)



PROFESSIONAL STANDARDS LIEUTENANT

Consults with IA Sergeant during fact-finding investigation

Manages investigation timeline and processes.

Assesses completed IA Sergeant investigation

Analyzes all information and formulates a recommendation for finding/disposition (letter of transmittal)



STANDARDS OF PROOF

Reasonable Suspicion

"specific and articulable facts which... reasonably warrant that intrusion."

(Terry v. Ohio - US Supreme Court 1968)

Probable Cause

"facts and circumstances... would warrant a prudent and cautious person to believe that the arrestee did commit or is committing the [crime]."

(State v. Parkinson - ME Supreme Court 1978)

51%

Preponderance of Evidence

More likely than not.

This is where Internal Affairs Investigations are determined.

Beyond a Reasonable Doubt

"not a vague, speculative, or imaginary doubt but a doubt based on reason and common sense."

(Maine Jury Instruction Manual)

TOTALITY OF THE CIRCUMSTANCES

Evaluating the incident based upon all available evidence, facts, and circumstances. Because all relevant information changes in every incident, there is no one single factor or piece of evidence that can be used as a general rule to judge all incidents.



FINDINGS

UNFOUNDED

Reasonably credible evidence exists to indicate the complainant's allegations are false, not factual or without merit.

EXONERATED

The incident occurred, but the employee's actions were justified, lawful and proper.

NOT SUSTAINED

The alleged complaint is unsubstantiated no violation of Department rule, regulation or procedure, or local, state or federal law.

SUSTAINED

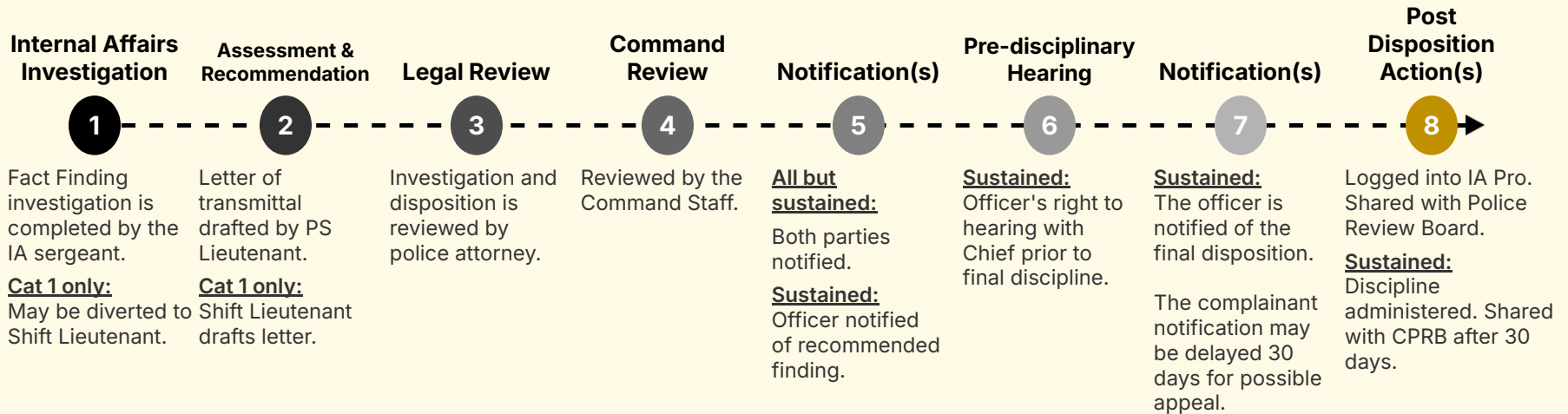
The alleged complaint is substantiated. Sufficient evidence exists to indicate that the employee did, in fact, commit one or more of the alleged violations. The Department shall have the burden of proving that a violation is sustained by a preponderance of the evidence.

CLEARED EXCEPTIONALLY

- No indication of violation beyond initial complaint or lack of cooperation.
- Departure of employee makes investigation impossible.
- Actions based on deficient/ambiguous policies.



Category 1 & 2 Process



BASIC LABOR RIGHTS



WEINGARTEN RIGHTS (1975)

What is it?

- A United States Supreme Court decision.
- Right to union representation during an investigatory interview that could result in discipline.
- Adopted by Maine Labor Relations Board in 1979 for public sector employees.

SOA CBA Language

"In all cases wherein a member is to be interrogated concerning an alleged violation of Departmental Rules and Regulations which, if proven, could result in their removal from the Department, the member shall be afforded a reasonable opportunity and facilities to contact and consult privately with an attorney of their choosing and/or a representative of the Association before being interrogated, and their attorney and/or a representative of the Association may be present during the interrogation, but may not participate in the interrogation, except to counsel the member."

PBA CBA Language

"In all cases wherein a member is to be interrogated concerning an alleged violation of Departmental Rules and Regulations which, if proven, could result in their suspension or removal from the Department, the officer may, at their request, be afforded a reasonable opportunity and facilities to contact and consult privately with an attorney of their choosing and/or a representative of the Association before being interrogated, and their attorney and/or a representative of the Association may be present during the interrogation, and may participate to the full extent of the employee's Weingarten rights."



GARRITY RIGHTS (1967)

What is it?

- A United States Supreme Court decision specific to public sector employees (Teachers, Police, Firefighters).
- Employees can be compelled to answer questions but cannot be forced to waive 5th Amendment Rights upon threat of termination.
- Statements given under "Garrity Warnings" cannot be used in a criminal investigation.

SOA & PBA CBA Language

No specific language.

SOA: "If a member is a suspect or target of a criminal investigation, they shall be afforded all rights granted to other persons."

PBA: "Member shall be afforded all constitutional/statutory rights, including the right to counsel prior to any questioning."

Longtime Standard/Practice

Professional Standards/Internal Affairs have served **Garrity Warnings** with all misconduct notifications.

Current Standard (SOP) & Practice: Written warnings are provided, and the officer is prompted about Garrity at the outset of each interview to resolve disagreements on when interviews are compelled.



LAUDERMILL RIGHTS (1985)

What is it?

- A United States Supreme Court decision. Specific to public sector employees (Teachers, Police, Firefighters).
- Public sector employees with a CBA have due process rights to disciplinary actions relating to loss of employment benefits.
- Due process rights include: Notice of allegations, explanation of evidence, and opportunity to be heard.

SOA CBA Language

"The investigating Officer shall inform the member of the nature of the alleged conduct which is the subject matter of the interrogation and, unless circumstances warrant anonymity, shall identify the complainant."

"No disciplinary action shall be taken by the Chief of Police, or their designee, against any member of the Department covered by this Agreement without due notice and the opportunity for a fair hearing before the Chief of Police or their designee."

PBA CBA Language

"The investigating Officer shall inform the member of the nature of the alleged conduct which is the subject matter of the interrogation"

"Any member who has completed their working test period charged with a violation of Departmental Rules and Regulations shall be entitled to a hearing as outlined below prior to the issuance of any disciplinary action."



