

**City of Portland
Police Citizen Review Subcommittee**

**AGENDA
July 8, 2020
6:00 p.m.**

On Wednesday, July 8, 2020 at 6:00 p.m., the Police Citizen Review Subcommittee will conduct a virtual meeting via Zoom, as allowed by 1 M.R.S. Sec. 403-A.

Please allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend the meeting live, the City will be posing a recording of the meeting after it has concluded.

Please click the link below to join the Zoom meeting:

<https://us02web.zoom.us/j/89209376877>

Or iPhone one-tap :

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Webinar ID: 892 0937 6877

International numbers available: <https://us02web.zoom.us/j/89209376877>

1. Call to Order at 6:00 pm
2. Approval of Minutes
 - a. June 10, 2020 Minutes
 - b. June 24, 2020 Minutes
3. PCRS memo to City Manager of short-term recommendations
 - a. Introduction by PCRS

- b. Public comment on memo
 - c. Discussion of memo, potential to finalize and approve memo
- 4. Discuss and finalize workplan and assignments.
 - a. Workplan
- 5. Review IA investigation
 - a. Executive session pursuant to 1 M.R.S. § 405(A) to review IA investigation.
 - b. Vote on whether IA investigation was timely, fair, thorough, and objective in open session
- 6. Adjourn

POLICE CITIZEN REVIEW SUBCOMMITTEE

June 10, 2020

Meeting Held Remotely Via Zoom

Members present: Emily West, Chair; Maria Testa; Luke Beland; Kaylin Kerina; Rev. Kenneth Lewis; Reggie Parson; April Fournier

Staff present: Chief Frank Clark; Commander Jim Sweatt; Lt. Bob Martin; Sgt. Chris Dyer; Anne Torregrossa

6:03 Call to order via Zoom. Roll call with all members present.

The PCRS members all introduced themselves and gave a brief history of their experience with the Subcommittee.

The Subcommittee then took public comment, including questions and comments about the PCRS role; questions about the protests of June 1, 2020; discussion of the appropriate role of the police in schools, etc.; comments about 8 Can't Wait and 8 to Abolition movements; and other topics.

The PCRS took a break in the public comment to review the PCRS brochure and cover the role of the Subcommittee, and then resumed public comment.

The PCRS then reviewed the feedback they heard from the public, answered some questions, and discussed when and how they would like to proceed in their role of making recommendations to increase confidence in the police complaint review process.

The PCRS also asked questions of representatives of the Police Department, who responded to those questions.

The PCRS decided to schedule another meeting before its regularly scheduled July meeting in order to review the role of the PCRS and whether there were any immediate recommendations to be made to the City Manager.

Motion to adjourn. Seconded. Roll call with all members voting in the affirmative.

POLICE CITIZEN REVIEW SUBCOMMITTEE

June 24, 2020

Meeting Held Remotely Via Zoom

Members present: Emily West, Chair; Maria Testa; Luke Beland; Kaylin Kerina; Rev. Kenneth Lewis; Reggie Parson; April Fournier

Staff present: Commander Jim Sweatt; Anne Torregrossa, Associate Corporation Counsel

6:00 Call to order via Zoom. Roll call with all members present

6:05 Motion to move into executive session to discuss the PCRS rights and responsibilities with Corporation Counsel pursuant to 1 M.R.S. § 405(6)(E). Seconded. Passed 7-0.

6:22 Return from executive session.

The PCRS spent a significant amount of time discussing the direction that they would like to pursue with the Committee. Notes of that discussion are included as Attachment A.

Ultimately, the PCRS decided to draft a memo to the City Manager with the following short term recommendations:

1. Collect better demographic information on police interactions.
2. Finish revising the Police Department Complaint/Commendation form.
3. Implement a business card policy.
4. Get citizen input on use of force.
5. Allow the PCRS to review internal complaints.

It also decided to include in the memo its plans for future work for the Subcommittee, including:

- Reviewing the structure and role of the PCRS.
- Reviewing the 21st Century Policing Report and providing recommendations on best practices for the Portland Police Department.
- Reviewing the current feedback process for the Police Department.
- Continue PCRS education of, and outreach to, the community.

Anne Torregrossa will draft a memo for the Subcommittee's review for the July 8, 2020 meeting.

8:40 Motion to adjourn. Seconded. Passed 7-0.

ATTACHMENT A: Notes on open discussion RE possible short and long term recommendations

Possible Short Term Recommendations to CM

1. Transparency of PD
 - a. Better data on race and other demographics on contacts by type of interaction, arrests, complaints, etc. – recommendation by 21st Century Policing task force
 - b. Include in arrest report when involved use of force
 - c. Fix process for complaints/commendations – promote online, make more accessible, better explain the process, better inform public of PCRS existence and role; ensure that is an accessible reading level (6th grade level); make complaint/commendation form available in multiple languages (accessible, equitable, and just) – paper and online
 - d. Making more information about training publicly available – who is providing; content of training; length; etc.
2. Community engagement by PD
3. Policies and procedures of PD
 - a. Have officers carry business cards with name and how to submit complaint/commendation – recommendation by 21st Century Policing task force
 - b. Take into account “reasonable citizen” standard in review of use of force – have citizen sit on use of force review panel and consider their feedback – one from each civil service subcommittees. In the interim, the PCRS recommends adding a non-PD member of the CM/Chief’s choice to the use of force committee.
4. Community liaison outside of PCRS and/or PD; or third party survey of community
5. Inform CM of direction that PCRS is looking to take in the future. The PCRS will be developing recommendations to both improve policing and improve police review. Specifically, the PCRS will be considering the following areas in the future:
 - a. The PCRS will be participating in the NACOLE annual conference and expect to have multiple recommendations for possible changes to the structure of Portland citizen oversight of policing arising out of that learning experience. We expect to have recommendations on changing the scope of the governing PCRS ordinance.
 - b. The PCRS will be reviewing the 21st Century Policing Task Force recommendations to recommend potential changes to how policing is accomplished in Portland.
 - c. Fix complaint process
 - d. Better education/outreach by PCRS

Possible Longer Term Objectives

1. Consider recommendations to role of PCRS (ordinance changes)

- a. Structural issues in how PCRS operates
 - i. Relying on complaints filed has limited usefulness
 - ii. Want broader information than just those filed through complaint/commendation
 - b. Committee liaison to educate public and gather feedback – elected? Member of the committee? Staff member? Volunteer?
2. Discuss changes to how PCRS currently operates (operational changes)
 - a. Structure of meeting – public comment; executive session w/ PD for questions; executive session w/o PD after for discussion
3. Annual Report – making it more effective
 - a. Need more data to make effective
 - b. Change so that report also goes to HHS/Public Safety Subcommittee
4. Recommendations for fixing complaint process
 - a. Many issues why complaint process doesn't work – don't know about process, don't find it useful, don't feel comfortable engaging with PD
5. Better engagement with other committees/elected officials
6. Better PCRS outreach to community
 - a. Better use of social media to educate and engage with public
 - b. Easier access to City social media accounts, press releases, etc.
 - c. Improve website
 - d. Partner with PD to also get the word out about PCRS – Cmdr. Sweatt to get link to PCRS on PD webpage
 - e. Listen to community as basis for recommendations
 - f. Continue community meetings and better promote them – have larger, better promoted Zoom meeting?
7. Review Appendix E of 21st Policing Report and determine whether any need to be incorporated into PCRS work

MEMORANDUM

TO: Jon Jennings, City Manager
FROM: Police Citizen Review Subcommittee
DATE: July 8, 2020
RE: Recommendations from the PCRS

One of the missions of the PCRS is to provide to you “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.” In furtherance of that mission, the PCRS offers the following recommendations.

1. Collect better demographic information on police interactions. The PCRS feels strongly that better data will lead to better, and more equitable, policing. We understand that the City Council has already recommended better data collection, and the PCRS echoes this recommendation. We recommend collecting at least data on race, ethnicity, age, gender, and disability status (if available), and collecting that data for at least all police contacts, arrests, and uses of force. This data should be synthesized in a publically facing report at least annually.
2. Finish revising the Police Department Complaint/Commendation form. We understand that Chief Clark had started the process of simplifying the Complaint/Commendation form and translating it into other languages. The PCRS recommends that the Police Department revisit and complete this process, including rewriting it at no more than a sixth grade reading level, and translating it into the languages most frequently spoken in the community. This should take place with both the written and online versions of the forms. These actions are necessary to ensure that the current citizen feedback process is accessible, equitable, and just.
3. Implement a business card policy. President Obama’s Task Force on 21st Century Policing included a recommendation that law enforcement agencies adopt policies requiring officers to identify themselves and provide that information to individuals they have stopped. A suggested action item arising out of that recommendation is a policy requiring officers to “carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office, or board.” These business cards should be required to be distributed to all individuals that an officer stops or has an encounter with.
4. Get citizen input on use of force. The PCRS understands that the Police Department has an internal use of force committee, which is a proactive and commendable approach to reviewing use of force incidents. However, use of force incidents are currently reviewed without any citizen input, and without using a “reasonable citizen” standard as a measurement of the appropriateness of the use of force. While law enforcement and legal

expertise is certainly important in reviewing use of force incidents, every use of force has the potential to impact community trust in the Department and the citizen perspective should be taken into account. The PCRS recommends that the City Code be changed to require that two citizens be appointed to the Police Department's use of force review committee – one from the Police Citizen Review Subcommittee and one from the Employment Subcommittee. Until those changes can be made, the PCRS recommends that a citizen of your choice, whether an outside citizen or a City employee who is not a member of the Police Department, be appointed to the use of force committee. The PCRS recommends that the Police Department specifically incorporate the “reasonable citizen” analysis as one part of its use of force incident review process.

5. Allow the PCRS to review internal complaints. The City Code currently provides that the PCRS will review all *external* complaints to determine whether the Internal Affairs process was timely, fair, thorough, and objective. In addition to the external complaints, the IA Division also reviews internal complaints, which are incidents reported by supervisors, command staff, or other officers, rather than members of the public. These internal reviews are an important part of the Police Department ensuring that their own members are being held to the highest of standards and is a commendable process. Allowing the PCRS to also review internal complaints, using the same standard by which it reviews external complaints, will give the process added credibility and will allow the PCRS a fuller picture of the steps that the Police Department is already taking to ensure appropriate behavior by its members. This will also allow the PCRS to better formulate recommendations for any improvements.

Finally, the PCRS will continue working in its mission to provide you with recommendations for improving the IA process, recommendations for additional policies or training, and suggestions for enhancing public confidence in the investigation of citizen complaints. To that end, the PCRS will be focusing its work in the following areas:

- Reviewing the structure and role of the PCRS. PCRS members thank you for approving funding for members to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference this year, which is being conducted via a series of webinars. We expect to gain valuable information from the conference and other resources about best practices in civilian oversight boards and the model of civilian oversight boards in other cities. The PCRS will be examining those best practices and alternative models and developing recommendations for any changes to the PCRS structure and role.
- Reviewing the 21st Century Policing Report and providing recommendations on best practices for the Portland Police Department. Although the Report is now five years old and times have changed, the PCRS still believes that the Report contains some excellent material that has been thoroughly vetted by respected law enforcement professionals for positive changes in the Police Department. The PCRS will be reviewing the Report and other sources and developing recommendations for best practices in training and policies.

- Reviewing the current feedback process for the Police Department. The Police Department currently has a Complaint/Commendation form that is the vehicle for citizen feedback on police incidents. In general, the PCRS believes that this form is underutilized and leads to a lack of useful data points about policing in the community – both good and bad. In the coming months, the PCRS will be looking at ways to better gather feedback from the community, including ways to ensure that citizens feel comfortable providing that feedback, and providing recommendations to improve that process. As we mentioned above, having representative data is critical in deciding how to move forward with recommendations for improvement.
- Finally, the PCRS plans to continue its education of, and outreach to, the community. Prior to COVID-19, the PCRS had a plan to hold meetings in various community locations to make the Subcommittee more accessible to citizens who might otherwise not be aware of the PCRS or might not engage with us. The PCRS will be working to continue its outreach to the community, including evaluating various remote options, including social media, improving its website, and Zoom meetings.

We thank you for your support and for considering our recommendations for improving policing and citizen confidence in the police in Portland.

PCRS WORKPLAN

DUTIES OF PCRS

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.

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PCRS GOALS FOR 2020

1. Review the structure of the PCRS.
 - a. Review other models of citizen oversight boards. Recommend changes in PCRS purview, if any, to City Manager to the extent necessary to enhance public confidence in the methods and process of investigation of citizen complaints against police officers.
 - (1) Summarize examples of a few other types of models from NACOLE website
 - (2) Come up with a plan for bringing back information from NACOLE's annual conference webinars to the subcommittee

LEAD:

- b. Review PCRS methods and reporting:
 - (1) Define what thorough, fair, objective, and timely means within context of review of IA investigations.
 - (2) Evaluate annual report to determine additional information, trends, statistics, etc. to include.

LEAD:

2. Review 21st Century Policing Report for best practices to recommend to the City Manager.

LEAD:

3. Review PD complaint/commendation process to recommend changes to improve effectiveness in gathering data on community relation with police.

LEAD:

4. Continue further public education, transparency, and outreach to educate public about PCRS and its role and to solicit feedback to increase public confidence.

- a. Consider community relations liaison (would require ordinance change)

LEAD:

June 24, 2020	Workshop ● Discuss scope of work for PCRS moving forward ● Discuss any immediate recommendations to City Manager
July 8, 2020	● Public comment ● Review and finalize memo to City Manager ● Set priorities on workplan and assign tasks to members ● Review IA case
August 12, 2020	● Public comment ● Finalize annual report
September 9, 2020	Public comment
October 14, 2020	Public comment
November 11, 2020	Public comment
December 9, 2020	Public comment