



Health & Human Services and Public Safety Committee Minutes

Tuesday, June 9, 2020, 5:30pm, Remote Meeting

Committee Attendance:

Belinda Ray, Chair (District 1), Tae Chong (District 3), Pious Ali (At-Large)

Councilors in Attendance:

Spencer Thibodeau (District 2), Justin Costa (District 4), Kimberly Cook (District 5), Nicholas Mavodones, Jr. (At-Large), Jill Duson (At-Large)

Mayor Kate Snyder

City Staff:

Kristen Dow, Director of Health and Human Services; Frank Clark, Police Chief; Jim Sweatt, Police Commander; Adam Harr, Executive Assistant for Social Services

Meeting called to order at 5:35 PM.

AGENDA ITEM 1 – Announcements

- Chair Ray clarified the scope of the meeting.
 - It is not to discuss the budget; the budget review begins next week at the Finance Committee on June 18th, 2020.
 - It is not to discuss the protests or police handling during the protests which will be discussed at the Council Workshop on June 22, 2020.
 - There will not be a public hearing tonight; the Council receiving public comment and are reading and hearing what is said, but are not able to respond to each submission due to the volume.
 - This meeting will focus on gathering information on Police Department policy in the context of the events happening across the country.
 - This was not the original agenda for this meeting. Due to the importance of this conversation the agenda changed.
 - The policies were compiled and uploaded this morning
 - The Council made a proclamation:
 - NOW, THEREFORE, BE IT RESOLVED, that the Portland City Council and Mayor wholeheartedly condemn the actions and injustices that have again wrought division and crisis in our community and across these “United” states; and

THEREFORE BE IT FURTHER RESOLVED, that the City of Portland recommits to working on ways in which we can engage our communities to address and uproot institutionalized racism and implicit bias and offer spaces for dialogue, trainings, and understanding; and

THEREFORE BE IT FURTHER RESOLVED AND REAFFIRMED that the City Council of the City of Portland, Maine will maintain constant vigilance with regard to its own public safety policies and actions and do everything in its power to make certain that Portland is and will remain a welcoming city opposed to acts of racism and bigotry.

- o Let's refrain from making any statements tonight to come to the conversation open, listening, getting information and moving forward.

AGENDA ITEM 2 – Approval of Minutes

- Councilor Ali moved to approve the minutes, Councilor Chong seconded and the minutes were approved unanimously.

AGENDA ITEM 3 – Portland Police Department Update

Review of current PPD policies and trainings:

Police Chief Frank Clark opened the conversation stating that last week was a tragedy and would reverberate here.

- Chief Clark overviewed the points discussed in his presentation available here:
<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=5694>
 - o Mission / Values
 - o Recruitment
 - o Hiring
 - o Training
 - o Policies / Procedures
 - o 8 Can't Wait Assessment
 - o National Consensus Policy
 - o 21st Century Policing Report
 - o Next Steps
- Mission Statement:
 - o To maintain a safe city by working in partnership with the community to prevent and reduce crime, protect life and property, help resolve neighborhood problems and protect the rights of all.
- Values:
 - o Leadership
 - o Integrity
 - o Service
- Overview
 - o Sworn staff: 161 authorized (9 current vacancies)
 - o Portland Regional Communication Center (PRCC):
 - The dispatch center for Police, Fire and EMS.
 - Staff: 37 Authorized (6 current openings)

- o Calls for Service:
 - 80,323 (2019)
 - o Specialties:
 - Patrol;
 - Criminal Investigation Division (CID);
 - Community Policing Unit (CPU);
 - School Resource Officers (SRO);
 - Crime Reduction Unit (CRU);
 - Behavioral Health & Substance Use Disorder Liaisons
 - o Budget: 94% personnel
- Recruitment
 - o Full time officer and a recruitment team:
 - Social media outreach;
 - Arranging ride-alongs;
 - Outreach at Adult Education to recruit ESL students;
 - Goal is to diversify work force, specifically sworn workforce to reflect the community they serve.
 - Self-identified minority test takers increased from 10% to 23% over the past 10 years.
 - o Hiring Process
 - Application
 - Written Entry Test
 - Two part: cognitive and integrity.
 - o Some people pass the cognitive portion but not the integrity portion which results in failing the test.
 - Adverse impact study resulted in changes to the test to increase validity and minority passage rate.
 - Physical Fitness Test
 - Panel Interview
 - Background Investigation
 - Polygraph
 - Job Suitability Assessment
 - Medical Examination
 - o Portland is able to hire non-citizens. There is an applicant from out of state but COVID-19 delaying process.
- Training – Use of Force
 - o Training requirements to start patrol (at least 34 weeks):
 - Pre-academy: one week, 40 hour training to prepare for the police academy.
 - 18-week police academy where officers are certified upon completion.
 - Post-academy: one week of scenario training.
 - 14 weeks of field training that includes decision making and interpersonal skills.
 - o Mandatory Annual Training
 - 2020

- Situational Use of Force
 - Assessment & Decision making
 - New Law Updates
 - Approach to Substance Use Disorders
 - Since 2018, included:
 - Responding to Mental Health Crises
 - Policing the teen brain
 - Impaired Driver Recognition
 - Human Trafficking, Death and Sexual Assault investigative training
- Training – Bias / Cultural Awareness
 - 2016 - 100% of Sworn Officers Trained Implicit Bias
 - 2018 - 100% of Sworn Officers Trained Implicit Bias
 - June 3, 2020 - scheduled implicit bias training postponed due to COVID-19
 - June 2020 - 100% Cultural Competency online training
 - 2018 HR Diversity & Inclusion Seminar - all personnel
 - Explicit / Implicit bias
 - Responding to acts of bias
 - Respect for diversity, equity & inclusion
 - 2020 Reducing Bias in the Hiring Process
 - Police Recruitment / HR staff
- Training – De-escalation
 - Crisis Intervention Training (CIT), a 40 hour training by the National Alliance on Mental Illness (NAMI).
 - All officers must complete within the first two years of service.
 - Verbal Judo
 - 16 hours of training.
 - All officers must complete within the first two years of service.
- Use of force reporting:
 - 2019
 - Of the total calls, officers used force approximately 0.13% of the time.
 - Of the total arrests (2,651), officers used force approximately 3.8% of the time.
 - Anything other than unresisted handcuffing is reportable for a low threshold to document when officers are going hands on.
 - Hand guiding is not considered a use of force.
 - Every use of force must be investigated by the on duty supervisor.
 - Interviews the officer, person who force was used against, identify witnesses.
 - Take photos of any injuries and compile in a packet report.
 - Report packet reviewed up the chain of command.
 - Reviewed individually by a use of force committee.
 - Reviews against use of force and department policies.
 - Makes recommendations such as training or policy changes.
 - Command staff will issue corrective actions as needed.

- Body camera review provides feedback to officers including in performance evaluations.
- Performance management review (PMR)
 - It is an early warning system; PMRs are triggered when an officer has:
 - Three uses of force in a 90 day period.
 - Seven uses of force in a 365 day period.
 - 2 disciplinary actions within 12 months.
 - A supervisor can request one at any time.
 - This tool is used by supervisor to resolve and Identify issues, allowing for a granular review of each data point.
 - PMRs results are used to make an action plan that can include:
 - Counseling
 - Referral to Employee Assistance Program
 - Performance goals
 - Increased supervision
 - Referral for fitness for duty evaluation
 - Creation of a Job Improvement Plan
- Department accepts all complaints.
 - Violations of law or SOP.
 - Outside the department would be written or verbal complaints.
 - Inside the department is usually a supervisor but can be anyone.
 - Internal complaints sometime outnumber external complaints in a year, demonstrating that the department supervisors are
- Police Citizen Review Subcommittee
 - Sees all evidence that is shared internally.
 - Subcommittee of seven individuals see all documents and bodycam footage because it is in executive session.
- Body Cameras are required during any law enforcement encounter.
 - This includes any request for consent, such as searching a vehicle.
 - Body cameras are only turned off in specific situations, such as when a victim requests it or there is a privacy concern.
 - Body cams are not turned on for limited and defined actions (Note: listed on slide 30).
 - Constitutionally Protected Assembly:
 - Bodycams used for documenting violations of law.
 - Recordings are not used for intelligence or to identify individuals not engaged in criminal activity.
- 8 Can't Wait Principles
 - Ban Strangleholds and Neckholds
 - Prohibited unless deadly force is justified
 - Require De-escalation
 - Required to attempt de-escalation except in the case of an immediate attack on an officer or 3rd party
 - Require Warning Before Shooting.
 - Warning required if feasible and if it won't endanger the officer or others.
 - Require Officer Exhaust All Alternatives Before Shooting

- Clear goal of any interaction, not articulated in policy.
- Impose a Duty to Intervene
 - Officers have a duty to intervene and report any unreasonable use of force by other officers.
- Prohibit Shooting from a Moving Vehicle
 - Prohibited unless exigency, with expectation of articulable reason to use such force
- Require Use of Force Continuum
 - Now Situational Use of Force Matrix. Force must be proportionate / responsive to the threatened force
- Require Comprehensive Reporting
 - Officers must report any force greater than hand control / escort for purposes of handcuffing or escort.
- National Consensus Policy on Use of Force
 - Best practice use of force policy made from a collaboration of 11 law enforcement organizations.
 - Most use of force policies are based in common law and statutory law on when deadly force can and cannot be used; specific use of things such as tasers are more location based in local case law.
 - Addresses, among other topics:
 - Preservation of human life.
 - De-escalation
 - Chokeholds
 - Shooting at / from moving vehicle
 - Warning shots
 - Lethal / Less Lethal force guidance
 - Guide for national law enforcement policy making.
- 21st Century Policing
 - Post Ferguson (2015) Presidential Task Force
 - Best practices to strengthen community policing and increase public trust
 - 59 recommendations and 92 action items
 - A collaboration of law enforcement leaders, police unions, academia, civil rights organizations, and community members
 - Working on a checklist to see where the Portland Police Department is relative to each of the recommendations.
 - 6 Pillars:
 - Building Trust and Legitimacy
 - Policy and Oversight
 - Technology and Social Media
 - Community Policing and Crime Reduction
 - Training and Education

- Officer Wellness and Safety
- Next Steps
 - Strategic Planning (5-Year Plan)
 - Internal and community input.
 - Paused due to COVID-19.
 - Enhance Outreach, Engagement, Listening and Transparency
 - Community Policing - agency culture
 - Engage COPS Office Community Engagement SME
 - Policies added to the website.
 - Continuing Review and Revision of Current SOPs & Related Training
 - High liability policies that the State considers mandatory.
 - Use of Force (Transitioning to “Response to Resistance”)
 - “Force” is a statute-required term but will transitioned out in officer training to shift the paradigm.
 - Internal Affairs
 - Domestic Abuse
 - Pursuits
 - Hostage / Barricade Incidents
 - Hate/Bias crime
 - Adoption additional policies
 - Bias-based policing
 - Complete evaluation and implementation of Evidence-Based 21st Century Policing Recommendations.
 - Consider LE Accreditation to challenge agency, enhance management systems, and invite ongoing critical external review.
 - Consult with psychologist for additional pre-employment tools to screen for unwanted character traits.
 - Seek further diversification of workforce to more closely mirror community demographics. #JoinOurTeam!
 - Chief Clark encourages anyone interested law enforcement to consider the Portland Police Department as a possible employer.

Committee Questions and Discussion

- Chair Ray reiterated that there will not be public comment tonight.
- Councilor Chong asked: out of the 80,000 phone calls per year, how many end up being instances of arrests and use of force?
 - About 2,651 calls result in arrest; 101 of those resulted in the use of force: 3.8% of arrests results in the use of force.
 - Use of force often means resistance to arrest.

- Is it safe for a behavioral health professional in the department to respond without an officer; is it determined safe before a civilian is sent in?
 - Officers go to calls first and then call the behavioral health liaison in.
 - More populations use our City; why is there fewer resistance to arrest numbers over the past few years comparatively;
 - Cannot make an absolute claim, but the timing lines up with a decision-making model that prioritizes safety for the officers and the public in order to avoid the use of force.
 - Attempt to get voluntary compliance to get individuals to a hospital will increase the success of behavioral healthcare.
 - Councilor Chong noted that 100% of the officers receive bias training.
- Councilor Dusen thanked Chief and Command and the committee for the conversation. She posited areas of curiosity that she would like to hear more about in the future:
 - SOPs: there is a paragraph about duty to intervene that appears once and does not appear later.
 - Training may be difficult for new officers on their duty to intervene versus being insubordinate; what does this training look like?
 - Community policing: what does it look like in terms of specified positions and budget? What does this look like over time?
 - 21st Century Policing and the new police reform bill at the federal level: is there anything in that new bill that would send us in a different direction from the 21st century policing best practices?
 - Mayor Snider distributed the federal bill.
 - Commander Sweatt said that there is a break in responding officers where when an officer uses force, another officer takes over the situation.
- Councilor Mavodones has the Pingree bill and would like others if they exist. He asked about collective bargaining.
 - Are there things that must be bargained that should be talked about, or if they would be the purview of management. He requested a memo.
- Councilor Ali asked how many policing models exist? There are many different models existing over a broad ideological spectrum.
 - Councilor Ali asked if there is research available or web resources that explain different models.
 - A subcommittee has researched different models that can be shared.
 - Commander nacole.org is a resource for public models of citizen review.
- Councilor Thibodeau said he did not see anything on re-appropriation of military equipment from the Portland police. He requested a memo of what equipment we have and how much it is used.
- Councilor Thibodeau asked if there is a requirement that people move into Portland?
 - There is not a requirement for the PD personnel to live in the city
 - What percentage of the PD lives in Portland? Is it cost prohibitive to live in Portland?
 - He asked how many instances of riot gear use there are.
 - He asked about what types of calls officers respond to, specifically the use of non-officer personnel that could be sent to non-emergency or addiction calls and the efficiency of that deployment. (such as a sub-force portion of the PD)

- Mental health and other service professional can leverage resources with the department instead of training police officers.
 - When a smoke alarm goes off, two or three trucks show up and from the to put the fire out; would the department prefer a special team to be sent to overdoses?
 - Homeless Outreach services fall within some police departments in Boston where teams of officers go out to perform outreach that connects people to wrap around services.
- Mayor Snyder thanked the fast and comprehensive work the Chief Clark and Commander Sweatt turned around for the committee. She said that all want to be as responsive as possible and to address the systemic issues that need real change, understanding that the thinking and guidance is changing. The next policing is on the agenda, she would like to look at:
 - Federal police reform bill
 - Leadership Conference on Civil and human rights
 - 8 demands of the federal government that ar different from 8 Can't Wait.
 - 8 to Abolition
 - Original discussion was on 8 Can't Wait and the Obama Challenge and would like analysis on new emerging guidance as well.
 - The use of force is a consistent theme in the recommendations; the City is being asked to look at reforms to the use of force.
 - What does the department think about possible reforms or is there any information that may prompt changes?
 - Facial Recognition had come before the Council and is coming back where recent research may change views held.
 - She did not ask for responses now but that they would be part of the conversations gong forward.
 - Chief Clark said that there is new information where revisions could be made, making it clear that they are willing to make revisions.
- Councilor Cook suggested that the councilors undertake a review of other cities that took significant reforms of the police departments and the results of those reforms.
 - Specifically, there have been many emails around “defund the police” which she understands to be a number of specific reforms around specialized professionals who respond to specific situations.
 - Portland has already undertaken some of these recommendations such as the HOME Team funded through CDBG.
 - She has asked the Chief and professionals in the community to suggest example cities they know of, including Camden, NJ.
 - Councilor Cook asked about the policies requested by the Press Herald; it took six days for the department to produce the document and that other police departments have that document on their websites; are those uploaded on our website?
 - Yes, some were uploaded today; the original plan was to wait for the newest version of the manual. The policies are being uploaded as they are completed.

- Commander Sweatt praised Milestone Recovery and partnering healthcare providers and noted when some of the calls are in an area of the city a civilian may not be able to respond to, officers are equipped with Narcan.
 - The department is one of about 6 sites in the country that have mental health responses; departments come to Portland to study our model.
 - Substance use liaisons, Oliver Bradeen
 - Behavioral Health Coordinator, Jo Freedman
- Chair Ray asked: in terms of use of force is there some type of flow chart or order of operations that lay out steps taken before force is used?
 - Chief Clark described the old continuum that looked like steps that is still used in some training: Officer presence moving up to verbal persuasion, hands on physical restraint, impact or electronic weapon control up to deadly force. Now, Maine mandates the situational use of force model:
 - The officer is required to analyze the levels of resistance and indicators in a threat assessment matrix officers are trained on.
 - There are authorized response options under each level of resistance.
 - Situations are diverse and it is not always completely clear.
 - Maine Chief's model has distinct minimum standards for mandatory policies.
 - Model policies exist that meet minimum standards.
 - Commander Sweatt said that the department does not want to meet the standards, seeking to exceed the standards and look at many models.
- Chair Ray acknowledged that the system has largely worked for her and that her experiences are not representative. it will be incredibly important to have people with diverse voices who severely impacted by systemic racism; this is not a critique of the Portland PD, but a recognition the importance of inclusion of voices targeted by bias and left out.
- Chair Ray said increasingly police have been asked to take on roles outside of law enforcement: medical responders, mental health responders, etc.; how has this shift affected the Portland police department?
 - What other shift does the department see need to be made so that we are not asking officers to perform duties that are out of their depth?
 - Chief Clark praised Jo Freedman and Oliver Bradeen and that years ago he would not have imagined having mental health and substance use liaisons.
 - Police officers carrying and reviving people with Narcan was a real question if officers wanted to do this. When responding to these situations, it became obvious that this is what is needed to save a life.
 - There is not one specific duty they could stop without an impact to the community, but he does not know what that would look like years from now.
- Chair Ray said that many suggestions circulating such as 8 Can't Wait are short term actions that can be taken now, and that long-term ideas need to be discussed.
- Councilor Costa asked about the number of calls for service (slightly over 80,000):
 - What is overall arrest and are there different types of charges within those and is there information on # of individuals who go through arrests?
 - 2,651 calls resulted in arrest.

- There is some level of breakdown on types of calls for service and asked what information is gathered on individuals at that time:
 - Name
 - Date of Birth
 - Height
 - Weight
 - Gender
 - Race
 - Ethnicity
 - Councilor Costa said he thinks we will need to provide some of these data to the public while weighing against revealing personally identifiable information.
 - Is there some sort of disparate impact that these data can reveal?
 - Councilor Chong also wants to see the break down of arrests by race and;
 - How many suspicious persons calls have we had?
 - What the breakdown of race?
 - By neighborhood; is there an opportunity for community education?
 - Is there a breakdown of officer's use of force by race?
 - In the body cam footage George Floyd's death, a new officer is heard asking if they should put him on his side: is there training within the department to intervene, such as the "I got this" training?
 - Police review: civilians are not given access to internal reviews because of the model used; this is something that can be looked at.
 - We meet 7 out of 8 of the 8 Can't Wait Principles.
 - What is the principle we can improve on now?
 - In the past, dispatch was staffed by retired officers who had a greater sense of which calls needed police response.
 - Is there a way to train on calls that could reduce responses that could be handled by a summons?
 - Councilor Ali asked about officers that left service in one department with a bad record and are hired in a new location's department.
 - Is there a way to check that; do we check that?
 - The PD performs nationwide checks with motor vehicle and criminal history checks.
 - There is a national certification database to check if officers were decertified during previous service.
 - Councilor Ali recalled an episode of the Patriot Act with Hassan Minhaj that discussed police violence and a specific trainer, David Grossman who is popular with warrior policing training that trains officers to kill; do we use his training or training like this?
 - Chief Clark knows he has been to Maine and can check if officers have been to his training. While officers are trained on protecting themselves, the focus is having a guardian mindset to protect the community.
 - Councilor Ali: asked how much military equipment the Portland Police department has and when and how do we use it?
 - This will be answered by memo.

- Councilor Ali asked: does the department still has a kindness program that was an exercise that built relationships with the community.?
 - The police would partner with community and corporate partners to provide children with athletic equipment and food.
 - This is called positive ticketing.
 - “Caught you being good” “kindness ticket” coupon distribution to children.
 - More information will be provided.
- Councilor Chong asked about SRO officers that used to be called youth aid officers who wore plain clothes.
 - What incidents with children exists with out officers and is there differences seen when in and out of uniform?
 - Portland’s police is mostly white, but the school is 50% multicultural. Is there something gained from white officers having positive interactions with students of color who then share those interactions with officers on different bears? Is there data that show positive or negative outcomes of SROs?
 - The agency’s goal is to engage the community and have a positive outcome no matter how a situation may be.
 - Councilor Duson commented looking at community policing from counting FTEs to looking at what district teams do.
- Councilor Duson noted the shift from litmus tests moving from different guidelines and pull themes from them.
 - Some slides organize them into themes; can a matrix be created that checks against the existing policies against the emerging policy recommendations to help people understand how policies and areas of reform track.
 - This can hep create links between some of the data gathered in the Comstat process and those requested by Councilors.
 - This can put the Council in a better position to do policy review.
- Councilor Ali asked about officers reading Miranda rights; when someone does not speak English is arrested, do officers call a language line?
 - Officers must maintain effective communication which can include phone translation.
 - Officers will only use Miranda rights if people are in custody and being interrogated. A phone translator would be used in the jail.
- Councilor Ali asked about the protest on June 1st where 23 people were arrested involving regional police. Prefacing it is ok if he cannot say, Councilor Ali asked if it fair to request an external investigation?
 - The department is conducting an investigation to get a broader picture of the timeline of what occurred through review of after hour and incident reports.
 - On the 22nd there will be discussion in a workshop when PD will present timelines and camera coverage.
 - There has been a request by two councilors requesting third a part investigation.
 - The council may decide on the 22nd to ask for that investigation; if the council decided so, the city manager would be instructed to make it happen.
 - Mayor Snyder clarified that the initial request was for a council work shop to discuss the incidents that occurred during protests.

- The additional request for an independent investigation came in Saturday afternoon.
 - Two councilors have requested and both the Mayor and City Manager are working with the requests.
- Councilor Chong asked about SRO officers and the number of black and brown kids in schools afraid of police officers.
 - Because SRO officers come into contact with so many kids of color, do they get special training?
 - Do SRO formally train other officers?
 - As they are act as social workers, is there a social work educational requirement?
 - There is not a degree requirement but there is a 40-hour basic course and advanced course which are required.
 - It teaches youth brain development that explains decision making.
 - They receive bias training al officers get increase success
 - They are more engaged in restorative justice and are less likely to charge youth, and when they do, they follow restorative justice principles.
 - SROs goals are not to supplant school resources and identify at risk kids.
 - Is there an opportunity for officers to be well trained and perform a train the trainer role? Councilor Chong does not want the officers to be MSWs that supplant social workers, but that social work would education would be a progression of their role.
- Councilor Cook clarified that there was a request for a workshop and then there was a request for a report. Her request on Saturday was in reference to the report requested by Councilor Ali on June 3rd, that it would be have a more independent perspective. She understood a report will be given at the June 22nd workshop and open to more reports.
- Councilor Ali clarified that he requested an extended report to the council and the public.
 - Mayor Snyder will follow up with councilor Ali.
- Councilor Duson asked: is it a report that the council is asking the City Manager to gather and report out through a workshop on the 22nd?
 - There was an understanding there was a request for an independent investigation.
 - Councilor Duson is still interested in the summary from the department and independent investigation but is unclear on what is being done.
- Councilor Mavodones doesn't think this third hour of a committee meeting is the time to determine what to do and supports the police department's report. He is unsure either way on an independent investigation and will make a determination based on Council procedures
- Mayor Snyder read the email Councilor Ali sent and described the communication that confirmed the date of the workshop and that it wasn't until days later that there was a request for an independent investigation.
 - She is happy to keep supporting the suggestion of an independent investigation.
- Chair ray thanked the members of the public who attended the remote meeting and said next steps will be determined offline.

AGENDA ITEM 5 – Next Steps

- The next meeting is July 14th
 - What is one the agenda may be determined by the June 22nd workshop.
 - It is possible there could be a public hearing.

The meeting adjourned at approximately 8:18 PM.