

**City of Portland
Police Citizen Review Subcommittee**

**AGENDA
September 9, 2020
6:00 p.m.**

On Wednesday, September 9, 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 webinar:

<https://zoom.us/j/94764482507>

Or iPhone one-tap :

US: +13126266799,,94764482507# or +16465588656,,94764482507#

Or Telephone:

Dial(for higher quality, dial a number based on your current location): US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 947 6448 2507

International numbers available: <https://zoom.us/j/94764482507>

1. Call to Order at 6:00 PM
2. Approval of August 12, 2020 Minutes
3. General Public Comment Session
4. Further discussion of other models of citizen oversight boards and details on Providence and Cambridge models (Ms. Testa)
5. Discuss City Manager response to PCRS Memo

- a. CM Response PCRS.pdf
- 6. Discussion of work plan and progress towards other PCRS goals
 - a. PCRS Work Plan
- 7. Adjourn



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

September 8, 2020

[REDACTED]

Emily West, Chair
Police Citizen Review Subcommittee

RE: PCRS Recommendations

Dear Emily,

I want to thank you and the PCRS for all of your hard work on the memo dated July 8, 2020 and all of the hard work that you and the Subcommittee continue to do. I also want thank you for taking the time to talk with me a few weeks ago, and I appreciate the open lines of communication. While I am extremely proud of our Portland Police Department, I firmly believe that there is always room for improvement, and I appreciate the role that the PCRS is playing in helping us do exactly that.

I have addressed each of the PCRS's recommendations separately below, but I do want you to know that work on these items, and others, are ongoing and we are committed to continuing to improve the Police Department. I look forward to an ongoing dialogue with you and the Subcommittee about these and any other recommendations that you might have.

1. With respect to your recommendation to collect better data on individuals with whom the Police Department interacts, both Chief Clark and I wholeheartedly agree with the PCRS's recommendation. Currently, we are working on implementing a new CAD/RMS system that is projected to launch in January, 2021. This new system should bring with it significantly improved functionality that will assist the City with that goal.

Additionally, Chief Clark had already reached out through the Roux Institute and is seeking to partner with the Institute on Race and Justice of Northeastern University, as well as the Cutler Institute of USM to analyze historical data, as well as to help with reporting data in a meaningful way moving forward. These two institutes will help us look at historic race and age data for our interactions, and will set up a system for annual bias-based analysis and reporting moving forward.

Additionally, although this is only a small piece of the demographic picture, the Police Department is looking to improve its Internal Affairs and its Use of Force annual reports

to include further analysis. Additionally, both reports will be posted to the Police Department website moving forward to make them more accessible to the PCRS and members of the public.

2. The Chief is actively working on revising the Complaint/Commendation form to simplify the language to make it more accessible. I believe that you have been provided with a copy of the current draft. Once finalized, we will work with our Office of Economic Opportunity to have that translated into appropriate languages. Chief Clark and I apologize for the delay in moving this forward but, unfortunately, this was one of the issues that was delayed due to the pandemic. The new form is essentially complete, with the online version and translations aimed to begin no later than mid-September. The new form will be both printed in hard copy and made available on the website.
3. As for the business card recommendation, currently, SOP 10, Professional Conduct and Responsibility, essentially requires that officers “identify themselves by displaying the official badge and identification card before taking police action.” In addition, “upon request, officers are required to supply their name and badge number in a courteous manner.” Non-uniformed personnel can and do currently carry business cards and distribute them, as appropriate. Based on your recommendations, the Police Department will be investing upwards of \$7,000 to purchase additional business cards for uniformed personnel who have completed their probationary period as well.

We are not able to put an employee’s command and contact information on the business cards because that information often changes and it would not be cost effective to continue to reprint business cards. We will, however, put the website address for the Portland Police Department, rather than the general City of Portland page. This site will include access to the complaint / commendation form.

4. I appreciate your recommendation that the City put two citizens on the Police Department’s internal Use of Force Committee, and that the Committee consider a “reasonable citizen” standard in addition to the “reasonable officer” standard when reviewing use of force incidents.

First, the “reasonable officer” standard is a landmark legal standard that has been developed through extensive caselaw. For many reasons, it would be inadvisable for us to alter that standard, even within our internal review. Although this could further stifle police staff from their ability to be self-critical, I can also see some value in having a perspective on use of force incidents from outside of the Police Department. Because this is a complicated issue that could also have labor implications, Chief Clark and I will continue exploring our options for bringing additional perspective to the use of force review process.

5. I also appreciate your recommendation that the PCRS begin to review internal complaints as well as external. At this time, I am not going to put forward an ordinance amendment or recommendation for that change. In addition to potential labor implications, the Police Department has worked long and hard to foster an atmosphere where officers and supervisors understand the expectation that they report concerns about their colleagues and are comfortable doing so. The very last thing the City wants to do is stifle that willingness to report potential wrongdoing by other members of the Police Department.

Additionally, the role of the PCRS is to ensure that the Internal Affairs process is thorough, fair, objective, and timely. And while an outside review makes sense when investigating complaints from citizens who have no power to ensure the integrity of the process, I don't think that the same concerns apply to internal complaints.

That said, I do want you to know that Chief Clark is working with IA staff to **revise** the IA annual report in order to provide more accessible information, balanced with **personnel laws and privacy expectations**, in the hopes of improving the understanding of the types of internal complaints and their disposition.

In addition to these items, I do want you to know that the Police Department is interested in having members of the PCRS engage in ride-alongs to allow for some added insight and a sampling of their day to day performance and community interactions. The department is also – of its own accord – exploring ways to improve the IA process and public confidence in the Department. They are nearing completion of an internal assessment of the recommendations found in the President's Task Force Report on 21st Century Policing, and are also revising policies and procedures. One small example of this includes revising the IA SOP to help empower command staff members and move cases more quickly through the review process in order to provide closure for the benefit of the complainant and the officer(s) charged.

Again, I very much appreciate you bringing these suggestions to my attention and I look forward to your future suggestions as you continue your work.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon P. Jennings". The signature is stylized with a large, bold "J" and "P".

Jon P. Jennings
City Manager

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 and other sources
 - (2) Come up with a plan for bringing back information from NACOLE's annual conference webinars to the subcommittee

LEAD: Maria Testa (Kaylin Kerina, April Fournier)

- 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: Emily West (Reggie Parson)

2. Review 21st Century Policing Report and other sources for best practices in policing to recommend to the City Manager.

LEAD: Luke Beland (Kaylin Kerina)

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

LEAD: Maria Testa (Kaylin Kerina, April Fournier)

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: Kaylin Kerina

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 (general) • Finalize annual report • Debrief on initial NACOLE webinars • Presentation of other models of citizen oversight boards (Maria) • Update on progress toward other topics
September 9, 2020	• Public comment (general) • Follow up on work re other models of citizen oversight boards and additional NACOLE webinars – details on Providence and Cambridge models (Maria) • Discuss City Manager response to PCRS memo, if any
October 14, 2020	• Public comment • Formulate plan for recommendations for alternative models/processes and community engagement • Presentation on 21st Century Policing recommendations and other sources of best practices (Luke) • Review IA case
November 11, 2020	• Public comment

	● Review Annual Report for suggestions for 2020 data and changes
December 9, 2020	Public comment