



**Legislative Committee Meeting Minutes
April 27, 2021**

The April 27, 2021, remote Committee meeting was called to order by Chair Pious Ali at 8:02 AM on Zoom.

Councilor Pious Ali (Chair), Mayor Kate Snyder, Councilor Fournier, Jon Jennings (City Manager), Dena Libner (Chief of Staff), Kathy Jones (City Clerk), Frank Clark (Police Chief), Kristen Dow (Director, HHS), Kate Knox (Bernstein Shur), Alysia Melnick (Bernstein Shur), and Chris Feeney (Bernstein Shur) were present.

Councilor Fournier made a motion to approve the meeting minutes from April 13, 2021, seconded by Mayor Snyder, vote 3-0.

Committee members discussed LD 1468 with Chief Clark and Kristen Dow. Chief Clark advised that he was in opposition to the bill because while many of the measures contemplated are already used by the Department, allowing for local discretion in law enforcement is important. He and Ms. Dow discussed their collaborative approach to addressing behavioral health issues and offering services before, during, and after officer interactions.

Councilor Fournier asked if Chief Clark had had an opportunity to review the Racial Equity Steering Committee's recommendations to see where they might intersect with LD 1468. She added that she shares his concerns about giving up local control. Chief Clark said he had not yet reviewed the RESC recommendations. He discussed the partnerships PPD has with various community social service providers to ensure they're talking about needs and making sure the right people or organization is addressing specific challenges.

Mayor Snyder asked Ms. Dow to discuss social services. Ms. Dow echoed Chief Clark's statement that Portland already actively has a partnership between HHS and PPD to address homelessness. She said that maintaining local control over how local issues are addressed is important.

Kate Knox confirmed that no public hearing for LD 1468 has been scheduled yet. Councilor Ali said he did not want to vote on the Committee's position on this bill at this meeting and asked Chief Clark to prepare a memo on the RESC report and how it compares to LD 1468 prior to the Committee taking a position.

Kate Knox said the public hearing was unlikely to get scheduled before next week and that the Committee's decision could wait until then. Councilor Ali asked Ms. Dow to work with PPD on the memo.

Councilor Mavodones said that he would be included to vote in opposition to the bill or to monitor it.

City Manager Jennings voiced concerns about staff being directed to put together a memo regarding the RESC report and how it relates to the bill because the Council has not yet reviewed it. Mayor Snyder said she was not inclined to support the bill and was also fine with just monitoring it. Given the work Portland does and the feedback from staff, she feels that this bill wasn't designed with Portland and its current connectivity in mind.

Councilor Ali said he was comfortable monitoring it and was not sure whether he would support or oppose it. He agreed with Jon that a staff review of the RESC report would be premature.

Kate Knox addressed two bills that addressed qualified immunity for police officers: LD 214, which would eliminate it entirely, and LD 1416, which would limit it to certain circumstances. Chief Clark advised that the Maine Chiefs of Police Association and Department of Public Safety were opposed to both these bills because of the broad elimination of qualified immunity, and that he shared their perspective. He explained that the narrow form of immunity granted to police officers takes two things into account: whether the employee knowingly violated an established law, and whether there was a constitutional violation. He added that egregious actions like what occurred last summer in Minneapolis are not protected by qualified immunity. He also said that, operationally, such bills would result in officers being reluctant to make important split-second decisions that are vital to preserving public safety.

Councilor Mavodones said the issue was very complicated, and that he appreciates the Chief's expertise and explanation. There are a variety of factors and legal ramifications associated with this that he doesn't fully understand, and at this point he would be inclined to monitor the bill or collect a lot more information to support or not. He said that he would probably not support it if a decision needed to be made at this meeting.

Councilor Fournier agreed with Councilor Mavodones about how complicated this topic is. She mentioned federal and local work to address these issues, including the RESC report. She said there is so much packed into the two bills at hand that she was not yet comfortable supporting

these bills, but that more oversight of law enforcement was needed. She said she would support monitoring these bills.

Councilor Ali confirmed that written testimony could be submitted after public hearings.

Committee members discussed LD 1171 (*An Act To Curtail No-knock Warrants*) and LD 1127 (*An Act To Prohibit the Use of "No-knock" Warrants*), as well as LD 1043 (related to the execution of search warrants). Mayor Snyder asked Kate to monitor them and discuss as new information becomes available. Councilor Ali said it seemed the majority of Committee members wanted to monitor the bills and that he would go along with that, although his personal position had not changed.

Kate Knox raised two bills addressed at the last meeting: LD 1507 and LD 1508. Staff were supportive of both bills. Kate asked if the Committee wanted to take any action on either. Councilor Ali recommended monitoring both.

Kate Knox raised LD 1540, and noted staff's concerns about the bill's impact on City operations and budget. Councilor Ali and Councilor Fournier both voiced support for staff recommendations.

Councilor Fournier asked Kate if there had been any movement on hearings for LDs 926, 1401 and 1238 related to anti-trans bills and the single-sex shelter. She recommended a Committee discussion take place next week. Kate confirmed that public hearings on all were scheduled for May 6.

Councilor Fournier made a motion to adjourn the meeting, seconded by Mayor Snyder, vote 3-0. The meeting was adjourned at 9:00 AM.