

City of Portland
Police Citizen Review Subcommittee

AGENDA
October 13, 2021
6:00 PM

1. ZOOM Information

- a. On Wednesday, October 13, 2021 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 posting a recording of the meeting after it has concluded.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83517551661?pwd=cDh6U0NCS1FHWmc5MlpTVWRxckFMdz09>

Passcode: 292542

Or One tap mobile :

US: +13017158592,,83517551661#,,, *292542# or

+13126266799,,83517551661#,,, *292542#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 835 1755 1661

Passcode: 292542

International numbers available: <https://us02web.zoom.us/j/83517551661?pwd=cDh6U0NCS1FHWmc5MlpTVWRxckFMdz09>

2. Call to Order

3. Approval of September 8, 2021 minutes

- a. Attached.

4. Public Comment Session

5. Continued review of draft annual report (Chair West).

- a. Attachments (Report and Appendices)

6. Continued discussion of review criteria (Vice Chair Parson and Rev. Lewis).
 - a. Attached.
7. Adjourn

POLICE CITIZEN REVIEW SUBCOMMITTEE

July 14, 2021

Meeting Held Remotely Via Zoom

Members present: Emily West, Chair; Kaylin Kerina; Rev. Lewis; Anne Hardcastle; Tim Smith; Sarai Manyiel

Members absent: Reggie Parson, Vice Chair

Staff present: Anne Torregrossa

6:08 Call to order via Zoom.

Motion to accept minutes of July 14, 2021. Seconded. Roll call vote 6-0.

The PCRS briefly discussed the Remote Participation Policy and requested public comment. No members of the public commented on the Policy. Motion to adopt Remote Participation Policy as presented; seconded; roll call vote 6-0.

Rev. Lewis gave an overview of the summary of factors to consider when determining whether an IA investigation was timely, fair, thorough, and objective. Ms. West suggested making this into a checklist, and also providing introductory language addressing the purpose of the sheet. Ms. Hardcastle recommended updating the title to reflect that these are intended as guidelines. Rev. Lewis clarified that an individual's work on this worksheet is not a public document and that they would be only for the member's own notes. Ms. West shared a draft introductory paragraph and formatting that she had written. Rev. Lewis clarified that this checklist was voluntary and should not be used as the only tool available to members. The PCRS had further discussion of proposed changes, and ultimately decided to make further revisions and discuss the format again later.

Chair West then discussed her summary of the results of the PCRS community study. After discussion by the PCRS, Ms. West will revise and reformat her report for approval at the next meeting.

6:53 Motion to move into executive session pursuant to 1 M.R.S. Sec. 405(6)(F) to discuss IA2021-002; seconded; roll call vote 6-0.

7:31 Out of executive session.

Motion to find that IA2021-002 was thorough; second; roll call vote 6-0.
Motion to find that IA 2021-002 was objective; second; roll call vote 6-0.
Motion to find that IA 2021-002 was fair; second; roll call vote 6-0.
Motion to find that IA 2021-002 was timely; second; roll call vote 6-0.

Workplan for October:

- Annual report
- Community survey findings
- Finalize criteria review worksheet

7:41 Motion to adjourn; seconded; roll call vote 6-0.

**CITY OF PORTLAND
CIVIL SERVICE COMMISSION
POLICE CITIZEN REVIEW SUBCOMMITTEE**

2020 ANNUAL REPORT

Police Citizen Review Subcommittee

Emily West, Chair
c/o Corporation Counsel
389 Congress Street
Portland, Maine 04101
pcrs@portlandmaine.gov
www.portlandmaine.gov/pcrs

I. Introduction and Highlights from 2020

Overview of the Committee

The Subcommittee is tasked with determining whether police investigations into citizen complaints against police officers are “thorough, objective, fair and timely.” It does so by auditing the Police Department’s Internal Affairs Division’s investigative methods and procedures after an investigation is complete. This audit includes reviewing all video, audio, interviews, and written reports relating to the investigation. The results of these determinations are reported to the City Manager, as well as a statistical analysis of those results.

The Subcommittee evaluates the overall quality of Internal Affairs investigations using the following four criteria:

1. Was the investigation timely based on historical averages and the timelines of communication with the complainant?
2. Was the investigation completed in a thorough manner in which key evidence was pursued and analyzed?
3. Was the investigation fair and completed in an independent, confidential manner?
4. Was the investigation objective and completed in a professional, neutral and unbiased manner?

The Subcommittee also holds a public hearing at least annually to receive comments on the police-citizen complaint process. In ~~2020~~2019, the Subcommittee held public comment sessions at all of its meetings. It is charged with providing recommendations to the City Manager for improvements or modifications in the Internal Affairs investigative process, policies, or training, as well as recommendations for enhancing public confidence in the methods and process of investigation.

The Subcommittee does not directly take complaints about the City of Portland Police Department. However, a list of resources to file a complaint is attached as Appendix I.

2020 Membership and Meetings

The Police Citizen Review Subcommittee met 10 times (seven were virtual) in ~~2019~~2020 and considered ~~11~~eleven~~four~~ cases. Copies of the ~~2020~~2019 meeting minutes are attached as Appendix II.

Emily West served as Chair of the Subcommittee, and other members include Kaylin Kerina, Luke Beland, Maria Testa, Reginald Parson, Rev. Kenneth Lewis, and April Dawn. Lt. Cliff Strout led the Police Department’s Internal Affairs Division.

Highlights from 2020

Two key events in 2020 brought time for reflection and consideration of changes in the way the Police Citizen Review Subcommittee (PCRS) is structured and how cases are reviewed. First, the pandemic had a major effect on the number of cases the Subcommittee reviews in a typical year. During 2020, the PCRS only reviewed four cases due to the nature of the pandemic, compared to 13 and 11 cases in 2018 and 2019. Second, the tragic homicide of George Floyd brought greater attention to issues of police accountability around the country and this Subcommittee attracted the attention of our local citizens

more than ever, leading to several meetings with citizens voicing concerns over the limited role the Subcommittee plays in police oversight.

The reduced caseload in 2020 allowed the PCRS necessary time and space to start brainstorming ideas of how to better review cases and possible structural changes to the PCRS based on best practices from around the country. Below are some highlights of the PCRS in 2020:

- After hearing citizen concerns about police accountability and transparency during the summer, the PCRS sent a memo to the City Manager with several recommendations which are highlighted below, along with where each recommendation stands (see Appendix III for memo):
 - Collecting better demographic data on police interactions and arrests (in process)
 - Revising the commendation/complaint form to simply it and translate it into the most commonly spoken languages in Portland (done)
 - Implementing a business card policy where officers must provide citizens with a business card during an encounter (done, although officers not obligated to provide the card unless asked)
 - Including two citizens on the Portland Police Department's (PPD) Use of Force review committee
 - While the City Manager agreed to include one citizen on this committee, the selection and appointment process was not as the PCRS had laid out. The PCRS heard concerns both from its' members and from the public about this process and responded by sending a follow up memo reiterating that our original recommendation should be implemented (see Appendix IV for memo)
 - Allowing the PCRS to expand their role to review internal complaints as well--complaints submitted from within the PPD (not accepted)
- PCRS members requested and received funds allowing members to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) virtual annual conference. The conference provided numerous workshops and presentations on best practices, lessons learned, and different model approaches from around the nation.
- Driven by the knowledge gained from this conference and other research, the PCRS drafted proposed basic characteristics of a police oversight body which eventually became the basis of a community survey put out in early 2021.
- The PCRS also began drafting a document with suggested guidance for members to consider as they evaluate each of the four criteria measuring the overall quality of IA external investigations (fair, thorough, timely and objective). This document will be finalized in 2021.

Commented [EMW1]: I think this is accurate?

II. Analysis of Cases Reviewed in 2020

Figure 1 presents a review of the number of standard operating procedures (SOPs) that IA investigated as a result of citizen complaints, along with the number of these allegations that were sustained (e.g. a violation was confirmed). Since 2017 (when the PCRS started tracking data more systematically), a total of 89 SOP allegations from 37 citizen complaints were investigated. Of these, 21 allegations were sustained. In 2020, one of six total allegations across four cases were sustained.

Figure 1. Internal Affairs: Number of Allegations Investigated and Their Findings



Figure 2 shows the total number of citizen complaints that the PCRS has reviewed between 2017 and 2020. Of the 37 cases reviewed, 36 met all four criteria (timely, thorough, fair and objective). In 2020, the Subcommittee reviewed four cases, of which three met all four criteria.

Figure 2. PCRS: Total Cases Reviewed and Their Findings

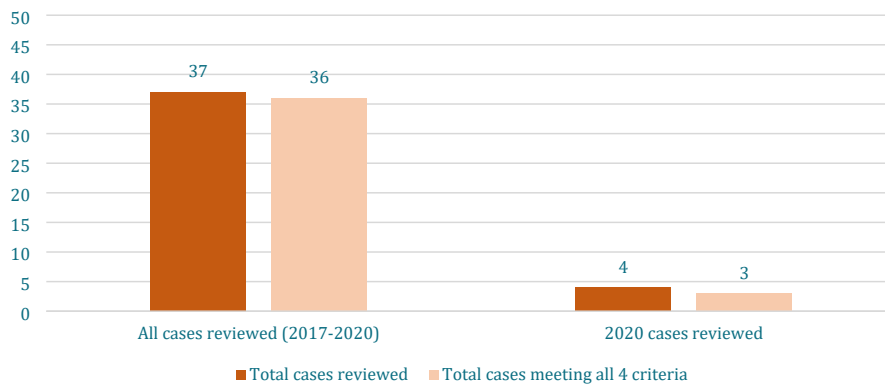


Table 1 provides further details about the cases that the PCRS reviewed in 2020. Below is an overview of the information contained in the table.

1. The nature of the complaint alleged, and the Standard Operating Procedure (SOP) allegedly violated. The SOPs involved in complaints reviewed by the PCRS in 2020 include:
 2. SOP 10, Conduct towards police
 3. SOP 10, Professional conduct
 4. SOP 10, Personal behavior
 - 5.1. SOP 86B, Body worn camera
- 6.2. The result of the Internal Affairs investigation. Potential results include:
 - a. **Sustained** – Sufficient evidence exists to indicate that the employee did, in fact, commit one or more of the alleged acts.
 - b. **Not Sustained** - No violation of Department rule, regulation or procedure or local, state, or federal law has been proven.
 - c. **Exonerated** - The incident occurred, but the employee's actions were justified, lawful, and proper.
 - d. **Unfounded** - Reasonably credible evidence exists to indicate the complainant's allegations are false.
- 7.3. Whether the Subcommittee found the investigation to be thorough, objective, fair, and timely.

Table 1. Overview of Cases Reviewed in 2020

Case Number	Allegations	Police Department IA Findings						PCRS Findings*			
		Sustained	Not Sustained	Exonerated	Unfounded	Cleared Exceptionally	No Finding	Timely	Thorough	Fair	Objective
IA2019-11 (1 employee)	- Conduct towards the public (SOP 10) - Body worn cameras (SOP 86B)	X	X					Y	Y	Y	Y
IA2019-12 (1 employee)	Professional conduct (SOP 10)				X			Y	Y	Y	Y
IA2020-03 (1 employee)	Personal behavior (SOP 10)				X			Y	Y	Y	Y
IA2020-04 (2 employees)	Professional conduct (SOP 10)				X			Y	N	3-Y	N
	Professional conduct (SOP 10)				X					3-N	
TOTAL		1	1	0	4	0	0				

* Y=unanimous 'Yes' finding, N=unanimous 'No' finding. If PCRS finding was not unanimous a breakdown of Yes and No is indicated

Figure 3 highlights the most common types of allegations that internal affairs investigated between 2017 and 2020 combined and how many of those allegations were sustained (e.g. violation was confirmed). Conduct towards the police and use of force were the two most common categories of allegations, reaching nearly 20 each across the four year period. There were 14 allegations relating to unsatisfactory performance, followed by four allegations each of impartial attitude and SOPs relating to mandatory recording and body worn cameras. See Appendix V for a full accounting of specific allegations in complaints between 2017 and 2020.

Figure 3. Most Common Allegations Investigated by IA*
2017-2020



* There was one category of allegation that had 6 allegations (general responsibility), but 5 of those were from one incident, so it was not included in this figure.

Table 2 presents available demographics of the complainants in the cases reviewed by the Subcommittee since 2018, in 2019. All demographic information was either self-reported by the complainant, or reported by the Police Department in related documentation. The Subcommittee plans to track this information going forward and hopes to have more complete data in future annual reports.

Table 2. Demographics of Complainants

Demographics		Total 2018 -2020	2018	2019	2020
		# out of 28 complaints	# out of 13 complainants	# out of 11 complainants	# out of 4 complaints
Age	Younger than 40	12	7	4	1
	Older than 40	8	3	5	
	Age unknown	8	3	2	3

Commented [EMW2]: Not sure whether to highlight in the text here the sustained portion of this. It feels like we would be making something of the numbers sustained across categories when it is not that clear cut. For example, the unsatisfactory performance category was more likely than some other categories to be sustained, but that could really just have to do with the specific cases, not the category. Also, the mandatory recordings are all sustained because officers are required to record and these allegations were added on by command.

Commented [EMW3]: PCRS members – Here is the info we have on demographics to date. I know we have discussed that this information is not very helpful, considering there is a lot of missing data AND the ns in each year are low. I am trying to figure out if/how to include this in the report? I added a new column that sums up the totals across the years available, but the missing and low Ns still make it hard to say much.

Demographics		Total 2018 -2020	2018	2019	2020
		# out of 28 complaints	# out of 13 complainants	# out of 11 complainants	# out of 4 complaints
Gender	Male	14	8	5	1
	Female	12	5	6	1
	Gender unknown/other	2	0	0	2
Race	Black	7	3	3	1
	White	5	2	2	1
	Race unknown/other	16	8	6	2
Residency	Portland resident	17	9	6	2
	Other resident	8	3	5	
	Residency unknown	3	1	0	2

III. Looking Forward ~~in 2020~~

Below are some highlights of the Subcommittee's goals for 2021.

- Develop a community survey to gain feedback on possible structural changes to how police oversight is carried out in Portland.
- Consider what direct role, if any, the PCRS should have in promoting structural change and what that change should look like (especially considering the various other bodies that will likely touch on this issue – the Racial and Equity Steering Committee and the Charter Commission)
- Continue to strengthen and expand community engagement and outreach and find new ways to incorporate community voices

Appendix I. Resource List for Filing a Complaint

Appendix II. 2020 Meeting Minutes

Appendix III. Memo to City Manager 7/8/20: Recommendations from the PCRS

Appendix IV. Memo to City Manager 12/9/20: PCRS Position on Use of Force Subcommittee

Appendix V. Overview of Allegation Types and If Sustained by Years Available

SOP Allegations	2020		2019		2018		2017	
	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained
Conduct toward the public	1	0	5 (5 cases)	0	6 (5 cases)	1	7 (5 cases)	1
Divulging police information	0	-	0	-	1	1	1	0
Failure to make a police report	0	-	0	-	1	1	0	-
General responsibility	0	-	1	0	5 (1 case)	0	0	-
Illegal arrest	0	-	0	-	0	-	5 (2 cases)	0
Illegal/warrantless search	0	-	1	1	3 (1 case)	2	0	-
Impartial attitude	0	-	3 (3 cases)	0	1	1	0	-
Improper handling of evidence	0	-	0	-	1	0	0	-
Body worn cameras	1	1	0	-	0	-	0	-
Mandatory recording	0	-	3 (3 cases)	3	0	-	0	-
Personal behavior	1	0	0	-	0	-	0	-
Professional conduct	3 (2 cases)	0	0	-	0	-	0	-

SOP Allegations	2020		2019		2018			
	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total All	
Proper action required	0	-	0	-	5 (1 case)	0	0	-
Race discrimination	0	-	0	-	1	0	0	-
Rumor	0	-	1	0	0	-	0	-
Stop and frisk	0	-	0	-	1	1	0	-
Theft by unauthorized taking	0	-	4 (1 case)	0	0	-	0	-
Uniform policy	0	-	0	-	1	0	0	-
Unsatisfactory performance	0	-	4 (4 cases)	2	7 (5 cases)	4	3 (2 cases)	3
Use of force	0	-	5 (3 cases)	0	4 (3 cases)	0	9 (4 cases)	0
Total	6 (from 4 cases)	1 (14%)	27 (from 11 cases)	6 (22%)	37 (from 13 cases)	11 (30%)	25 (from 9 cases)	4 (16%)

APPENDIX 1
PCRS 2020 ANNUAL REPORT

LIST OF RESOURCES TO FILE CITIZEN COMPLAINT

Complaints or concerns about the City of Portland Police Department can be filed in several different ways, including:

In person:

City of Portland Police Department
109 Middle Street
Portland, Maine 04101

Online:

<https://www.portlandmaine.gov/FormCenter/Police-Department-3/Citizen-Input-43>

By telephone:

Portland Police Department Shift Commander
(207)874-8555

Portland Police, Internal Affairs
(207)756-8352

By filling out a paper form, available at:

City of Portland City Manager
City Hall, Room 208
389 Congress Street
Portland, Maine 04101

City of Portland Police Department
109 Middle Street
Portland, Maine 04101

East Bayside Community Policing Center
81 East Oxford Street
Portland, Maine 04101

West End Community Policing Center
166A Brackett Street
Portland, Maine 04102

Munjoy Hill Community Policing Center
134 Congress Street
Portland, Maine 04101

Parkside Community Policing Center
510 Cumberland Avenue
Portland, Maine 04101

Midtown Community Policing Center
26 Portland Street
Portland, Maine 04101

Portland Housing Authority Community Policing Center
14 Baxter Boulevard
Portland, Maine 04101

Portland Housing Authority Office
14 Baxter Boulevard
Portland, Maine 04101

Riverton Community Center
1600 Forest Avenue
Portland, Maine 04103

Appendix II.
PCRS 2020 Annual Report

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Minutes
January 8, 6:00 PM
Room 24, City Hall

Members Present: Michael Harris, Chair; Luke Beland; April Dawn; Emily West; Maria Testa

Staff Present: Lt. Cliff Strout; Anne Torregrossa, Associate Corporation Counsel

Public Present: None

6:00. Meeting called to order.

Motion to approve minutes of 11/13/19. Seconded. Passed 5-0.

Discussion of public meeting on 2/12/20. Chair Harris will do introductions and explain purpose of meeting. Then will go into content of brochure, and would like to divide that between two other members. Ms. Testa will take the first part and Ms. West will take the second.

Anne will organize 50 copies of the pamphlet, 5 copies of the ordinance, and 5 copies of the annual report. Chair Harris will bring some complaint/commendation forms.

Chair Harris will reach out to Jessica Grondin to publicize meeting. Mr. Beland has reached out to a teacher friend who has connected him with a teacher who teaches a street law course. PCRS suggested reaching out to school contacts and resource officers.

Potential future sites of off-site public meetings: Reiche, East End, and Riverton community centers. Rowe, Ocean, Lyman, and King also have meeting spaces. Casco Bay and Deering High Schools are also good options. The high schools and community centers are top priority. Decision to go to Casco Bay, Deering, Reiche, East End, and then Riverton.

PCRS discussed workplan for 2020 as proposed by Chair Harris. Subcommittee decided to focus on off-site meetings for this year, unless things significantly change.

Discussion of who might take over the Chair position if Chair Harris is term-limited out and has to step down. Chair Harris talked about position responsibilities and philosophy.

6:35 Motion to adjourn. Seconded. Passed 5-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

**February 12, 2020
Portland High School Library**

Members present: Mike Harris, Chair; Emily West; Maria Testa; Luke Beland; Kaylin Kerina; Reggie Parson

Staff present: Lt. Cliff Strout; Anne Torregrossa

6:00 Call to order.

Chair Harris gave a brief overview of the goals of the Subcommittee meeting in alternative public spaces.

Subcommittee members, staff, and members of the public gave brief introductions.

Ms. Testa gave an overview of the PCRS mission; the process of getting on a City committee; and the conduct of the meeting, including a public portion and executive session portion. Ms. Testa gave a summary of the type of information that the PCRS reviews and the evaluations that the Subcommittee undertakes for each investigation. The PCRS submits a report to the City Manager making suggestions to increase confidence in the complaint process, and holds at least one public meeting to gather public input on that process.

Ms. West gave an overview of the police complaint/feedback form and passed out a sample form. Ms. West also discussed the limitations of the Subcommittee's authority. The complaint process proceeds through the Police Department's Internal Affairs division and Ms. West described that process and the chain of command review process. She outlined the different types of results from an investigation, including whether the allegations are sustained, exonerated, etc. and whether and what discipline is appropriate. Once a decision is final, the PCRS reviews the entire IA file.

Ms. Testa discussed some of the misconceptions about the work of the PCRS, including that the Subcommittee does not meet with complainants. Chair Harris clarified that complainants do get a letter after the conclusion of the PCRS's work on a case.

Chair Harris gave an overview of the number of cases the Subcommittee handles each year. He also shared that other cities have police oversight committees, but Portland is one of the smallest cities with such a committee.

Mr. Parson explained that even though the PCRS does not have the ability to intervene in the disciplinary process, he did think there was value in having a public forum for citizens to voice concerns.

Mr. Beland shared that he thinks that there is value in the Police Department knowing that there is oversight, and that the PCRS provides a check on the IA process.

Ms. Testa explained that she thinks that even though Portland is a smaller city, it plays a key role in the state as the largest city and serves a function within the state similar to many larger cities.

Public comment offered that many people outside of Portland view Portland as a major city.

Lt. Strout shared that it is rare for a police department of Portland's size to have a dedicated IA division. He also shared that two-thirds of the complaints that IA investigates are generated internally.

Mr. Beland emphasized that IA also investigates internal allegations of misconduct, but the PCRS only reviews those generated from the public.

Chair Harris opened the floor up to public questions and comment:

- After public questions, members of the Subcommittee clarified that the PCRS serves an audit function, rather than direct investigation.
- A member of the public shared that, as someone who spends a significant amount of time near Preble Street Resource Center and sees many interactions with the police, he finds almost all of them to be professional.
- A member of the public asked whether the Subcommittee had a focus on particular areas of policing. Chair Harris explained that the PCRS reviews cases where someone has a complaint against the Police Department. Lt. Strout explained that they investigate complaints about police conduct that potentially violates policies, rules, and/or laws. Chair Harris described some of the types of complaints that the Subcommittee reviewed. Ms. Testa further outlined the types of complaints, including lack of respect or poor treatment.
- Members of the public shared that culture can create a barrier to clear interactions between the police and the public. The suggestion was to help the police break down that barrier so that people can see the police as a resource for help and not harm.
- A member of the public also shared that the police brutality issues across the country damages the trust in the police, particularly for immigrants with culture and language differences. A lady on Bishop Street may be a good resource to try to start a program to introduce immigrants to police officers to break down stereotypes. The language barrier is significant.
- A member of the public talked about a concern with the shelter and housing situation where the police were involved. He had concerns about a search of his property. Many immigrants cannot recover from negative interactions with the police. Despite his negative interactions he now has many police that are friends. He also emphasized the language and cultural

barrier. Many immigrants and immigrant children are living in fear and feel inferior. The immigrant community must also engage in the community and become police officers to help bridge that gap. Ms. Testa shared her experiences with children who regularly link racism with policing and there is significant fear. Public comment clarified that the City of Portland is more progressive but outside of Portland is much worse. However, trust between groups takes time.

Chair Harris asked how the PCRS could better get themselves out into the public:

- Direct contact from Subcommittee members was effective.
- Public comment suggested reaching out to other communities to let them know that the PCRS exists and what its role is. Chair Harris shared that is the goal of holding meetings in the schools instead of just in City Hall. A suggestion was to hold meetings in churches and religious centers because they are a place for immigrants to congregate.
- Homeless Voices for Justice goes to religious centers to encourage advocacy.

Additional public comment:

- There are places to reach immigrants, and Chief Craig used to understand how to reach those populations. Then they brought the police to those places to engage in conversations, including Kennedy Park, which helped to reduce problems in those areas.
- A question was posed whether the Subcommittee covered only Portland and it was clarified that it was only for Portland and Portland officers.
- Public comment shared that helping people understand was important to trust.

Ms. Kerina asked about whether the pamphlet and compliant form are in alternative languages. Lt. Strout explained the complaint form is only available in English but people can fill it out in any language. PD is also sure to get interpretation services when needed. Ms. Kerina suggested reviewing what languages the pamphlet and complaint form should be in.

- A member of the public shared that lack of translation services could also create a barrier to attendance and participation.
- Another member shared that there could be similar barriers to participation by homeless individuals.

Chair Harris stated that the next meeting will be on March 11, 2020 at 6:00 in Room 24 in City Hall.

7:32

Motion to adjourn. Seconded. Passed 6-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

March 11, 2020
Portland High School Library

Members present: Mike Harris, Chair; Emily West; Maria Testa; Luke Beland; Kaylin Kerina (non-voting)

Staff present: Lt. Cliff Strout; Sgt. Chris Dyer; Anne Torregrossa

Public present: Jim Devine, Homeless Voices for Justice

6:03 Call to order.

Motion to approve minutes of January 8, 2020. Seconded. Passed 4-0.

Motion to approve minutes of February 12, 2020. Seconded. Passed 4-0.

Debrief of February 12, 2020 meeting.

Presentation – using pamphlet was good to give overview.

Location – getting to room was difficult, but room itself was fine. Come prepared with signs to help navigate to room.

Feedback from public – Ms. Testa's outreach was the reason that all of the guests attended and she wishes that they had done more. City needs to do more for advertising for the Subcommittee, including social media. Ms. Testa reiterated that Subcommittee needs to go where the people are, sending an email, etc.

Mr. Harris suggested that outreach might include sending announcement of next public meeting to targeted groups.

Ms. West noted that they heard many things that aren't under the PCRS's control, and the Subcommittee should discuss what to do with that information. Much of the feedback came with respect to immigrant communities and fears of police from national events and interactions with other police.

Lt. Strout explained that type of feedback centers around policy issues that take place at the command staff/Chief level.

Chair Harris suggested talking to the Chief and asking about his policy direction in these areas.

Sgt. Dyer talked about the Community Policing centers as a resource for the communities and to bridge the gap between the public and PD. Chair Harris suggested that it might be important to reach out to organizations that work with new immigrants and understand their work.

Ms. Testa explained that there are many other groups that serve the immigrant population, but felt that the value is to inform the Subcommittee on issues surrounding policing. Ms. Testa feels like there is an opportunity for more listening and communication. Ms. Testa feels like there should be an opportunity to revisit the Subcommittee's purview.

Mr. Harris is interested in ensuring that new immigrants understand the basic functioning of the PCRS, and when they met and what they do.

Mr. Devine shared that he hadn't known about the Subcommittee previously. He was aware of many new Mainers at the meeting. Mr. Devine shared that Homeless Voices for Justice had a productive conversation with former Chief Sauschuck about CT orders from public spaces. HVJ also attends the policy academy every year to train candidates about interactions with homeless individuals. There is also a bill to have homelessness be a protected class under the Maine Human Rights Act. Mr. Devine suggested having a good connection with certain groups who serve new Mainers as well as HVJ. Anna Brewer would be the appropriate contact for HVJ.

Mr. Beland shared that he heard people say that it was valuable to understand there was a complaint process and that mistrust might be overcome by community events bringing the PD and community together. It might be helpful to hear about the community policing program. Chair Harris will contact the Chief to ask for a community policing representative to come talk to the Subcommittee.

Ms. Karina suggests that information needs to be accessible, including translations and interpreters. Ms. Karina also suggested that younger populations might be interested in this, including high schools and universities, including USM, SMCC, etc.

Discussion of next public location meeting at Casco Bay High School. Ms. Testa and Ms. Fournier are still discussing with the Casco Bay principal. Goal is for May meeting there. April meeting will be regular meeting in City Hall.

Discussion of Annual Report. The Subcommittee suggested several changes. Ms. West is going to draft some additional narrative for the report.

6:54 Motion to move into executive session pursuant to 1 M.R.S. § 405(6)(A) to review IA investigations. Seconded. Passed 4-0.

7:18 Motion to come out of executive session. Seconded. Passed 4-0.

Motion to find that IA2019-0012 was thorough, objective, fair, and timely. Seconded. Passed 4-0.

Motion to nominate Ms. West as the new Chair of the Subcommittee. Seconded. Passed 3-0 (Ms. West abstained).

Chair Harris gave parting remarks and thanked everyone for their efforts, including Subcommittee members and staff. The Subcommittee also thanked Chair Harris for his service.

7:21 Motion to adjourn. Seconded. Passed 4-0.

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

POLICE CITIZEN REVIEW SUBCOMMITTEE

July 8, 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; Sgt. Cliff Strout; Lt. Chris Dyer; Anne Torregrossa, Associate Corporation Counsel

6:00 Call to order via Zoom.

Discussion of June 10, 2020 draft meeting minutes. Motion to approve, second, approved 7-0

Discussion of June 24, 2020 draft meeting minutes. Motion to approve, second, approved 7-0.

Introduction of draft memo to City Manager with PCRS initial recommendations.

- Ms. Testa asked that the PCRS consider recommending two interim citizens sit on the use of force committee and identify other emerging resources in addition to the 21st Century Policing task force as sources of best practices. Rev. Lewis asked whether the memo should cite to the specific governing SOP.
- Michael Kebede, Policy Council to the Maine ACLU provided public comment that the Police Department is asked to do too much, including responding to issues resulting from mental health issues. Mr. Kebede suggested that the PCRS consider a recommendation to change the model that prioritizes having mental health professionals responding to such calls.
- The PCRS discussed the memo and made several changes.

Motion to approve the memo as amended, second, approved 6-0 (Ms. Fournier left the meeting during public comment).

The PCRS discussed Mr. Kebede's comments and discussed the PCRS's role in making such recommendations. The Committee determined that this would be an issue to be discussed within the context of its existing workplan.

The PCRS discussed the draft workplan and made assignments for who would lead the research and recommendations on each point. The PCRS mapped out a plan for August and September meetings.

7:14 Motion to move into executive session pursuant to 1 M.R.S. § 405(A) to discuss a confidential Internal Affairs report, second, approved 6-0.

7:58 Back to public session. Motion to find that IA2019-11 was timely, fair, thorough, and objective, second, approved 5-0 (Ms. Testa abstained).

8:08 Motion to adjourn, second, approved 6-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

August 12, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Major Frank Gorham; Lt. Cliff Strout; Sgt. Chris Dyer; Anne Torregrossa

6:03 Call to order via Zoom.

Motion to accept minutes of July 8, 2020. Seconded. Roll call approval 6-0.

PCRS discussed Annual Report and made changes to draft presented. PCRS took public comment, which commented on Annual Report and PCRS efforts in general. PCRS made further changes to draft Annual Report. Motion to accept Annual Report as amended. Seconded. Roll call approval 6-0. PCRS discussed distribution of the Annual Report to include to City Manager, City Council, website, and potential news blast.

PCRS briefly discussed their participation in NACOLE annual conference, which is being held via webinar. All members who have attended have found the webinars very valuable.

Ms. Testa discussed alternative options for citizen oversight. She explained the 13 principles of effective oversight and 7 characteristics. Ms. Testa stated that she believes the current ordinance is inadequate to allow the oversight board to be effective. Ms. Testa then went on to discuss that there are three different “models” of oversight and some hybrid models.

Chair West added comments that changes can and should be positive and that she thinks that transparency can be valuable. Chair West and Ms. Testa agreed that participation from the public is important. Chair West expressed interest in learning more about Cambridge and Providence models and possibly having the chair of one of those cities talk with the PCRS.

Ms. Kerina discussed the importance of engaging the community, gaining community trust, and documenting the process.

Ms. Fournier believes that the changes that the PCRS goes through would be excellent to develop as a learning model for other communities. She asked if there were additional models in New England that the PCRS should be looking at. Ms. Testa stated that New England did not have much police oversight.

Mr. Beland reiterated the importance of community involvement in the process. He questioned whether the PCRS is the right vehicle to engage in this work and that there are other groups that have more visibility in the community. He suggested that the PCRS instead try to contribute to the work of the other bodies that may be better suited to the work.

Ms. West did state that the PCRS does have its own agenda and should engage with the public and engage with other groups that have been formed.

Public comment applauded the efforts of the Subcommittee to look at alternative models and offers recommendations to the PCRS in their work.

Motion to adjourn. Seconded. Roll call approval 6-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

September 9, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Major Frank Gorham; Lt. Cliff Strout; Sgt. Chris Dyer; Anne Torregrossa

6:03 Call to order via Zoom.

Motion to accept minutes of August 12, 2020. Seconded. Roll call approval 6-0.

Ms. Testa discussed the PCRS first annual report issued in 2003, which states that PCRS was created to address the issue of public confidence following a highly publicized incident. PCRS scope was crafted after MLRB decision. In Ms. Testa's research, she has not found any board that has similar scope. Ms. Testa reviewed some historical information from the PCRS, including recommendations.

Ms. Testa shared a written summary of her research into other review boards in New England. Ms. Testa presented a summary of the PERA board from Providence, RI. Ms. Testa answered questions by the PCRS about the Providence board. Ms. Testa next presented a summary of the review board in Cambridge and responded to questions from the PCRS.

The PCRS discussed next steps with respect to further discussions about alternative ideas. Ms. Testa will come up with a handful of points to discuss further. Ms. Testa stated that she does think it is critical to engage the public in this process.

The PCRS next discussed the City Manager's responses to the PCRS memo of recommendations. The PCRS is pleased with the collaborations with universities but wants to ensure that the projects follow a definite timeline and would appreciate updates on the project. Rev. Lewis also expressed concerns about the loss of data in converting to a new CAD/RMS system, and Major Gorham and Ms. Torregrossa both stated that this is something the City is sensitive to as well.

With respect to the complaint form, the PCRS commented that it is more readable and accessible. Ms. Kerina suggested that they explore suggestions for additional places to put paper forms to make them more readily available.

As for the business card policy, the PCRS got clarification from staff about the information that would be on the card, when cards would be distributed, and whether a member of the public could ask an officer to provide their supervisor's information.

The PCRS discussed the City Manager's response to the recommendation that citizens be appointed to the Police Department's internal use of force committee, and is generally disappointed in the response. Ms. Torregrossa clarified that both the City Manager and Chief Clark saw value in the suggestion and were interested in exploring the idea further. Rev. Lewis reiterated his position that it is important to have an outside voice on the committee to bring perspective and public confidence in the process. He also stated that he would appreciate a more definitive process for moving forward with the suggestion.

The PCRS also expressed disappointment at the City Manager's response to their suggestion that the PCRS review internal complaints as well as external. Rev. Lewis stated that there is a benefit and that the City shouldn't shy away from change. Ms. West and Ms. Kerina expressed confusion at the statement that a citizen presence might stifle reporting, as they believe that a citizen shouldn't be a threatening presence. Rev. Lewis stated that he felt this was important in being proactive and contributing to transparency. Ms. Testa stated that other places have citizen review over all complaints and that it could assist with identifying trends, such as for early intervention for problem officers. Major Gorham informed the PCRS that the Police Department did have internal procedures for identifying potentially problem officers. Ms. West stated that being able to review all complaints was important to allow the PCRS to fulfill its function in identifying recommendations for policy changes.

The next step for the PCRS is to try to put together a framework for recommendations for changing the role of the PCRS. The Subcommittee discussed extensively the need to gain public input on any changes, the public's perception of the police, and other issues. With that in mind, the PCRS finalized the workplan for October.

8:42

Motion to adjourn. Seconded. Roll call approval 6-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

October 14, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Major Frank Gorham; Lt. Cliff Strout; Sgt. Chris Dyer; Anne Torregrossa

6:03 Call to order via Zoom.

Motion to accept minutes of September 9, 2020. Seconded. Roll call vote 6-0.

The PCRS began preliminary discussions of how to discuss and move through the list of ten items pulled together by Ms. Testa. Rev. Lewis pointed out that item 10 (control over jails) was outside the scope of the PCRS. Mr. Beland suggested that at this meeting they discuss whether any members have any additions to the list. Ms. West made it clear that she did not intend for the PCRS to get into substantive discussions at this meeting.

Ms. Testa stated that she included the control over jails to start a conversation and that the PCRS could still discuss it even though it was outside the PCRS purview.

The Subcommittee will discuss the list more extensively next month.

6:09 Motion to move into executive session to review IA investigations pursuant to 1 M.R.S. §405(6)(A). Seconded. Roll call vote

7:45 PCRS moves out of executive session.

Motion to find IA2020-003 timely, second, 6-0.

Motion to find IA2020-003 fair, second, 6-0.

Motion to find IA2020-003 thorough, second, 6-0.

Motion to find IA2020-003 objective, second, 5-1 (Testa).

Motion to find IA2020-004 timely, second, 6-0.

Motion to find IA2020-004 fair, second, 3-3 (Lewis, Kerina, Testa)

Motion to find IA2020-004 thorough, second, 0-6.

Motion to find IA2020-004 objective, second, 1-5 (Lewis, Kerina, Testa, Beland, West).

Additional public comments:

Joey Brunelle suggested that the PCRS outreach for new members regarding any new openings for the PCRS. He also inquired about the Subcommittee's decision to vote on the four factors separately.

Ms. West explained that the Subcommittee felt that it couldn't vote on all four factors together on all of the cases, and thought that parsing it out provided more clarity.

(Rev. Lewis left the meeting).

The Subcommittee did decide that they would prefer not to have members of IA and command staff on as panelists while they were still using Zoom for meetings to increase the appearance of impartiality.

Motion to appoint Mr. Parson as vice-chair, second, 4-0-1 (Parson abstaining)

7:59 Motion to adjourn, second, 5-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

November 11, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Anne Torregrossa

6:02 Call to order via Zoom.

Chair West offered congratulations to Ms. Fournier on her election to the City Council.

Motion to accept minutes of October 14, 2020. Seconded. Roll call vote 7-0.

Ms. West stated that Chief Clark had reached out to her to get her feedback on the IA investigation that the PCRS did not find timely, fair, thorough, and objective. Ms. Testa asked what the questions were, and Ms. West stated that the PD wanted to learn from the findings and learn what the PCRS had found lacking in the investigation.

No public comment was offered.

The Committee began discussing the list of 10 recommendations for a police oversight body. The Committee then had a conversation about what was the end goal of reviewing the recommendations, and how to best complete that review. There was much conversation about where and how to go about evaluating recommendations. There was also a conversation about how the public has been minimally engaged in the PCRS, and maybe the PCRS could improve engagement.

The PCRS returned to the conversation about the various recommendations and crafted various recommendations and options with the plan to obtain public input on these options before finalizing recommendations.

(Ms. Fournier left the meeting)

(Ms. Testa left the meeting)

The PCRS discussed the agenda for next meeting, including continuing its work on recommendations for a review board and discussing ways to increase the accessibility of their meetings.

7:40 Motion to adjourn. Seconded. Roll call vote 5-0.

POLICE CITIZEN REVIEW SUBCOMMITTEE

December 9, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Anne Torregrossa

6:00 Call to order via Zoom.

Motion to accept minutes of November 11, 2020. Seconded. Roll call vote 6-0.

The PCRS discussed the memo from the City Manager to Chair West regarding his changes in response to the PCRS recommendations.

- Rev. Lewis stated that he was appreciative of the process and the results.
- Ms. Testa was not pleased with the results. She felt that the response does not represent what the PCRS had recommended and is counter to the recommendation. The City Manager's plan with respect to the internal use of force committee does not give the community transparency.
- Rev. Lewis expressed concerns that the PCRS keeps spinning its wheels and the all or nothing position is not productive. He would like some additional clarity on the PCRS mission.
- Ms. Testa sees the City Manager's position as no change. She read a text from a friend stating that there was not transparency when he was appointed to a different committee by the City Manager. Ms. Testa feels that City Hall is detached from the public.
- Ms. Testa also heard that the City Manager did not agree to allow the PCRS to review internal complaints, and the last case that the PCRS reviewed shows that internal investigations are not up to par. She wants to present that recommendation back to the City Manager.
- Mr. Parson stated that the parties came together and were fluid in their positions and made progress. This result might not make everyone happy, but it should give hope of progress. Mr. Parson hopes that the City Manager will advertise the position for the internal use of force committee openly.
- Ms. Testa wants to know what the process would be. She would volunteer for the position.
- Ms. West would like to know the process for appointment and whether there are any exclusions for candidates. She has concerns about the all or nothing position. Ms. West has 20 years of experience working with criminal justice agencies and knows what approaches work to get change.
- Ms. Testa feels that there has been no negotiation.
- Rev. Lewis stated that anyone could have made the recommendation regarding the use of force committee. He is concerned about how far the

PCRS thinks its arms reach into City policy. It is important to engage and celebrate progress. We are not at the goal line but have made progress.

The PCRS held public comment.

- Joey Brunelle stated that he agrees with Ms. Testa and feels like this only gives the illusion of representation. He also has concerns about how the representative will be chosen; the Police Department's veto power; any disqualifications; and how the person will be chosen. The process feels secretive.
- Kate Sykes has concerns about how the person is selected and indoctrinated in the Police Department procedures, etc. She did commend the PCRS in their work and encourages the PCRS to go negotiate on behalf of the public. It was telling that the PCRS did not even know there was a use of force committee.
- Em Burnett feels that this was something negotiated by the Police Department because of the ride along and training requirements. The PCRS should push forward.
- Leo Hilton thinks the response from the City Manager is unacceptable and he can't be unbiased. The Government may not support the PCRS but the people have their back. The training expectations are unacceptable.
- Carina Cilluffo stated that the public wants more than this and wants to see the process by which this happened. She wants to know what is going on in City Hall. She wants the PCRS to review what uses of force are occurring and get the full story.
- Hawo M. is shocked at what is going on, quoted Malcolm X, and stated that this is not progress.
- Kristen Cappy stated she is proud of Portland because of the protests and call for the City Manager's resignation, but there is more work to be done.
- Wes stated that he thinks the PCRS should be contentious with the Police and should be criticizing the Police. Some PCRS members should be ashamed.
- Christiana Marvray spoke on behalf of Black Portland organizers. She is tired of telling the City what they need. They have been ignored and told they don't know what they are talking about. The PCRS needs to listen to people and if they're not listening they're not doing their job.
- Todd Blanchette is a South Portland resident who works in Portland. He is concerned that what the PCRS is being offered is a compromise when when a person is abused that person will accept scraps. The PCRS was supposed to be a two-way street and the City Manager's offer is merely scraps. The PCRS should reject the compromise and demand citizen oversight.
- Leea stated that the community has been stating what they want and doesn't want to see the City Manager tear it apart. The City Manager proposal is not a good substitute.

The PCRS then discussed the public comment and next steps.

- Rev. Lewis wants to make a clear distinction between the police oversight process and the internal use of force committee. How the use of force committee operates is different than the PCRS's responsibilities.
- Mr. Parson questioned who the person would be and how they would be chosen. He questioned whether the same advertising process as for boards could be used.
- Ms. Testa thanked the public for their comment and feels that she is speaking into a vacuum. She thinks the community involvement of the PCRS needs to continue and the PCRS structure needs to change. We don't need change because the Police Department is good or bad, oversight is needed for any Police Department. History and structure are problematic and citizen oversight is needed. People should express their displeasure with the memo. The PCRS is not an advocacy organization by design but the community should express.
- Ms. Kerina is frustrated by the memo and happy with the community voices. She feels that they have taken steps backward and wants to make the process more accessible and equitable.
- Ms. West appreciates the public input. She did put public comment after the memo so that people could comment. Emily would like to know what the qualifications would be, and maybe the person needs other types of trainings.
- Rev. Lewis asked how to move forward with recommendations on structural changes.
- Ms. West did say they need to get back to structural changes but did want to respond to the City Manager.
- Mr. Parson has questions around the selection process.

The PCRS then had significant discussions around a response memo to the City Manager, a copy of which is attached.

8:34

Motion to adjourn. Seconded. Roll call vote 6-0.

MEMORANDUM

TO: Jon Jennings, City Manager
FROM: Police Citizen Review Subcommittee
DATE: December 9, 2020
RE: PCRS Position on Use of Force Subcommittee

The PCRS stands strong in staying with its original recommendation that the City Manager propose a change to the City Code in line with our recommendation that two citizens be appointed to the Use of Force Committee, and be appointed through the City Council process rather than only be appointed by the City Manager. While we recognize that we did initially recommend that you appoint two citizen members in the interim, your memo suggests that this is the permanent structure, which was not our intention.

We also heard concerns from Committee members and compelling, direct, and explicit public comment about the selection process of the appointee, which highlights why the PCRS recommends appointment through the more transparent City Council process. For example, concerns were raised about how the appointee will be chosen and appointed; whether the Police Department will have veto power over any particular appointee and what the Department's role will be in this process; whether there would be any disqualifications for this person, similar to those that exist for members of the PCRS; how the identity of this citizen will be communicated to the public; and the limited training provided to the individual, rather than a more well-rounded training that could include, for example, civil rights and similar trainings.

We would further ask that you share this memo and our original recommendations with the City Council, and look forward to continuing this dialogue as decisions are made regarding the Use of Force Committee.

POLICE CITIZEN REVIEW SUBCOMMITTEE

December 13, 2020

Meeting Held Remotely Via Zoom

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

Staff present: Anne Torregrossa

6:00 Call to order via Zoom.

Motion to accept minutes of November 11, 2020. Seconded. Roll call vote 6-0.

The PCRS discussed the memo from the City Manager to Chair West regarding his changes in response to the PCRS recommendations.

- Rev. Lewis stated that he was appreciative of the process and the results.
- Ms. Testa was not pleased with the results. She felt that the response does not represent what the PCRS had recommended and is counter to the recommendation. The City Manager's plan with respect to the internal use of force committee does not give the community transparency.
- Rev. Lewis expressed concerns that the PCRS keeps spinning its wheels and the all or nothing position is not productive. He would like some additional clarity on the PCRS mission.
- Ms. Testa sees the City Manager's position as no change. She read a text from a friend stating that there was not transparency when he was appointed to a different committee by the City Manager. Ms. Testa feels that City Hall is detached from the public.
- Ms. Testa also heard that the City Manager did not agree to allow the PCRS to review internal complaints, and the last case that the PCRS reviewed shows that internal investigations are not up to par. She wants to present that recommendation back to the City Manager.
- Mr. Parson stated that the parties came together and were fluid in their positions and made progress. This result might not make everyone happy, but it should give hope of progress. Mr. Parson hopes that the City Manager will advertise the position for the internal use of force committee openly.
- Ms. Testa wants to know what the process would be. She would volunteer for the position.
- Ms. West would like to know the process for appointment and whether there are any exclusions for candidates. She has concerns about the all or nothing position. Ms. West has 20 years of experience working with criminal justice agencies and knows what approaches work to get change.
- Ms. Testa feels that there has been no negotiation.
- Rev. Lewis stated that anyone could have made the recommendation regarding the use of force committee. He is concerned about how far the

PCRS thinks its arms reach into City policy. It is important to engage and celebrate progress. We are not at the goal line but have made progress.

The PCRS held public comment.

- Joey Brunelle stated that he agrees with Ms. Testa and feels like this only gives the illusion of representation. He also has concerns about how the representative will be chosen; the Police Department's veto power; any disqualifications; and how the person will be chosen. The process feels secretive.
- Kate Sykes has concerns about how the person is selected and indoctrinated in the Police Department procedures, etc. She did commend the PCRS in their work and encourages the PCRS to go negotiate on behalf of the public. It was telling that the PCRS did not even know there was a use of force committee.
- Em Burnett feels that this was something negotiated by the Police Department because of the ride along and training requirements. The PCRS should push forward.
- Leo Hilton thinks the response from the City Manager is unacceptable and he can't be unbiased. The Government may not support the PCRS but the people have their back. The training expectations are unacceptable.
- Carina Cilluffo stated that the public wants more than this and wants to see the process by which this happened. She wants to know what is going on in City Hall. She wants the PCRS to review what uses of force are occurring and get the full story.
- Hawo M. is shocked at what is going on, quoted Malcolm X, and stated that this is not progress.
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- Leea stated that the community has been stating what they want and doesn't want to see the City Manager tear it apart. The City Manager proposal is not a good substitute.

The PRCS then discussed the public comment and next steps.

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- Ms. Testa thanked the public for their comment and feels that she is speaking into a vacuum. She thinks the community involvement of the PCRS needs to continue and the PCRS structure needs to change. We don't need change because the Police Department is good or bad, oversight is needed for any Police Department. History and structure are problematic and citizen oversight is needed. People should express their displeasure with the memo. The PCRS is not an advocacy organization by design but the community should express.
- Ms. Kerina is frustrated by the memo and happy with the community voices. She feels that they have taken steps backward and wants to make the process more accessible and equitable.
- Ms. West appreciates the public input. She did put public comment after the memo so that people could comment. Emily would like to know what the qualifications would be, and maybe the person needs other types of trainings.
- Rev. Lewis asked how to move forward with recommendations on structural changes.
- Ms. West did say they need to get back to structural changes but did want to respond to the City Manager.
- Mr. Parson has questions around the selection process.

The PCRS then had significant discussions around a response memo to the City Manager, a copy of which is attached.

8:34

Motion to adjourn. Seconded. Roll call vote 6-0.

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 two citizens of your choice, whether outside citizens or City employees who are not members 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 Final Report of the President’s Task Force on 21st Century Policing (May, 2015) and other current and emerging resources and providing recommendations on best practices for the Portland 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 positive and negative feedback. 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 existing City social media resources, 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.

Appendix IV.
PCRS 2020 Annual Report

MEMORANDUM

TO: Jon Jennings, City Manager
FROM: Police Citizen Review Subcommittee
DATE: December 9, 2020
RE: PCRS Position on Use of Force Subcommittee

The PCRS stands strong in staying with its original recommendation that the City Manager propose a change to the City Code in line with our recommendation that two citizens be appointed to the Use of Force Committee, and be appointed through the City Council process rather than only be appointed by the City Manager. While we recognize that we did initially recommend that you appoint two citizen members in the interim, your memo suggests that this is the permanent structure, which was not our intention.

We also heard concerns from Committee members and compelling, direct, and explicit public comment about the selection process of the appointee, which highlights why the PCRS recommends appointment through the more transparent City Council process. For example, concerns were raised about how the appointee will be chosen and appointed; whether the Police Department will have veto power over any particular appointee and what the Department's role will be in this process; whether there would be any disqualifications for this person, similar to those that exist for members of the PCRS; how the identity of this citizen will be communicated to the public; and the limited training provided to the individual, rather than a more well-rounded training that could include, for example, civil rights and similar trainings.

We would further ask that you share this memo and our original recommendations with the City Council, and look forward to continuing this dialogue as decisions are made regarding the Use of Force Committee.

PORTLAND CITIZEN REVIEW SUBCOMMITTEE: SUGGESTED GUIDELINES FOR EVALUATING INTERNAL AFFAIRS INVESTIGATIONS

This document offers suggestive guidance to PCRS members as they review completed investigations by internal affairs (IA) to determine whether or not an IA investigation was fair, thorough, timely and objective—the four criteria that the PCRS votes on. Below are some points to consider for each of these four criteria, however, this should not be considered an exhaustive list and its use is not mandatory.

Last updated 9/20/2021

Timely

- Number of days between date of complaint and date of IA letter transmittal to command staff _____

Note: [SOP 90](#) provides that every effort will be made to conclude review within 45 business days.

- Number of days between date of complaint to when letter was sent to complainant. _____

Note: [SOP 90](#) provides that investigation and command review should be completed within 60 business days of complaint.

- If delays occurred, did IA provide a reasonable explanation given either the level of complexity of the case or outside demands that took precedence over the timely disposition of the case in their report?

Thorough

- Was key Information evidence (including available video and audio files, telephone logs, electronic media posts, photos, written statements, etc.) pursued and analyzed by IA?
- Were all witnesses identified in the complaint interviewed?
- Was an adequate level of due diligence used to locate and contact witnesses?
- Did the investigator elicit all relevant information from the complainant, witnesses and officer(s) in their interviews?
- Did the investigator conduct follow up interviews with the complainant, witnesses or officer(s) to clarify any conflicting or new information discovered after the initial interviews, if applicable.?

Fair

- Was the investigation process followed as defined by IA department standards and policies?
-

Note: See [SOP 90](#) issued by Portland PD on IA standards and policies.

- Did the investigator approach the investigation in an impartial, non-judgmental way?

Objective

- Did the investigator exhibit professionalism and neutrality with the complainant, witnesses or officer(s) in his/her interviews?
- Did the investigator evaluate all facts and evidence in a dispassionate, objective manner in the IA report
- Was open-ended questioning used by the investigator with the complainant, witnesses or officer(s)?
- Did the investigator explain his or her role and the IA process, including the role of the PCRS?