

**City of Portland
Police Citizen Review Subcommittee**

**AGENDA
March 9, 2022
6:00 PM**

1. ZOOM Information

- a. On Wednesday, March 9, 2022 at 6:00 p.m., the Police Citizen Review Subcommittee will conduct a virtual meeting. This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Police Citizen Review Subcommittee and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82135879385?pwd=ZGNhbUdMNhVhWjWXhaWDcrMzJENnV0dz09>

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2. Call to Order

3. Approval of February 9, 2022 minutes

- a. Attachment

4. Internal Affairs presentation and discussion: Major Martin

5. Public Comment
6. Continue discussion of goals and timeline for 2022
7. Adjourn

**DRAFT MINUTES
POLICE CITIZEN REVIEW SUBCOMMITTEE**

**February 9, 2022
Meeting Held Remotely Via Zoom**

Members present: Emily West, Chair; Reggie Parson, Vice Chair; Anne Hardcastle; Rev. Lewis; Tim Smith

Members absent: Kaylin Kerina; Sarai Manyiel

Staff present: Tracy Boyd; Major Robert Martin

6:03 Call to order.

Motion to call a quorum. Second. Roll call votes 5-0.

Motion to adopt minutes of January 12, 2021. Second. Roll call votes 5-0.

No public comment was offered.

Chair West opened the discussion speaking to the agenda item of setting goals and timelines for those goals. Chair West explained that the Charter Commission was also meeting simultaneously and no representative would be in attendance tonight. Chair West suggested reviewing the PowerPoint presentation, discussing the Charter Commission report, reviewing the IA case, and asking Major Martin to explain the new classification of IA cases to review. Mr. Smith offered to report to the group about available training. Ms. Hardcastle suggested that the group move the IA case to be reviewed to the top of their agenda.

Major Martin described the new IA process which is part of the new SOPS, and includes a classification of IA cases that can be quickly investigated by the shift commander and not follow the chain of command up for further review. These are minor, policy violations which are usually corrected by further training and/or written reprimand and typically closed in couple of days. Chair West would like more information regarding the distinctions between a full investigation, the new front line review and how the subcommittee can apply the four criteria to assess fairness, thoroughness, timeliness and objectiveness. Rev. Lewis asked Major Martin if the officer(s) involved still receive required notification of the complaint and investigation, Major Martin replied that they do and can also appeal and ask for a complete IA investigation.

Rev. Lewis asked if there was another mechanism that allows a complaint to be resolved. Major Martin described cooperative resolution where the complainant and the officer need to agree to the resolution. If there is no consensus between the parties then it is either investigated by the major commander review or a full IA investigation. PPD

has never had a complaint resolved through cooperative resolution.

A conversation ensued about the new Category U investigations (Cat. U) which all occurred in 2021. Major described the difference between a Cat. U investigation vs. a full IA investigation, Cat. U will only have one disposition reviewed by the Major, it will still include a timeline, and a letter. Chair West is concerned that without an overview of the case and the standard documentation, it will be difficult for the group to review for thoroughness. Rev. Lewis questioned why the group would review the investigation at all. Major Martin explained that because it is an external complaint. Chair West pointed out that before Cat. U was created, any complaint would have gone through the IA process. Rev. Lewis doesn't believe that the group is reviewing the IA process if the complaint doesn't follow the standard process. Major Martin explained that the IA investigative process follows LEA (Law Enforcement Accreditation) guidelines/protocols. Chair West spoke with Acting Corporation Counsel Jen Thompson earlier and she will get more clarity around this new classification.

Chair West used the current matter the group is reviewing to ask what should be in the file. They did receive a summary, they did not receive audios of the officer interviews. Major Martin agreed that there should have audio of the interviews and that the Lieutenant should have done a synopsis of the interviews that mirror what an IA Sargent report looks like (produces the facts) and what the IA Lieutenant report looks like (makes determination and recommendations). Chair West feels that the case file shouldn't be missing these components. Rev. Lewis looked at the Cat. U SOP and feels that they are not reviewing the investigation, that the case before them is more like a declaratory judgment. The group is not looking at the other side of the coin, the file does not contain external interviews. Ms. Hardcastle added that the group does not have everything it needs to review a Cat. U matter.

Major Martin commented that the case before them tonight was handled by a Lieutenant under Cat. U, but the matter was not a Cat. U. The complaint was sustained, it was a lower level performance issue. The benefit of the new classification is that it can be handled more quickly and the issue(s) can be addressed right away with the officer. The description in the SOP of the first line supervisor review is what is being used.

A conversation ensued about the Cat. U SOP. Rev. Lewis would like to have an in depth discussion around Cat. U and what is excluded under Cat. U. Ms. Hardcastle believes there should a description of the protocols used to determining what a Cat. U is.

Major Martin explained that the case to be reviewed at tonight's meeting is a Cat. 1. Major Martin would like to dig in to Category U with Major and AI Lieutenant to determine what the PCRS should see in a case file.

6:42 Motion to enter into Executive Session; Second; Roll Call Vote: 5-0.
7:22 Out of Executive Session.

Motion to find that IA 2021-007 was fair; second; roll call vote 5-0.
Motion to find that IA2021-007 was thorough; second; roll call vote 5-0.
Motion to find that IA 2021-007 was timely; second; roll call vote 5-0.

Motion to find that IA 2021-007 was objective; second; roll call vote 5-0.

The group discussed the Charter Commission document. Rev. Lewis attended a meeting where it was discussed and feels that the proposal hasn't been vetted yet and that the Charter Committee has created an ordinance instead of changing the Charter language. Mr. Parson feels that the Charter Commission Committee still needs more education regarding the role of the PCRS. Chair West asked what else the PCRS could provide to the Charter Commission. Rev. Lewis suggested waiting until the proposal is written in Charter language.

Chair West suggested moving this month's agenda to next month. Rev. Lewis would like have a conversation about the IA process and SOPs in a presentation format for public understanding, he feels it would be helpful for both the PCRS and the public to understand the process. Chair West would like the presentation to be a conversation of the general overview on the IA process and the new category. Major Martin suggested inviting the Chief and asking Lt. Titcomb to present at the next meeting. Mr. Smith would like the presentation to illustrate what to expect in the investigation as to documentation with the new classification in regards to reviewing for thoroughness. Chair West and Mr. Smith suggested holding off on reviewing the next case until they have been educated on the new classification. Chair West will ask for legal counsel to attend the next meeting. Mr. Smith offered to prepare a list of goals for the year.

Mr. Smith gave a re-cap of PCRS training opportunities. He spoke with Major Martin and then Sergeant Dan Hayden. PPD will have new training programs (possibly by April, 2022) in Virtual Reality format which all PCRS members are invited to attend. Individuals can attend, it does not need to be the whole group. Ride-alongs are still on hold due to COVID. There will be some in-person training opportunity modules. Vice Chair Parson encouraged everyone to participate in the trainings.

Rev. Lewis is due to term off of the PCRS in March, he was unsure of the reappointment process timeline. Rev. Parson would like to continue serving on the committee. Chair West will speak with ACC Jen Thompson regarding the process.

7:46 Motion to adjourn; Second; Roll Call Vote 5-0.