

City of Portland
Police Citizen Review Subcommittee

AGENDA
April 13, 2022
6:00 PM

1. Zoom Information

- a. On Wednesday, April 13, 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:

When: Apr 13, 2022 06:00 PM Eastern Time (US and Canada)
Topic: April 13, 2022 PCRS Meeting

Please click the link below to join the webinar:

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2. Call to Order

3. Approval of March 9, 2022 minutes
Attachment
4. Executive session
The Subcommittee will go into executive session pursuant to 1 M.R.S. 405(6)(E) to consult with its attorney regarding its legal rights and duties under the City's Police Citizen Review Subcommittee Ordinance, including its review of police as outlined in Section 2-76(a)(1).
5. Discuss and decide next steps regarding review of new IA categories
6. Continue discussion of goals and timeline for 2022
7. Public Comment Session
8. Adjourn

**DRAFT MINUTES
POLICE CITIZEN REVIEW SUBCOMMITTEE**

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

Members present: Emily West, Chair; Kaylin Kerina; Anne Hardcastle; Tim Smith

Members absent: Reggie Parson, Vice Chair; Rev. Lewis; Sarai Manyiel

Staff present: Jen Thompson; Major Robert Martin; Tracy Boyd

6:05 Call to order.

Chair West introduced Acting Corporation Counsel Jen Thompson.

Motion to adopt minutes of February 9, 2022. Second. Roll call votes 3-0, 1 abstaining.

Chair West introduced Major Martin who was presenting the overview of the new category. Mr. Smith asked Major Martin if the new category (Cat. U) is outside the scope of the subcommittee's jurisdiction to review IA investigations.

Major Martin explained that Police Department is moving towards accreditation standards and is implementing a new system to investigate Internal Affairs complaints. There are three different ways to investigate complaints, the first is cooperative resolution whereby both parties consent to resolve the complaint and which results in no discipline. The next category is a Category U – after the initial complaint has been filed, on its face it is determined to be unfounded and there is no SOP violation, no violation of law. There is a list of what this can apply to in the policy. Body cam and cruiser video is used to determine if the complaint falls within Cat. U. The group asked Major Martin what to expect to see in terms of paperwork relating to a Cat. U.

Major Martin said that for unfounded Cat. U decisions, we will only see the document from the Major reviewing the complaint as to why the determination of unfounded was decided. If the Cat. U is sustained, we will see the following:

- Chronological timeline of investigation
- Interview with the complainant
- The complaint
- Body camera and dashboard footage
- Letter of closing the investigation

In terms of what will not be in the file:

- Sergeant's report
- Disposition sheets of Command Staff

- Usually no officer interview
- Letter of transmittal

Major Martin said that the file would contain the Lieutenant review and why it was determined to be unfounded. Only Cat. 1, minor offenses, are investigated by the Lieutenant. All Cat. 2 are investigated by IA. Chair West asked Major Martin about the unfounded category. The unfounded category has come into play because of body worn cameras. The determinations are: unfounded, exonerated, sustained and cleared exceptionally (resignation). Mr. Smith believes that the PCRS was created to audit the PD IA unit, he questioned why they are looking at the Cat. Us, do they still fall under the PCRS jurisdiction? Chair West wants to know why the Lieutenant reviews are being forwarded to the group, Major Martin responded that this category is still considered IA even if unfounded and the data is tracked. Ms. Hardcastle commented that under the purview of the PCRS, the review process of Cat. U still falls within the purview, though changes may be needed to adjust the review process because thorough is different than in past reviews.

Attorney Thompson explained the ordinance outlines the duties of the body and scope of the subcommittee's authority. She then went on to advise the group to look at the processes within an executive session as to how they can fulfill their legal rights and duties as a body by comparing the ordinance language and the process. Once the group exits executive session they can vote on their next actions.

Ms. Kerina asked Major Martin if the data from Cat. Us is being collected and if there is an escalation process if the same employee keeps being written up. Major Martin responded that the PD uses performance management review, which can be triggered by an IA complaint. He described Cat U as having no ambiguity because of the existence of body cam footage, it is plain and obvious. Chair West feels that with the introduction of Cat Us, their review process will be different, that the definitions of fair, thorough, timely, and objective will not be the same for each different category (Cat. U, Cat. 1 and Cat. 2). Chair West also remarked that without the Sergeant's report, the committee's review work increases. Mr. Smith would like to see the Sergeant's report included for their review.

Major Martin explained that Cat. 1 complaints (and complaints resolved by cooperative resolution) must be investigated within 72 hours, if it is not completed then it is investigated in the same way a Cat. 2 is. Any citizen complaint filed is forwarded to the PCRS for review.

Attorney Thompson reiterated that the group should discuss all of the questions within an executive session and make its decision in the public space and to add the policies being discussed to the meeting's agenda.

Ms. Hardcastle agreed that the group needs to decide if reviewing Cat. Us are within the PCRS's purview while acknowledging that the new category makes the IA investigation process more efficient.

Attorney Thompson suggested that any documents to be discussed be linked to the meeting agenda. She went on to say that at the April 13th meeting, the group enter executive session to have a thorough conversation about the SOPS and the new category, then during public session the group make a decision about next steps.

Ms. Hardcastle asked Major Martin if there are any emerging trends for the types of complaints they are receiving. A discussion ensued about the frequency of Cat. Us. Major Martin explained that the policy went into effect in January of 2021, and the first Cat. U occurred in May, and the first Cat. 1 occurred in August, 2021. Chair West said the group sees more Cat. 1s than Cat. 2s and attributed it the introduction and use of body worn cameras. Major Martin added that an officer can request that a Cat. 1 be fully investigated as a Cat. 2, which is more thorough.

Chair West recommended holding off review of the next two IA cases until May so that they can make decisions based from the outcome of the next executive session.

No public comment was offered.

The PCRS then moved on to discuss their goals for 2022. Mr. Smith summarized the group's goals:

1. Getting more training.
2. Community engagement, outreach, and presentations.
3. Hire a community liaison.
4. Improve the annual report and publish it earlier.
5. Improve data collection from complaints, esp. demographic information.
6. Create an orientation package for new PCRS members
7. Presentation on the SOPs, which was completed during this meeting.

A discussion ensued about improving community engagement and accessibility, including close captioning possibly through Zoom, Facebook Live and other social media. The City is moving towards hybrid meetings – in person and video. The group would like to create a Facebook presence, Attorney Thompson explained that the City has a policy in place for employees, though she was unsure about boards, she offered to connect the group with Jessica Grondin regarding guidance in regards to social media issues and policies for city committees. Ms. Kerina would like to see the presentation and the PCRS flyer translated, Chair West agreed that there should be follow-up. Outreach is very important to the group. Ms. Kerina suggested the group publish a newsletter.

Attorney Thompson asked for clarity regarding what the goal of outreach was for the group. Chair West explained the group would like more public participation and to inform the public that the group exists. A conversation ensued regarding the possibility of each member identifying five community contacts and creating a document to add the names to. Attorney Thompson cautioned the group that such a document is a matter of public record.

Chair West and Mr. Smith would like to prioritize the group's goals. Mr. Smith will work

on the Annual Report. Chair West suggested added time standards for each of the categories to the Annual Report. Mr. Smith recalled that Vice Chair Parson volunteered to work on an orientation package, and training could be added to that. Ms. Hardcastle would like to help with that project.

Ms. Kerina would like to participate in NACOLE again this year and have the group consider presenting in 2023. Attorney Thompson offered to assist with creating the orientation training package as part of Corporation Counsel's goals for 2022. Mr. Smith believes that the training package should include the criteria sheet, training information, guidelines on how to present an IA case, and cover applicable regulations. Ms. Hardcastle suggested also adding Vice Chair Parson's PowerPoint presentation.

The group agreed to table the creation of a community liaison position until they have more information from the Charter Commission.

At next month's meeting, with the assistance of Attorney Thompson, the group will look at the ordinance and how it applies to the scope of the PCRS review process during an executive session. Attorney Thompson offered to work on the agenda and the necessary documents needed as attachments with Chair West before the next meeting. The group will continue discussing goals.

The group will hold off review of the two IA cases until May. Ms. Hardcastle is hoping to talk about the Charter Commission's timeline as well. Ms. Kerina suggested that the group publish an informative newsletter which defines who the group is and what their role is.

Motion to adjourn; Second; Roll Call Vote 4-0.

7:35