

City of Portland
Police Citizen Review Subcommittee

AGENDA
July 13, 2022
6:00 PM

1. Zoom information

*On Wednesday, July 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: <https://portlandmaine-gov.zoom.us/j/83442399218?pwd=QnhHLy9VWmhIN2xRMkc3UEErV0pGUT09> Passcode: 535918 Or One tap mobile : US: +16469313860,,83442399218# or +19292056099,,83442399218# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 444 9171 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 834 4239 9218 International numbers available: <https://portlandmaine-gov.zoom.us/j/83442399218?pwd=QnhHLy9VWmhIN2xRMkc3UEErV0pGUT09>*

2. Call to Order

3. Approval of June 8, 2022 minutes

a. June 8, 2022 Draft Meeting Minutes

4. Discuss draft annual report

a. Draft Annual Report

5. Public Comment

6. Executive session pursuant to 1 M.R.S. Sec. 405(6)(F) to discuss IA2022-001 & IA2022-003

7. Public Comment

8. Adjourn

MEETING MINUTES

POLICE CITIZEN REVIEW SUBCOMMITTEE

Jun 8, 2022

Meeting Held Remotely Via Zoom

Members present: Reggie Parson, Vice Chair; Rev. Lewis; Anne Hardcastle; Tim Smith; Kaylin Kerina; Jean-Raymond Desruisseaux (Gino)

Members absent: Emily West, Chair

Staff present: Jen Thompson, Acting Corporation Counsel

Call to order.

Motion to adopt minutes of May 11, 2022 meeting. Second. Roll call votes 6-0.

Discussion of new policy/review guidelines for review of Category U complaints.

Motion to adopt the policy as written made by Rev. Lewis and seconded by Anne Hardcastle. Passage 6-0, Roll Call.

Discussion of PCRS Goals. Rev. Lewis indicated his preference to wait to develop formal goals until after the results of the November election are known, given proposals from the Charter Commission regarding the work of the PCRS.

Discussion of a desire to host public fora relating to the Police Department's SOPs for the benefit of the public and of the ability of PCRS members to participate in trainings and ride-alongs with the PD;

Discussion of the process for drafting and finalizing the Annual Report. There was a shared desire to adopt the final report by September. Kay Karina emphasized the importance of using plain language as much as possible in order to improve the accessibility of the PCRS's report on its work.

The PCRS will discuss a strong draft of the Annual Report at its July meeting.

Motion to adjourn the meeting made by Tim Smith and seconded by Anne Hardcastle. Passage 6-0, Roll Call.

City of Portland Civil Service
Commission
Police Citizen Review Subcommittee

2021 Annual Report

Commented [EW1]: Need to fix page numbering

Emily West, Chair
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www.portlandmaine.gov/pcrs

I. Introduction and Highlights from 2020

Overview of the Committee

The [Police Citizen Review](#) Subcommittee (PCRS) is tasked with determining whether police investigations into citizen complaints against police officers are “thorough, objective, fair and timely [per Portland City Code](#).” 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 2021, 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.

2021 Membership and Meetings

The Police Citizen Review Subcommittee met 11 times (all were virtual) in 2021 and considered 4 cases. Copies of the 2021 meeting minutes are attached as Appendix II.

Emily West served as Chair of the Subcommittee, and other members included Maria Testa, Luke Beland, Sarai Manyiel, Kaylin Kerina, Tim Smith, Anne Hardcastle, Reginald Parson (Vice Chair) and Rev. Kenneth Lewis. Major Robert Martin attended meetings as a member of the Portland Police Department.

Highlights from 2021

In 2021 the Committee:

During 2021, the PCRS reviewed four cases, compared to four and thirteen cases in 2020 and 2019 respectively.

In addition to the cases reviewed in 2021, there were several key areas of focus in 2021. These included receiving public comments on police oversight, consideration of the PCRS in relation to the Racial Equity

Steering Committee and how to optimize public engagement with and accessibility to the PCRS. Several members of the PCRS also researched best practices of other **citizen oversight committees**. Some highlights from 2021 are detailed below.

Commented [EW2]: Was this 2021 or 2020?

PCRS Survey.

Part of the PCRS's mission is to provide the City Manager with "any recommendations and/or proposals for improvements or modifications in the police IA process, policies or training, and for enhancing public confidence in the methods and process of investigation of citizen complaints against police officers." In order to obtain citizen input into police oversight, the PCRS conducted a public survey on several matters germane to the PCRS mission and citizens of Portland. A memo and survey outlining information gained by the PCRS was submitted to the City Manager in 2021.

PCRS letter to the City Charter Commission.

Additionally, the PCRS discussed the Charter Commission's attention to issues of police accountability in the City. The Subcommittee proactively reached out to the Charter Commission, inviting dialog and education into the role of the PCRS, its work, and the important role it plays with citizens voicing views about police oversight. This was capped with a letter the PCRS sent to the Charter Commission so the Charter Commission could better understand PCRS perspective and insights, the structure of oversight, and with an invitation to attend a 2022 PCRS meeting.

Developing Guidelines for IA Review Criteria. The PCRS finalized a *Suggested Guidelines for Evaluating Internal Affairs Investigations* document as a means of a developing a voluntary method for reviewing thoroughness, fairness, objectivity and timeliness of IA investigations.

Goals for 2022. Finally, the PCRS engaged in goal identification and **setting for 2022**.

Commented [EW3]: Do we want to lay out goals once finalized? Or mention the areas we discussed earlier this year?

Commented [r4R4]: I think we could say our goals are to complete the annual report for 2021 and engage in public education with Portland PD on their SOP's.

II. Analysis of Cases Reviewed

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 96 SOP allegations from 41 citizen complaints were investigated. Of these, 21 allegations were sustained. In 2021, none of the seven allegations across four cases were sustained, meaning that Internal Affairs found no evidence of SOP violations.

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 2021. Of the 41 cases reviewed, 40 met all four PCRS review criteria (timely, thorough, fair and objective). In 2021, the Subcommittee reviewed four cases, with all of them meeting the four criteria.

Figure 2. PCRS: Total Cases Reviewed and Their Findings

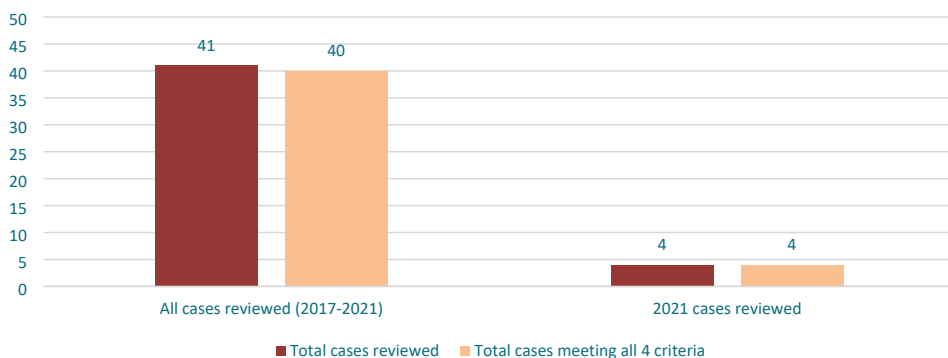


Table 1 provides further details about the cases that the PCRS reviewed in 2020. Below is an overview of the information contained in the table.

1. The nature of the complaint alleged, and the Standard Operating Procedure (SOP) allegedly violated.
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 and therefore no SOP violations are implicated.
 - e. **Cleared Exceptionally** -
 - f. **No Finding** -
3. Whether the Subcommittee found the investigation to be thorough, objective, fair, and timely.

Commented [EW5]: Trying to make it clear that these new unfounded cases do not implicate specific SOP violations, so they will not be in the counts for types of SOP violations alleged.

Table 1. Overview of Cases Reviewed in 2021

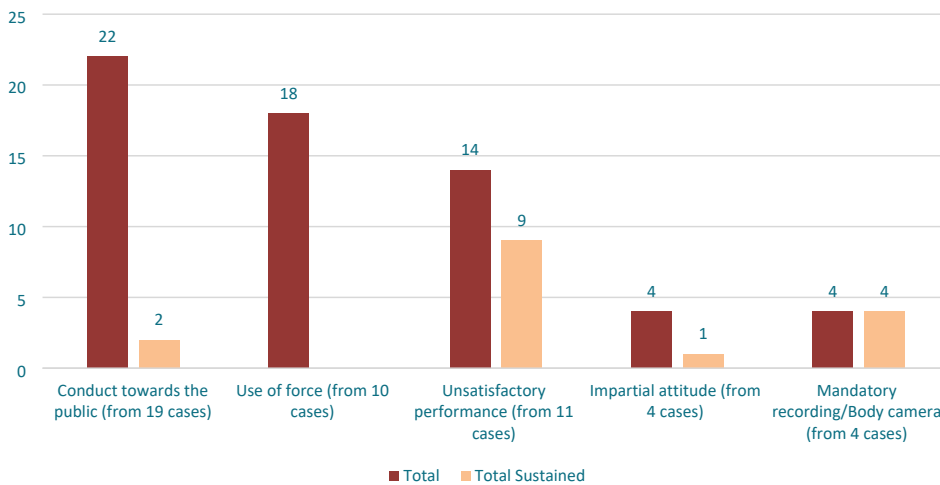
Case Number	Allegations	Police Department IA Findings						PCRS Findings*			
		Sustained	Not Sustained	Exonerated	Unfounded	Cleared Exceptionally	No Finding	Timely	Thorough	Fair	Objective
IA2020-02 (1 employee)	• Conduct towards the public (SOP 10)				X			Y	Y	Y	Y
IA2020-05 (1 employee)	• Conduct towards the public (SOP 10)				X			Y	Y	Y	Y
IA2021-02 (1 employee)	• Conduct towards the public (SOP 10)				X			Y	Y	Y	Y
IA2021-09 (4 employees)	• Unfounded				X			Y	Y	Y	Y
TOTAL					4						

Commented [EW6]: We need to find out if this fell under the Category U type of case. If so, should we expand on the types of cases we now see (Cat U, Cat 1 and regular IA)? Maybe we can save this for introduction in the 2022 report, since that is when we first started to differentiate these?

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

Figure 3 highlights the most common types of allegations that internal affairs investigated between 2017 and 2021 combined and how many of those allegations were sustained (e.g. violation was confirmed). Conduct towards the public and use of force were the two most common categories of allegations, with between 18 and 22 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 2021.

Figure 3. Most Common Allegations Investigated by IA*
2017-2021



* 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. 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 2018-2021 # out of 32 complaints	2018 # out of 13 complaints	2019 # out of 11 complaints	2020 # out of 4 complaints	2021 # out of 4 complaints
Age	Under 40	16	7	4	1	4
	Over 40	8	3	5	0	0
	Unknown	8	3	2	3	0
Gender	Male	14	8	5	1	0
	Female	16	5	6	1	4
	Other/ Unknown	2	0	0	2	0
Race	Black	8	3	3	1	1
	White	7	2	2	1	2
	Not self-reported	17	8	6	2	1
Residency	Portland	20	9	6	2	3
	Non-Portland	8	3	5	0	0
	Other/ Unknown	4	1	0	2	1

III. Goals set for 2022

Below are some highlights of the Subcommittee's goals for 2022 and progress towards those goals at the time of this publication.

- Develop more formal communications with PPD to discuss opportunities for educating the PCRS on police-related matters (e.g. ride-alongs, police trainings). Completed. Training programs are on-demand and can be scheduled by any PCRS member directly with PPD.
- More proactively interface with elected officials, other City committees, commissions, and other relevant bodies in order to further the PCRS's mission of making "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 PROGRESS.
- Continue to strengthen and expand community engagement and outreach and find new ways to incorporate community voices. IN PROGRESS.

Commented [EW7]: Do we have goals that we set in 2020 report for 2021 that we need to report progress on?

Commented [r8R8]: We could highlight finding alternative ways to engage with the public regarding the PCRS but note that due to COVID we had some logistical challenges. We also had a chance to engage with the public through the community survey.

Appendix I. Overview of Allegation Types and If Sustained in Last Five Years

SOP Allegations	2021		2020		2019		2018		2017	
	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained
Conduct toward the public	3	0	1	0	5 (5 cases)	0	6 (5 cases)	1	7 (5 cases)	1
Divulging police information	0	-	0	-	0	-	1	1	1	0
Failure to make a police report	0	-	0	-	0	-	1	1	0	-
General responsibility	0	-	0	-	1	0	5 (1 case)	0	0	-
Illegal arrest	0	-	0	-	0	-	0	-	5 (2 cases)	0
Illegal/warrantless search	0	-	0	-	1	1	3 (1 case)	2	0	-
Impartial attitude	0	-	0	-	3 (3 cases)	0	1	1	0	-
Improper handling of evidence	0	-	0	-	0	-	1	0	0	-
Body worn cameras	0	-	1	1	0	-	0	-	0	-
Mandatory recording	0	-	0	-	3 (3 cases)	3	0	-	0	-
Personal behavior	0	-	1	0	0	-	0	-	0	-
Professional conduct	0	-	3 (2 cases)	0	0	-	0	-	0	-

SOP Allegations	2021		2020		2019		2018		2017	
	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained	Total Allegations	Total Sustained
Proper action required	0	-	0	-	0	-	5 (1 case)	0	0	-
Race discrimination	0	-	0	-	0	-	1	0	0	-
Rumor	0	-	0	-	1	0	0	-	0	-
Stop and frisk	0	-	0	-	0	-	1	1	0	-
Theft by unauthorized taking	0	-	0	-	4 (1 case)	0	0	-	0	-
Uniform policy	0	-	0	-	0	-	1	0	0	-
Unsatisfactory performance	0	-	0	-	4 (4 cases)	2	7 (5 cases)	4	3 (2 cases)	3
Use of force	0	-	0	-	5 (3 cases)	0	4 (3 cases)	0	9 (4 cases)	0
Total*	3 (from 3 cases)	0 (0%)	6 (from 4 cases)	1 (14%)	27 (from 11 cases)	6 (22%)	37 (from 13 cases)	11 (30%)	25 (from 9 cases)	4 (16%)

* In 2021 there was 1 additional case reviewed falling into a new classification of IA reviews: Category U. For these cases, there are no SOPs implicated, therefore, they are not included in this table.

Appendix 2. Resource List for Filing a Complaint

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 Sergeant, 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 III. 2020 Meeting Minutes

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Minutes