

**CITY OF PORTLAND
CIVIL SERVICE COMMISSION**

POLICE CITIZEN REVIEW SUBCOMMITTEE

SECOND ANNUAL REPORT

2003

APRIL 15, 2004

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	3
2. 2003 Review of Cases and Subcommittee Work	4
3. Results From Recommendations in 2002 Report	7
4. 2003 Recommendations	11
5. Subcommittee Concerns and Procedures	12
A. Broader review of cases	12
B. Increased public input	13
C. Scheduling and location of monthly meetings	14
D. Quorum for Subcommittee	15
6. Subcommittee Jurisdiction	15
7. Statistical Summaries – Internal Affairs’ Annual Reports	16
8. Conclusion	17
Acknowledgement	19
Appendix I: Ordinance	20
Appendix II: Minutes from meetings, 2003	28
Appendix III: Police Department Internal Affairs’ 2003 Report	37

1. INTRODUCTION

The Police Citizen Review Subcommittee had a successful second year, with helpful changes made in the Subcommittee's review of cases, including the attendance by the Internal Affairs officers at the Subcommittee's meetings in order to answer any questions which might arise during review of the cases. In addition, the Department has added an additional Internal Affairs officer, a Lieutenant dedicated to overseeing the two sergeants assigned to IA and additional support staff. The Subcommittee is pleased with these changes and feels that both the Subcommittee's work and the Department's own response to citizen complaints will be improved with this increased dedication of personnel. Since every complaint is investigated, regardless of merit, it is simply too big a job for one person to do on his or her own.

As this Report is being printed, however, one new member has just been appointed to the Subcommittee and we are awaiting the appointment of a second new member. Due to personal reasons ranging from family to work obligations, 4 members have resigned during the course of the Subcommittee's second year. This turnover has resulted in difficulty in ensuring that the quorum of 4 members can be met for each meeting.

Even with turnover, the Subcommittee as a whole was able to review cases expeditiously, due to members' familiarity both with the Department's Standard Operating Procedures and with the format of the Reports themselves. The Subcommittee continued to review only the more serious complaints, i.e. those involving allegations of excessive force, civil rights or criminal violations. In the upcoming year, the

Subcommittee will be doing a random audit of other citizen complaints which do not fall into these categories.

While changes have been made in operating procedures, the Subcommittee's jurisdiction continues to be limited to review of the "thoroughness, objectivity, fairness and timeliness of the police Department's Internal Affairs' unit methods and procedures" in regard to the handling of citizen complaints against the Portland Police Department. Review continues to occur only after all of the Department's review of the case and subsequent disciplinary appeals, if any, have been completed, and the review is an internal audit of the Internal Affairs unit itself, as to its methods and procedures in handling citizen complaints.

2. 2003 REVIEW OF CASES AND SUBCOMMITTEE WORK

The Subcommittee fully instituted its methodology for review of cases, by having one person assigned primarily to each case to review in depth and present conclusions to the Subcommittee. All Subcommittee members are required, however, to read all of the cases in order to ensure a diverse review of each case. Having a "primary" on each case has worked well and the Subcommittee will continue that procedure.

The Subcommittee met 8 times in 2003, and reviewed 22 cases. These represented all of the completed investigations which fell into the categories of allegations of excessive force, civil rights or criminal violations.

The following is the Subcommittee's case list, identified by number only, along with the name of the primary Subcommittee member assigned to present the case:

<u>PCRS No.</u>	<u>IA No.</u>	<u>Subcom. Member</u>	<u>SOP's involved</u>
16	02-054	Smith	SOP 1. Use of Control SOP 2. Assistance to Citizens
17	02-049	Dolby	SOP 41. Stop and Frisk SOP 10. Conduct Toward Public
18	02-048	Northrup	SOP 1. Use of Control SOP 10. Conduct Toward Public
19	02-002	King	SOP 1. Use of Control SOP 10. Conduct Toward Public, Civil Matters, Unsatisfactory Performance, Impartial Attitude SOP 40. Improper Arrest
20	02-037	Hollander	SOP 1. Use of Control SOP 40. Improper Arrest
21	02-052	McAfee	SOP 1. Use of Control SOP 10. Required Conduct SOP 41. Consent Searches
22	02-080	Prolman	SOP 41C. Operation of Police Vehicles Title 29 - OUI
23	03-004	Smith	SOP 42. Criminal Investigations SOP 10. Truthfulness
24	02-075	Dolby	SOP 1. Use of Control SOP 10. Conduct Toward Public
25	02-001	Northrup	SOP 1. Use of Control SOP 10. Required Conduct and Conduct Towards the Public SOP 40. Improper Arrest
26	02-078	King	SOP 1. Use of Control SOP 10. Conduct Toward Public

27	02-006	Hollander	SOP 1. Use of Control SOP 10. Conduct Toward Public; Truthfulness SOP 41F. Arrest Domestic
28	02-058	Dolby	SOP 1. Use of Control SOP 10. Conduct Toward Public SOP 40. Arrest
29	03-024	Smith	SOP 1. Use of Control SOP 10. Conduct Toward Public SOP 40. Arrest
30	02-055	McAfee	SOP 1. Use of Control SOP 10. Conduct Toward Public SOP 41C. Operation during Routine Conditions
31	03-027	Northrup	SOP 1. Use of Control SOP 10. Conduct Toward Public; Impartial Attitude
32	02-064	King	SOP 1. Use of Control SOP 44. Juvenile Operation
33	02-062	Dolby	SOP 1. Use of Control SOP 40 Improper Arrest
34	03-022	Northrup	SOP 1. Use of Control SOP 1. Use of Control Report SOP 10. Conduct Toward Public
35	03-051	Northrup	SOP 1. Use of Control SOP 1. Use of Control Report
36	03-025	Dolby	SOP 1. Use of Control SOP 10. Conduct Toward Public
37	02-060	McAfee	SOP 1. Use of Control

In 4 cases, one or more of the violations were sustained.

The Subcommittee's Minutes for each of its meetings are found in Appendix II.

3. RESULTS FROM RECOMMENDATIONS IN 2002 REPORT

As noted in the 2002 First Annual Report, the Subcommittee has not identified any significant systemic weakness in the Police Department's investigations of citizen complaints. In that First Annual Report, however, the Subcommittee did make certain recommendations for changes in procedures to enhance the "thoroughness, objectivity, fairness and timeliness of the ... Internal Affairs' unit methods and procedures". The Department has responded positively to each of the Subcommittee's 2002 recommendations.

Those 2002 Recommendations and the Department's response follow:

Recommendation 1. The Subcommittee recommend[ed] that superior officers who participate in an incident requiring use of force not evaluate the use of force reports of the police officers he or she supervised, nor be involved in review of any IA report resulting from the incident.

The Department implemented this Recommendation in full and it has been included in a draft departmental SOP.

Recommendation 2. The Subcommittee recommend[ed] that the Chief review the training provided to the persons selected as IA officers and ensure that professional training is provided in investigative and interviewing techniques.

As noted above, the Department has dedicated an additional Sergeant and Lieutenant full-time to the Internal Affairs Unit. Both sergeants attended training in October of 2003, as well as training in March 2004 with the Lieutenant.

Recommendation 3. The Subcommittee recommend[ed] that the IA officer document in his or her report all of the contacts made or attempted as part of the investigation, and if a potential witness is mentioned by someone interviewed, or otherwise identified, whether an attempt was made to contact that person and if so, what the result was.

The IA reports have greatly improved in this area, with implementation of this recommendation. Investigating officers now supply good documentation regarding

contact with witnesses, complainants, and potential witnesses to incidents. While those same contacts were occurring in earlier cases, they were not being documented as part of the IA report itself. The Subcommittee appreciates the extra work that this documentation requires, and feels that this helps give us the independent perspective needed to review the thoroughness of the Internal Affairs review of the complaint. The availability of the IA officer at the Subcommittee's review of each case has also been invaluable in providing even more detail as to the follow-up procedures used in that case.

Recommendation 4. The Subcommittee recommend[ed] that the reviewing officer(s) state his or her reasons for agreeing or disagreeing with the recommendations as to the findings and/or recommendations of the IA officer.

This recommendation has also been implemented. The written comments of the Department's Superior Officers at each level of review are now provided as part of the IA Report itself. This provides the Subcommittee insight into the decision-making process and rationale of each supervisor's judgment regarding the findings in the IA Report.

Recommendation 5. The Subcommittee recommend[ed] that the Department make sure that citizens who are called in to be interviewed in connection with their complaint be informed that they can bring along a friend or relative to sit in on the interview. We further recommend that the Department offer the use of a neutral site for interviewing when possible.

This recommendation arose from comments that the process of being involved in an IA investigation was intimidating, even for the complainant. Both Internal Affairs officers have reacted positively to this suggestion and the Subcommittee urges that witnesses be routinely informed of this option. This will make the complaint process more accessible to citizens, reduce any potential stigma associated with meeting with an investigator and perhaps enable the IA Officer to get statements from individuals who might otherwise choose not to be involved.

In addition, in its review of this year's cases, the Subcommittee noted that in one case, an officer disparaged a complaint to another officer while the complainant was present and filing the complaint. The Subcommittee viewed this as an intimidating situation for the complainant, regardless of the merits of the complaint itself, and it certainly raises the issue of the Department's impartiality in its review of the complaint. Complaints should be treated professionally and respectfully at all times, regardless of merits and regardless of who the complainant is, if the integrity of the Department is to be respected.

In addition to the above 5 recommendations, the Subcommittee also addressed the issue of its "audit only" jurisdiction in its 2002 report. It recommended in the Report:

That the City negotiate with its police bargaining units as to the role and jurisdiction of the Police Citizen Review Subcommittee, to permit the Subcommittee to play a more pro-active role in the investigation of police citizen complaints, in interacting with the public about those complaints, and in evaluating the appropriate outcome of the investigation.

During 2003, the City re-negotiated its labor agreements with both the patrol officers and the superior officers. The City's Employee Relations Manager Patricia Peightal discussed the issue of Subcommittee jurisdiction with the two groups, and reported to the Subcommittee as to the status of those talks during the year. The Subcommittee greatly appreciated being kept up to date about those discussions. Certain changes were implemented as a result, primarily the agreed upon attendance of the IA officers at each of the Subcommittee's meetings. It has been extremely helpful to the Subcommittee to be able to inquire of the investigating officer as to why something was or was not done. Both IA officers have contributed positively to the Subcommittee's work, and have been

professional, cooperative and open about their investigations. This has been an excellent improvement to the Subcommittee's procedures.

In addition, there was agreement that the Subcommittee would receive each Report promptly upon its final disposition, either by the Chief if the complaint was not sustained and no discipline was imposed; or, in the case of a sustained complaint, if discipline was imposed but not appealed. In the event of a sustained complaint resulting in discipline which is appealed, the Subcommittee would continue to receive the Report only after all appeals were exhausted. Following review of an IA report, the Subcommittee would provide the Chief with immediate feedback about any process concerns raised by a report.

The Subcommittee has discussed the appropriate procedure to obtain additional citizen input into its process. The first annual public hearing held last January was lightly attended, and the second annual hearing on January 28 of this year resulted in attendance by only three individuals. Several suggestions have been made to improve public input into the Subcommittee's work, and are detailed below. However, one of the steps will be to provide the complaining citizen an opportunity for input.

The Subcommittee notes the officers' continuing concern regarding maintenance of confidentiality of the Reports and of the complaints themselves. It is not the role, nor the intent of the Subcommittee, to re-hash allegations of misconduct against an officer involved in an incident which resulted in a citizen complaint. Under state law, allegations of misconduct against a public employee can be heard in executive session. It is unrealistic to assume that a complainant will be willing or able to discuss his or her incident without identifying the officer(s) against whom the complaint was made or the

nature of the complaint. Thus, the Subcommittee will hold all meetings with the citizen who filed the complaint against an officer in executive session, to the extent permitted under state law. At the time the citizen is notified of the Subcommittee's review of the IA Report involving their complaint, the Subcommittee will make it clear in writing that the Subcommittee cannot overturn or review the outcome of the investigation, and that its jurisdiction is limited to review of the IA procedures themselves. The citizen will be required to limit comments to his or her experience of these procedures.

4. 2003 RECOMMENDATIONS

With implementation of all of the recommended changes from 2002, and with the new procedures instituted in the Department to increase the personnel in the Internal Affairs unit, the Subcommittee has only one specific recommendation for changes in the IA process.

Recommendation: The Subcommittee recommends that the Department implement a policy for completion of all superior officer reviews of IA Reports within a 30 calendar day time frame, except when there are unusual circumstances resulting in delay.

The Subcommittee continues to be concerned about the timeliness of completion of the process. The additional personnel in the Unit will improve the ability of the Unit to complete the report itself as expeditiously as possible. Delays, however, have arisen in regard to review of those reports by Superior Officers and the Chief. The Subcommittee believes that 30 calendar days should be more than adequate to permit completion of all reviews of reports, including that of the Chief, except in unusual circumstances. The Subcommittee recommends that the Department implement a policy requiring all reviews be completed within 30 calendar days, except in unusual circumstances, such as absence

of a necessary reviewing officer, return of the Report to IA for further investigation, or suspension of the investigation for external reasons, e.g. pending criminal charges.

It is the Subcommittee's understanding that there is currently a draft rule which would require completion of the entire investigation within 60 days, barring any unusual circumstances. If this is implemented, it will set a high standard for timeliness which will improve the handling of citizen complaints.

5. SUBCOMMITTEE CONCERNS AND PROCEDURES

In addition to the above specific recommendation, the Subcommittee will be making several changes in its own operating procedures and requesting a change in its authorizing ordinance.

A. Broader review of cases.

At a recent meeting, the IA Officer noted that the Subcommittee does not review all of the citizen complaints received by the Department. The Subcommittee has thus far limited its review only to those classified as excessive force, civil rights or criminal violation complaints.

Given the Subcommittee's improved ability to review reports, the Subcommittee will begin reviewing some of the complaints which do not involve allegations of excessive force, civil rights or criminal violations. The Subcommittee will begin by reviewing a random selection of these less serious complaints. This will give the Subcommittee a broader perspective on the work of the IA Unit and the Department's rationale when sustaining complaints.

B. Increased public input.

i. Annual hearing. The Subcommittee notes that neither of the annual public hearings has resulted in significant public participation. In both 2002 and 2003, the Subcommittee held its annual meeting in Council chambers at Portland City Hall in the early evening. At the meeting for 2002, fewer than five people showed up. The Subcommittee's 2003 meeting had fewer attendees, with only three people showing up, despite increased advertising efforts by the Subcommittee. Several reasons for this lack of attendance have been posed, including the time of year it is held (January), and the overly formal location of the hearing in Council Chambers.

In addition to holding one special annual meeting for the hearing of comments on the Portland Police Department's complaint process, the Subcommittee feels that an alternate course should be pursued in meeting with the public. Suggestions have included holding the hearing in a community center such as Riverton, holding it during warmer months when citizens are more likely to attend, and having smaller, neighborhood meetings in various City locations. No firm decision has yet been made on how to proceed and the Subcommittee will continue to consider alternatives to the current annual hearing process.

ii. Public input at meetings. Subcommittee meetings are composed of both public sessions and executive sessions. Upon completion of the Subcommittee's agenda, other than case review, the Subcommittee has heard from any members of the public who are present. Depending upon the Subcommittee's anticipated agenda, the Subcommittee will allot time during the meeting for general public comment, in addition to permitting comment on specific agenda items.

iii. Complainant input. The Subcommittee also feels that there should be a more direct approach for giving complainants the potential to address the Subcommittee, in a confidential environment that protects the rights of the officers in regard to confidentiality. Upon receipt of a completed IA case from the Department and scheduling of that case for review, the Subcommittee will send a letter to the complaining party indicating that the Subcommittee will be reviewing that person's complaint, that the review is limited solely to the methods and procedures of the Internal Affairs investigation itself and that the Subcommittee does not have authority to change the outcome in any way. The complainant will be invited to address the Subcommittee solely on issues within the Subcommittee's jurisdiction, such as the process for filing complaints and the procedures used during the investigation, e.g. how they were notified of the investigation, information provided about process, timeliness, etc. The letter will make it clear that the Subcommittee is not going to review the merits of the allegations of misconduct. In order to ensure the confidentiality of the officers against whom the allegations of misconduct were lodged, these sessions with the complaining citizen will be held in executive session as permitted by state law. Subsequent to the citizen's input, the Subcommittee may ask the IA officer to respond to the Subcommittee in regard to any issues raised by the citizen as to the process.

C. Scheduling and location of monthly meetings.

The Subcommittee's schedule for meetings has been modified to accommodate the scheduling needs of members to the second Wednesday of each month from 6-8 p.m. With our new members, it may need to be changed again at some point.

The Subcommittee has been using the conference room on the first floor of the Public Safety building for its last several meetings. Thus far, the first floor Public Safety conference room has worked well for both the Subcommittee and the public, and the Subcommittee plans to continue to use this location, unless and until the need for a change arises.

D. Quorum for Subcommittee

The Subcommittee currently has 6 regular members, and 1 alternate member. The Subcommittee has been operating as a 7 member subcommittee with faithful attendance by the alternate. (The two individuals who have served as alternates have now both filled regular vacancies). The Ordinance sets the Subcommittee's quorum as four. While this has worked until the recent turnover and resulting vacancies on the Subcommittee, it has been difficult to ensure a quorum with vacant slots. Thus, the Subcommittee will be seeking an ordinance change by the City Council to decrease the quorum to 3 whenever there is more than one unfilled vacancy on the Subcommittee.

6. SUBCOMMITTEE JURISDICTION

As noted above, and in the Subcommittee's First Annual Report, the Subcommittee continues to be concerned about the limited scope of its jurisdiction to review the handling of citizen complaints. We are pleased with the positive response from the police officers' representatives to enhance our ability to make this a positive and meaningful process for both the Department and the public. We have instituted some changes already (e.g. attendance at meetings by the IA officers), and will be starting others (e.g. the invitation to complainants to address the Subcommittee). We are equally

determined both to improve public input to the Subcommittee and to protect police officers from a public airing of complaints or allegations of misconduct against them by members of the public. The Subcommittee intends to strike this balance within the bounds of State law. Once these changes have all been implemented, we will review them on an on-going basis as to effectiveness and may make further recommendations for changes prior to the next round of collective bargaining.

7. STATISTICAL SUMMARIES – INTERNAL AFFAIRS’ ANNUAL REPORTS

While not a formal recommendation in the Subcommittee’s 2002 Annual Report, the Subcommittee stated:

we recommend to the Department that it keep statistics in a consistent manner from year to year so that they can be readily compared.

In comparing the 2002 and 2003 IA Annual Reports, it is possible to see broad overall trends, but not to do detailed comparison of the two reports. For example, there was a decrease in the citizen complaints filed from 2002 to 2003 (47 v. 44), and a decrease in the total complaints (i.e. both citizen complaints and those generated internally by the Department) referred to IA (80 v. 73). The two most numerous types of complaints each declined: “Use of control” from 48 to 21 and “Conduct toward the Public” from 40 to 23. The broad trends appear to be going in the right direction, particularly since 2000, when the annual high of 145 complaints was filed.

In some details, however, it is not possible to make direct comparisons between the two reports. For example, the 2002 report lists “Improper Arrest” in two places, with a total of 29 improper arrests noted. In 2003, the only similar reference is to “Arrest” and only 6 are noted. Presumably, this reflects a substantial improvement in the

Department's arrest procedures, reflecting far fewer complaints. However, it is not possible to know if these two figures are directly comparable. Nor is it possible to know if the allegations in each category in the list were internal or external complaints. The Report makes this distinction initially, but it is not followed through in the actual listing of the allegations. This would be helpful in identifying the types of complaints actually filed by citizens.

There are three other trends worthy of note: the number of open cases has declined from 12 to 2, presumably reflecting the increased staffing of the Unit, as well as the decline in cases. In addition, both officer and citizen reported injuries from use of control have been cut in half. The actual number of use of control reports has increased, however, from 248 to 409. The Subcommittee understands that the Department has increased the reporting standard as to when use of control reports are required. Essentially, if there is any doubt, a report should be filed. It is noteworthy that while the Department's use of control reports have increased substantially in number, citizen complaints about use of control have decreased, as noted above.

Finally, the Subcommittee notes that the Department has recently acquired software which will enhance its ability to track and analyze data from both use of control reports and from IA reports. This should also help with standardization of data so that direct and detailed comparisons can be made from year to year.

8. CONCLUSION

As the Subcommittee noted in its First Annual Report, it wishes to have a positive role in its review of the Portland Police Department's procedures. It is not our role to

criticize individual officers nor to interfere with the Chief's management of the Department. It is critical in these insecure times, however, that the public have faith in the integrity and professionalism of the Portland Police Department. To the extent that there continues to be a perception that the Department either cannot or should not investigate allegations of wrongdoing by fellow police officers, the Subcommittee can play a positive and active role in helping to improve both the public's perception of the Department's ability to conduct fair and impartial investigations of citizen complaints of wrongdoing, and of the investigations themselves. The ability of ordinary citizens to provide oversight of that complaint and investigation process is one step in the direction of ensuring a high level of public confidence in the Portland Police Department, which both the community and the dedicated members of the Department deserve.

ACKNOWLEDGEMENT

Last but not least, we want to acknowledge the superb staff assistance we receive. Clarkson Woodward has made sure that we had copies of all of the cases and has kept our agendas and minutes, and provided administrative support to the Subcommittee. William McClaran, former Portland Police Chief and currently professor at SMTC, has attended almost all of our meetings and has enlightened us about appropriate investigative techniques, different approaches to training of police officers, and the unique and powerful stresses which police officers encounter daily. He has done all this as a volunteer. Bethanne Poliquin, Police Legal Advisor, has attended most of our meetings and educated us about the Department's procedures, and has responded to our requests for additional information. Elizabeth Boynton, Associate Corporation Counsel, helped us to get the Subcommittee up and running, has provided legal advice on related issues such as collective bargaining and state confidentiality requirements, and has helped to put together this second Report. The Corporation Counsel's support staff has diligently ensured both the availability and the confidentiality of the IA reports. Finally, the timeliness of the follow-up to our various requests for information has been excellent.

We thank them all for their energy, time, insight and assistance.

Dr. Robert McAfee, Chair
Joshua Dolby
James Northrop
Austin Smith
Madeleine Segal

APPENDIX I
ORDINANCE

CHAPTER 2

ARTICLE IV. CIVIL SERVICE*

***Charter reference(s)**--Mandate for civil service, Art. VI, § 3.

***Cross reference(s)**--Commissions generally, § 2-31 et seq.

***Cross reference(s)**--32 M.R.S.A. § 7166 (Limitation on use of polygraph in employment)

***Editor's Note**--The Civil Service Ordinance was substantially reorganized and revised by Council Order No. 89-02/03, 11-4-02.

DIVISION 1. GENERALLY

Sec. 2-46. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them unless the context otherwise indicates:

....

Civil service commission means collectively the two independent subcommittees constituting the commission, i.e. the employment subcommittee and the police citizen review subcommittee.

....

DIVISION 2. CIVIL SERVICE COMMISSION*

Sec. 2-47. Created.

There is hereby created a civil service commission, also referred to in this article as the commission. The commission shall consist of two separate and independent subcommittees as follows: the civil service employment

subcommittee and the civil service police citizen review subcommittee. Commissioners shall be appointed to, and serve on, one of the two subcommittees only.

Sec. 2-48. Composition.

.....

(b) The police citizen review subcommittee shall consist of six (6) commissioners and one (1) alternate who shall serve in the absence of any commissioner.

Sec. 2-49. Qualifications.

(a) *Qualifications of commissioners.* Every civil service commissioner and alternate shall be a resident of the City of Portland and shall be of good moral character. In addition, the following persons shall not be eligible for appointment to, or service on the commission:

- (1) Any present or former employee of the city;
- (2) Any present or former member of the city council;
or
- (3) Any civil service commissioner who has completed two (2) consecutive full terms of three (3) years as provided in section 2-70 below.

(b) Additional subcommittee eligibility requirements:

- (1) *Employment subcommittee.* The following persons shall not be eligible to serve on the employment subcommittee:

any relative of a present member of the police or fire departments.

- (2) *Police citizen review subcommittee.* In order to ensure an objective and unbiased audit of the police department's internal affairs investigation process, any applicant for service on the citizen review subcommittee shall be disqualified from serving on said subcommittee if:

- a. any member of the applicant's immediate family is or has been a Portland police officer;
- b. the applicant or any member of his or her immediate family has been arrested by any member of the Portland police department;
- c. the applicant or any member of his or her immediate family has filed a complaint with the internal affairs unit of the Portland police department alleging excessive force, civil rights violations or conduct on the part of a police officer that would constitute a criminal offense; and
- d. the applicant or any member of his or her immediate family has brought suit against the Portland chief of police, the department or any individual police officer.
- e. "Immediate family" as used herein shall mean and include spouse, domestic partner, children, grandchildren, parents, grandparents, and siblings.

(c) Failure to disclose any grounds for disqualification or falsification of any information in the application process shall disqualify the person from service on the commission and shall constitute "cause" within the meaning of section 2-46.

(d) Any civil service commissioner or alternate who becomes ineligible to serve during his or her term shall resign, and failure to do so shall be "cause" within the meaning of section 2-46. A commissioner or alternate on the employment subcommittee who is a relative of any candidate for appointment under this article shall inform the secretary in writing of such relationship and shall not attend any meeting of the subcommittee dealing with such candidacy, nor participate in nor attempt to influence any action by the commission with respect to the position for which such relative has applied.

(e) Reasonable efforts shall be made to ensure that the appointments to the civil service commission are diverse and representative of the community.

Sec. 2-50. Appointment.

Civil service commissioners and the alternates shall be appointed by the city council. Such power of appointment shall be exercised only after the city clerk has published a notice announcing such position or positions, describing the responsibilities thereof, and soliciting applications by qualified persons in a newspaper of general circulation within the city not less than fifteen (15) calendar days in advance of action by such council. Applications may be solicited whether or not there is a vacancy, and such applicants may be considered for any vacancy which occurs within one hundred eighty (180) days of the closing date for such applications. Such applicants may also be considered for appointment as a commissioner pro tem pursuant to section 2-74 below. Nothing herein shall limit the city's authority to solicit applications whenever the city manager deems that it is necessary.

Sec. 2-51. Terms.

(a) *Term.* Each civil service commissioner or alternate shall be appointed to a three-year term, unless appointed to fill a vacancy. Police citizen review subcommittee commissioners first appointed hereunder shall be appointed for one-, two- and three-year terms so that only two (2) are initially selected each year other than by reason of resignation, removal or death. A commissioner or alternate shall serve until his or her successor is appointed and qualified, but in no case longer than one hundred twenty (120) days from the expiration of his or her term.

(b) *Limitation on service.* No person shall be appointed to, nor serve, more than two (2) consecutive full terms as a commissioner. Such limitation shall not include time served as an alternate; nor shall it include time served as a commissioner when appointed to fill a vacant partial term prior to appointment to a full term. Any person who completes two (2) consecutive full three (3) year terms of service shall not be eligible for appointment to either subcommittee of the commission until after three (3) consecutive calendar years from the date of completion of such maximum term.

(c) *Applicability.* The limitation on terms provided by this amendment shall apply to any person serving on the civil service commission as of the effective date of this amendment (7/5/1991) and to any person appointed after said effective date.

. . . .

Sec. 2-54. Officers.

Each subcommittee of the civil service commission shall annually elect one (1) of its members as the chair. The director of human resources or his or her designee shall serve as secretary to the employment subcommittee and shall furnish any necessary administrative assistance. The corporation counsel or his or her designee shall serve as secretary to the police citizen review subcommittee and shall furnish any necessary administrative assistance to that subcommittee.

. . . .

Sec. 2-56. Meetings.

(a) *Calling of meetings.* Meetings or hearings of either subcommittee of the civil service commission may be called at any time by its chair, or in the absence from the city or disability of the chair, by any member of the subcommittee. The chair of a subcommittee shall call a meeting upon request from any subcommittee commissioner.

. . . .

A quorum of the police citizen review subcommittee shall be four (4).

. . . .

DIVISION 4. POLICE CITIZEN REVIEW SUBCOMMITTEE

Sec. 2-76. Functions and duties.

(a) *Duties.* The duties of the police citizen review subcommittee are as follows:

- (1) To determine whether police investigations into citizens' complaints against police officers are thorough, objective, fair and timely by auditing the police department's internal affairs' unit investigative methods and procedures;
- (2) To report in writing to the city manager periodically, but no less than annually beginning in January 2003, as follows:
 - a. on the subcommittee's determination as to the thoroughness, objectivity, fairness and timeliness of the police internal affairs' investigation of citizen complaints against police officers;
 - b. a statistical analysis of all cases reviewed, including an analysis of trends and patterns of complaints or results of investigations of complaints; and
 - c. 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.
- (3) To hold a public hearing at least annually to receive comments upon the police citizen complaint process.
- (4) Although it shall have access to individual internal affairs reports in order to review investigative methods and procedures, all reports of the subcommittee shall be done in such a manner that particular complainants, witnesses and officers are not personally identifiable.
- (5) Reports of the subcommittee shall be made available to the public to the extent consistent with the State Freedom of Access Act, 1 M.R.S.A. Sec. 401 et.seq.
- (6) To make suitable procedural rules, from time to time, for the conduct of its duties. Proposed

rules shall be submitted to the city council and shall become effective only when approved by the city council. All such rules shall be recorded in the office of the city clerk.

(b) *Complaints to be reviewed.* Effective with complaints completed, as defined in subsection (3) immediately below, on or after January 1, 2002, the subcommittee shall review the internal affairs investigation of the following citizen complaints against police officers:

1. complaints alleging excessive force;
2. complaints alleging civil rights violations;
3. complaints alleging conduct that would constitute a criminal offense; and
4. any other complaint which the subcommittee deems necessary to review in order to carry out its duties hereunder.

In addition to the foregoing, the subcommittee shall review any complaint upon request of the complaining party, subject to the January 1, 2002 completion date.

(c) *Timing of review.* All subcommittee reviews of complaints shall take place only after final disciplinary action has been taken and all appeals exhausted or the case has been finally closed with no disciplinary action taken.

(d) *Scope of authority.* The subcommittee shall conduct its duties solely to determine the thoroughness, objectivity, fairness and timeliness of the police department's internal affairs' methods and procedures in regard to citizen complaints against police officers, and the subcommittee shall have no power or authority to subpoena or call witnesses nor to impose or modify any disciplinary action, or lack of action, against any police officer. The subcommittee shall make no recommendations nor offer any findings or comments relative to any disciplinary action, or lack of action, against any officer.

(e) *Training.* Prior to assuming their duties hereunder, subcommittee commissioners shall attend training by city staff as to the subcommittee's duties and responsibilities, applicable state and local law and regulations, issues relevant to the conduct of the citizen

review function, accepted police practices and the department's internal affairs investigation process. Such training shall be provided by the city at no cost to the subcommittee members.

(f) *Resources.* To facilitate the effectiveness and objectivity of the police citizen review subcommittee, the city shall make available to the subcommittee the services of a technical advisor for the purposes of training; briefing the subcommittee on accepted police practices, applicable law and issues relevant to the discharge of the citizen review function; and educating the subcommittee on aspects of the internal investigation process. The advisor shall be retained by the city manager after consultation with the chief of police, representatives of the police unions and the subcommittee chairperson. Any person who presently maintains any business or professional affiliation with the police department shall be disqualified from serving as technical advisor.

The city shall further make available all internal affairs investigation reports and police documents relevant to such investigations which are necessary for the subcommittee to conduct its duties hereunder. In no case shall the subcommittee have access to police officers' personnel records except to the extent that they are part of an internal affairs investigation report or are considered a public document under the state Freedom of Access law.

Sec. 2-77. Confidentiality.

Each member of the civil service commission is obligated to maintain the confidentiality of all information and documents either provided to or reviewed by them, in accordance with state law. Failure to maintain such confidentiality will be cause for removal from the commission. All reports and requests for disclosure of any information shall be referred to the corporation counsel for review prior to release.

APPENDIX II
MINUTES FROM MEETINGS, 2003

Police Citizen Review Committee
Meeting Notes- January 28, 2003 at 6:00

Room 24, City Hall

In Attendance: Committee Members Joshua Dolby, Gary Prolman, Robert McAfee, Lucky Hollander, Jim Northrop, Sharon Orlando

Absent: Alan King

Staff : Bethanne Poliquin, Elizabeth Boynton, and Clarkson Woodward

Public: Ed King of the West End News, Ivan Suzman, Karen Geraghty,
Various news stations representatives.

Chairman MacAfee reported that Alan King was away but had sent written comments and recommendations to the draft report. The date of February 11, 2003 for the public hearing on the citizen complaint process was confirmed. There was some clarification of the public hearing and how it would be advertised. Elizabeth assured the Committee that the City would advertise the public hearing in the usual ways, i.e. the calendar, channel 2, press releases and on the website.

The minutes from the November 26, 2002 meeting were handed out and Chairman MacAfee invited comments or corrections of those minutes. A motion was made by Jim Northrup to approve the minutes; Joshua Dolby seconded and the minutes were unanimously approved.

Lucky Hollander expressed concerns as to who would get the report. She mentioned that there were frustrations on the part of the Subcommittee and that the Subcommittee was not in complete agreement about them. She would like the report to go to the City Council as well as the City Manager. Chairman MacAfee confirmed that he would address that issue with the City Manager in his meeting with him scheduled for January 29, 2003 at 1:30 PM.

Copies of the draft report were reviewed and each recommendation was read and reviewed. Chairman MacAfee asked for comments and changes from the Subcommittee. Alan King's written recommendations were reviewed by the Subcommittee. The Subcommittee agreed with all but one, and made recommendations for language changes to Elizabeth Boynton who would make them accordingly, and give the final report to Chairman MacAfee.

The Committee then reviewed the statistical data that had been compiled by Alan King. After discussion, Chairman McAfee restated the Subcommittee's stance that there should

be a recommendation that the Department keep statistics in a more consistent manner that allows for better analysis at year-end.

There followed a discussion in regards to the jurisdiction of the Subcommittee. Members shared their desire to strengthen their role so that their work on the Subcommittee would be more meaningful and would go beyond a "paper audit". A discussion followed as to whether the Subcommittee should be involved in investigating the complaints themselves, but no consensus was reached on it. Copies of a summary of the Albany, New York citizen review committee were handed out to members and reviewed. The Chairman pointed out that the summary notes that the Albany committee has a \$250,000 budget. Once comments were made it was decided to append the Albany report as an example, and the Subcommittee agreed to the draft report language in regards to expansion of jurisdiction. Mr. Prolman requested that Chairman McAfee share the details of the discussion with the City Manager.

Chairman McAfee asked for any members of the public who wanted to add anything. Ivan Suzman expressed concerns with his interaction with the Police Department during his campaign for City Council and his reluctance to file a complaint through any of the routes offered by the Department. Mr. Suzman was referred to the public hearing by Chairman McAfee and he was told that he could file a complaint through the Department of Human Resources rather than through the Police Department. City Councilor Geraghty thanked the Subcommittee for their work and told them that the City Council was looking forward to receiving the report. She added that she believed the report was timely and that it would help the Council in a process they were working on. There was a brief recess called by the Chairman and at 8:00 the Subcommittee went into executive session for case review.

At 8:45 the Subcommittee came out of executive session and adjourned.

**Police Citizen Review Committee
Meeting Notes- April 22, 2003 at 6:00**

Musicians Lounge, Merrill Auditorium

In Attendance: Committee Members: Joshua Dolby, Austin Smith, Robert McAfee, Alan King

Absent: Gary Prolman, Lucky Hollander, Jim Northrop

Staff: Bethanne Poliquin, Elizabeth Boynton, Bill McClaran, Tricia Peightal and Clarkson Woodward

Public: Ed King of the West End News

Chairman McAfee reviewed the most recent events for the Subcommittee, specifically mentioning the public hearing in front of City Council and the completion of the Subcommittee's annual report to the City Manager. He shared written comments from

City Councilor Cheryl Leeman who stated that while pleased with the Subcommittee's work, she did not support relinquishing control from the professional management of the police department.

There was a brief overview, given by Chairman McAfee, of the DOJ comments in their technical assistance letter.

Bethanne confirmed that the DOJ representatives would be in Portland for interviews and more information gathering on May 19th. There is no date set for the completion of the review.

The minutes from the January 28, 2003 meeting were handed out and Chairman McAfee invited comments or corrections of those minutes. A motion was made by Joshua Dolby to approve the minutes; Alan King seconded and the minutes were unanimously approved. The subcommittee then went into executive session for a discussion of police negotiations with the City's negotiator.

At 7:30 the Subcommittee came out of executive session and adjourned.

**Police Citizen Review Committee
Meeting Notes- May 27, 2003 at 6:00**

Musicians Lounge, Merrill Auditorium

In Attendance: Committee Members Joshua Dolby, Alan King, Robert McAfee, Lucky Hollander, Austin Smith, Jim Northrop

Absent: Gary Prolman

Staff in Attendance: Bethanne Poliquin, Elizabeth Boynton, Clarkson Woodward, Tricia Peightal, Jon Goodman, Steve Reese

Public in Attendance: Representative of the West End News, Ed King

The minutes from the April meeting were reviewed and Chairman MacAfee invited comments or corrections of those minutes. A motion was made by Alan King to approve the minutes, Joshua Dolby seconded, and the minutes were unanimously approved.

Chairman McAfee reviewed the group's meeting with the Department of Justice, which he felt was a good and productive meeting. Lucky H. encouraged the group to look to other cities for ideas & relevant information; the DOJ had mentioned other city's police review programs. He introduced Internal Affairs sergeant's Goodman and Reese and opened the meeting to questions for the two sergeants.

Sgt. Reese responded to the issue of investigating sergeants making recommendations. Steve confirmed that the policy had changed; he is available to lieutenants to explain issues of the case, but has only had one lieutenant take advantage.

Both sergeants gave a brief history of their career at PPD. Sgt. Steve Reese spoke about his 20 year history at the police department, specifically in investigative work for 8 years prior to working in Internal Affairs. He explained that he had received a three day specialized training for Internal Affairs investigations. Sgt. Jon Goodman talked about his 10-year career and the skills he gained working as an investigator with the Maine Drug Enforcement Agency. He also explained his primary role was as coordinator of training and that he works in a lesser role as an internal affairs sergeant.

Sgt. Reese stated that his normal course of interviewing in his investigations was to look at citizens involved, witnesses on the out skirts, then the officers present but not involved and then lastly, the subjects of the complaints. Jim Northrop brought up the issue of timeliness and a discussion ensued. Sgt. Reese explained the time frame he worked within and acknowledged the DOJ's observations regarding timeliness. Sgt. Reese explained the discrepancies, which can effect witness statements. Bethanne P. confirmed that an investigating sergeant could note on the report that he has a concern in regards to someone's credibility.

Chairman McAfee brought up the issue of witnesses not being interviewed, acknowledging that the committee would find it helpful if it were noted why certain people were not spoken to. Sgt. Reese explained that timeliness is a concern and wondered how many opportunities needed to be extended to citizens involved. Sgt. Reese answered J. Northrop's question regarding speaking to officers first and explained the normal course of action for an investigation and why. He also confirmed that forms go out to officers letting them know that they are the subjects of investigation.

The issue of a witness or complainant bringing a friend or relative was brought up. Sgt. Reese confirmed that investigators can go anywhere to do an interview, but explained the issue of "editing" and why he therefore, prefers doing the interview with the citizen alone. He informed the committee that currently there are 10-12 cases pending in Internal Affairs; Elizabeth Boynton asked about how statistics are kept and whether uniform classification was viable. Sgt. Reese responded that his office is currently working on a way in which data can be classified in a uniform way.

A brief discussion on conflict of interest was brought up and Lucky Hollander confirmed that members of the committee would recuse themselves if they felt that there was a conflict of interest on a case being reviewed. She cited examples of this happening in the past. Chairman McAfee thanked Sergeants Goodman and Reese for their time and work. At 7:35 Alan King moved to go into executive session to discuss collective bargaining, Jim Northrop seconded. The motion passed unanimously, and members of the public excused themselves. At approximately 8:10 the committee came out of executive session and the meeting was adjourned by Chairman McAfee.

**Police Citizen Review Committee
Meeting Notes- June 24, 2003 at 6:00**

Musicians Lounge, Merrill Auditorium

In Attendance: Committee Members Joshua Dolby, Alan King, Robert McAfee, Lucky Hollander, Jim Northrop

Absent Gary Prolman. Austin Smith

Staff in Attendance: Bill McClaran, Clarkson Woodward,

Public in Attendance: none

Chairman McAfee started the meeting at 6:10 PM with comments on the last meeting which included a Q&A with Internal Affairs Sergeants Goodman and Reese. There was brief discussion in regards to members of the committee having conflicts of interest-the group agreed to continue this discussion when all members could be present. Chairman McAfee invited comments or corrections of the minutes from the last meeting. A motion was made by Jim Northrop to approve the minutes, Lucky Hollander seconded, and the minutes were unanimously approved. At 6:20 the committee went into executive session for case review. At 7:45 PM the committee came out of executive session and adjourned.

**Police Citizen Review Committee
Meeting Notes- August 12, 2003**

Musicians Lounge, Merrill Auditorium

In Attendance: Committee Members, Robert McAfee, Lucky Hollander, Austin Smith, Gary Prolman

Committee Members Absent: Jim Northrop, Joshua Dolby, and Alan King

Staff in Attendance: Clarkson Woodward

Public in Attendance: Representative of the West End News, Ed King

The meeting commenced at 6:15 PM at which time Gary Prolman announced his resignation from the committee. After having given a formal letter of resignation to Chairman McAfee he excused himself from the meeting. Chairman McAfee initiated a discussion of attendance and asked that members who anticipate not being at a scheduled meeting, to let the group know ahead of time; he further asked that attendance policy discussion be put on the committee's agenda for September's meeting. He also requested that the minutes include a brief synopsis of executive session to include which cases were reviewed and brief comment on process and/or procedure recommendations. Lucky Hollander commented that she felt that the committee was moving forward and that systematic change was not quick. Chairman McAfee added that he would like to be able to review and comment on cases prior to the Chief's final decision on discipline.

Chairman McAfee led a short conversation in regards to future appointments to the sub committee. They asked that discussion on recommendations to the Appointments

Committee be put on the agenda for September's meeting. At 6:40 the committee went into executive session after a motion by Austin Smith

Case #21 was discussed led by Chairman McAfee-no concerns regarding this case were voiced.

Case #22 was discussed led by Chairman McAfee- comments were made that this case was very visible-it was initiated internally- Questions arose: Were others that were involved in this incident investigated? Were there policy changes within the organization as a result of this incident?

Case #23 was discussed led by Austin Smith- no issues were brought up by the committee.

Case #24 was discussed led by Lucky Hollander- no issues were brought up by the committee.

At 7:45 the committee came out of executive session and adjourned.

Police Citizen Review Committee Meeting Notes- September 9, 2003

Musicians Lounge, Merrill Auditorium

In Attendance: Committee Members, Robert McAfee, Lucky Hollander, Austin Smith, Jim Northrop, Joshua Dolby, and Alan King

Staff in Attendance: Clarkson Woodward , Elizabeth Boynton, Bill McClaran, and Tricia Peightal

Public in Attendance: Representative of the West End News, Ed King

The meeting commenced at 6:05 PM. A brief review of August's meeting minutes was followed by Joshua Dolby making a motion to approve the minutes; Austin Smith seconded and the minutes were unanimously approved. Chairman McAfee then led a brief discussion in regards to the committee's attendance policy. He confirmed with members that the current meeting time is appropriate and asked that members contact him in regards to comments on cases if they expect to be absent. He asked that all members make every effort to attend the monthly meetings. The committee then discussed appointments and the vacancy created by Gary Prolman's resignation. Elizabeth Boynton confirmed that she would check on the status of term commitments for committee members, and that the current vacancy has been advertised with a deadline date of September 12, 2003. The members briefly discussed the demographic make up of the committee.

At 6:25 the committee went into executive session and Tricia Peightal briefly reported to the committee on contract negotiations.

Case #25 was discussed led by Jim Northrop- clarification of written and oral reprimands was requested.

Case #26 was discussed led by Alan King- no issues were brought up by the committee. Discussion of jurisdiction was led by Bill McClaran

Case #27 was discussed led by Lucky Hollander - issues were brought up in regards to the time line and delays of this case. In addition, Lucky noted the difficulty of issues such as mental illness, DV and alcoholism and the ways they manifest themselves in cases.

Case #28 was discussed led by Austin Smith – no issues were brought up by the committee.

Case #29 was discussed led by Austin Smith – the issue of sergeants taking complaints and clarification of appropriate procedure was discussed.

Case #30 was discussed led by Chairman McAfee- it was noted that this case was publicized.

At 8:10 the committee came out of executive session and adjourned.

Police Citizen Review Subcommittee Meeting Notes - October 14, 2003

Subcommittee Members present: Chair McAfee, Jim Northrup, Austin Smith, and Madeleine Segal, Alternate
Staff: Elizabeth Boynton, Sgt. Steve Reese, Bill McClaran

Elizabeth Boynton told the Subcommittee that Josh Dolby, Alan King and Lucky Hollander would all be absent. The Chair indicated that Lucky Hollander has indicated that she will not be able to continue on the Subcommittee and her resignation was expected.

The Chair introduced Madeleine Segal, the new alternate member, and gave a brief review of the role of the Subcommittee. He also indicated that the City is discussing the Subcommittee's role with the Police unions. Elizabeth Boynton indicated that those labor discussions were continuing.

The Chair also introduced Louise Robeck from the MCLU who was present. He asked if she had any input and she indicated that she found it difficult to learn when the meetings were and what the agenda was. Elizabeth Boynton indicated that she would put her on a list to receive notice of meetings and agendas in the future. There was also a brief discussion of trying to make the website more user friendly and having the minutes and agendas on the website.

With no further public discussion, the Committee went into executive session for case review at 6:30 p.m.

Case #31 - This case involved the use of profanity by an officer at the scene of a domestic violence call. The department found that it was necessary under these particular circumstances to get the person's attention. Consensus agreed with this result in this case, while noting concern about the use of profanity as a general rule. The issue of the process used to try to get a reluctant victim to file a complaint against her abuser was also discussed.

Case #32 - Consensus agreed that the complainant's resistance and flailing around caused his injury. The need for the more senior sergeant who came to the scene to be a good role model for the two young officers who had made the initial stop was noted.

Case #33 - The only issue noted on this case was the timeliness in that it took 11 months from the incident to the final report. It was noted that the timeliness issue should be substantially improved with the addition of a new IA Lieutenant and Sergeant and 1.2 administrative staff people.

Jim Northrup raised an issue which came up in a prior case in which an officer disparaged a complaint to another officer while the complainant was filing the complaint. Jim was concerned about this being an intimidating situation for the complainant, regardless of the merits of the complaint itself.

There was a brief discussion about whether the Subcommittee should be notified by the Department when an IA investigation is terminated as a result of the resignation of an officer. The Chair suggested it could be as simple as a memo from the department indicating that an investigation was over as a result of the resignation.

Following case review, the Subcommittee came out of executive session.

Since the Subcommittee is up to date with the current cases, the next meeting was set for December 2 to review any new cases. There was also a brief discussion of the need to keep track of issues which should be in the annual report, which should be done early in 2004, with a public hearing.

With no further business, the Subcommittee adjourned at 7:30 p.m.

**Police Citizen Review Subcommittee
Meeting Notes – December 2, 2003
Portland Police Conference Room
109 Middle Street**

Subcommittee Members present: Joshua Dolby, Jim Northrop, Madeleine Segal

Staff: Tricia Peightal, Bethanne Poliquin, Bill McClaran, Clarkson Woodward

The meeting started at 6:15 and there was general discussion of the need for a quorum for minute's approval and to go into executive session. It was decided to discuss general business in an open forum and reconvene for case review in February.

Alan King has resigned from the committee citing work commitments.

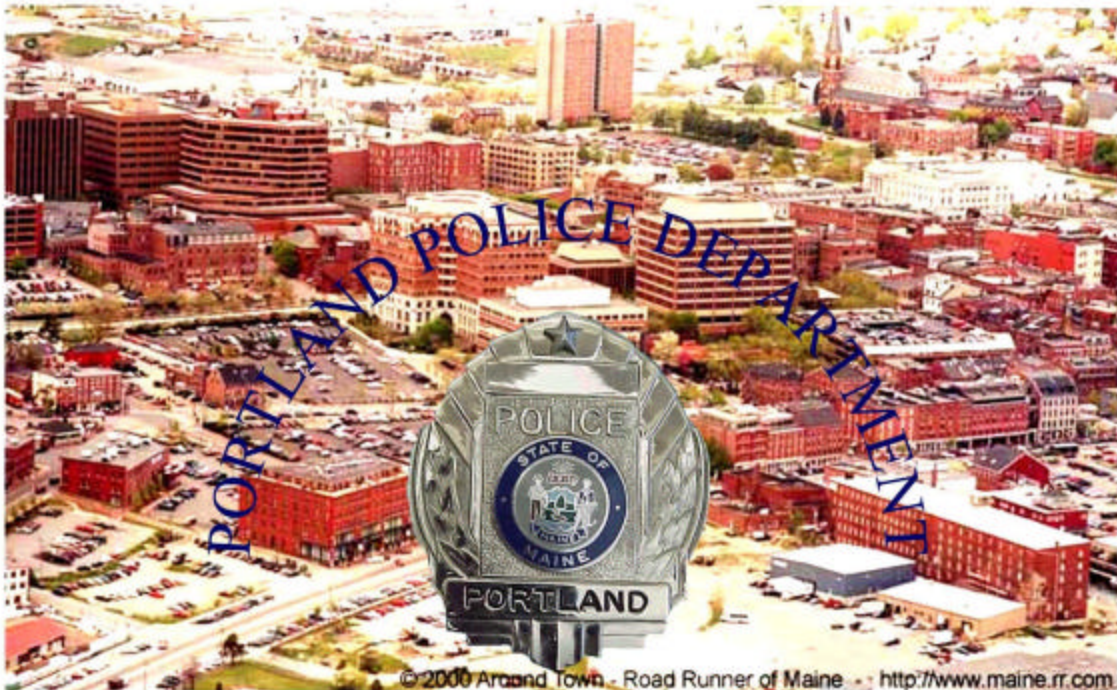
Clarkson Woodward asked for input regarding meeting time and place for the next year. Committee members discussed having the meeting at the Police Department. It was agreed that this was an appropriate place to meet on a regular basis. The group adjourned at 6:50.

APPENDIX III
INTERNAL AFFAIRS' 2003 ANNUAL REPORT

PORTLAND POLICE DEPARTMENT

Internal Affairs

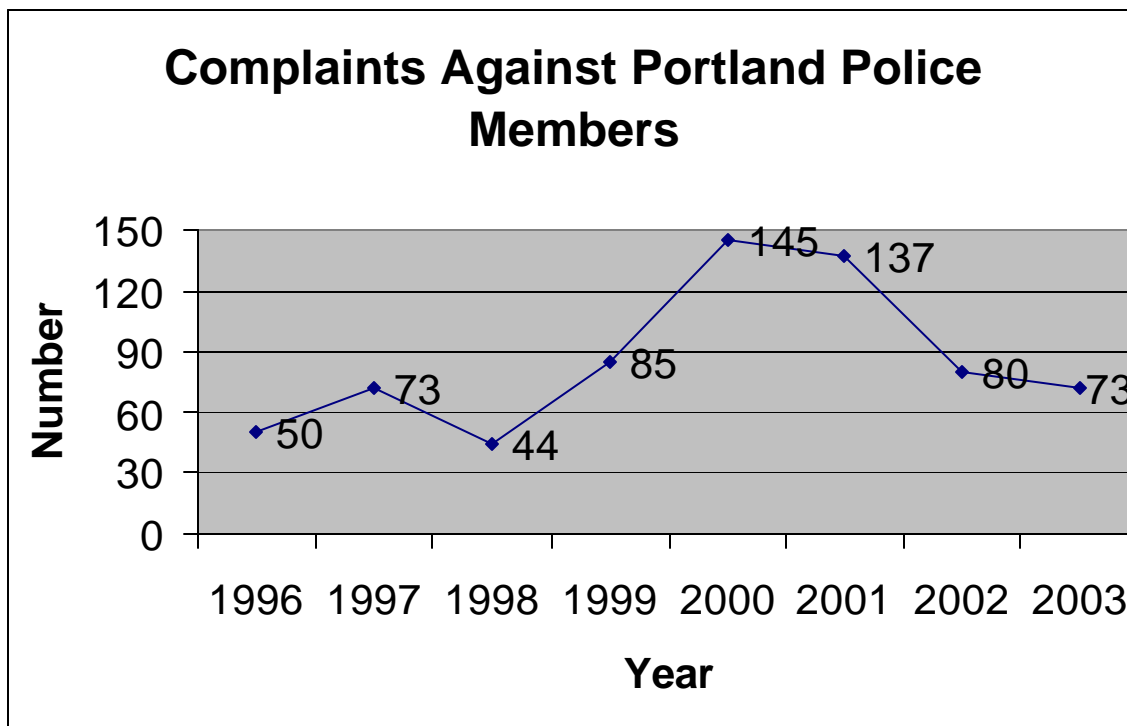
2003 Annual Report



Updated and amended Completed by Sgt. Steven Reece 01-23-04
(Disregard any previous copies of the annual report)

This annual report includes data derived from previous annual reports.

In 2003 the Internal Affairs Unit had a total of **73 complaints** against members of the Portland Police Department. There are currently **2 investigations** that are open in Internal Affairs and **4 investigations** are in final review by the administration or being investigated by a lieutenant.



Traffic accidents accounted for 12 complaints against Portland Police Department employees this year.

Members within the Portland Police Department generate Internal Complaints. Persons outside the Portland Police Department generate External Complaints.

Informal Complaints are issues that are best suited for investigation by the shift commander. Formal Complaints need more intensive investigation and usually more serious in nature. Formal Complaints are normally investigated by Internal Affairs.

2003 INTERNAL AFFAIRS INVESTIGATION STATISTICS

Internal Complaints		External Complaints	
Formal Complaints-	27	Formal Complaints-	19
Informal Complaints-	2	Informal Complaints-	25
Total	29	Total	44
		Total formal-	46
		Total informal-	27

Number of Complaints taken for 2003: 73

2003 INTERNAL AFFAIRS INVESTIGATION STATISTICS

The 27 Formal/ Internal Complaints led to the investigation of the actions of 32 members'.

The 19 Formal/ External Complaints led to the investigation of the actions of 32 members'.

The 2 Informal/ Internal Complaints led to the investigation of the actions of 2 members'.

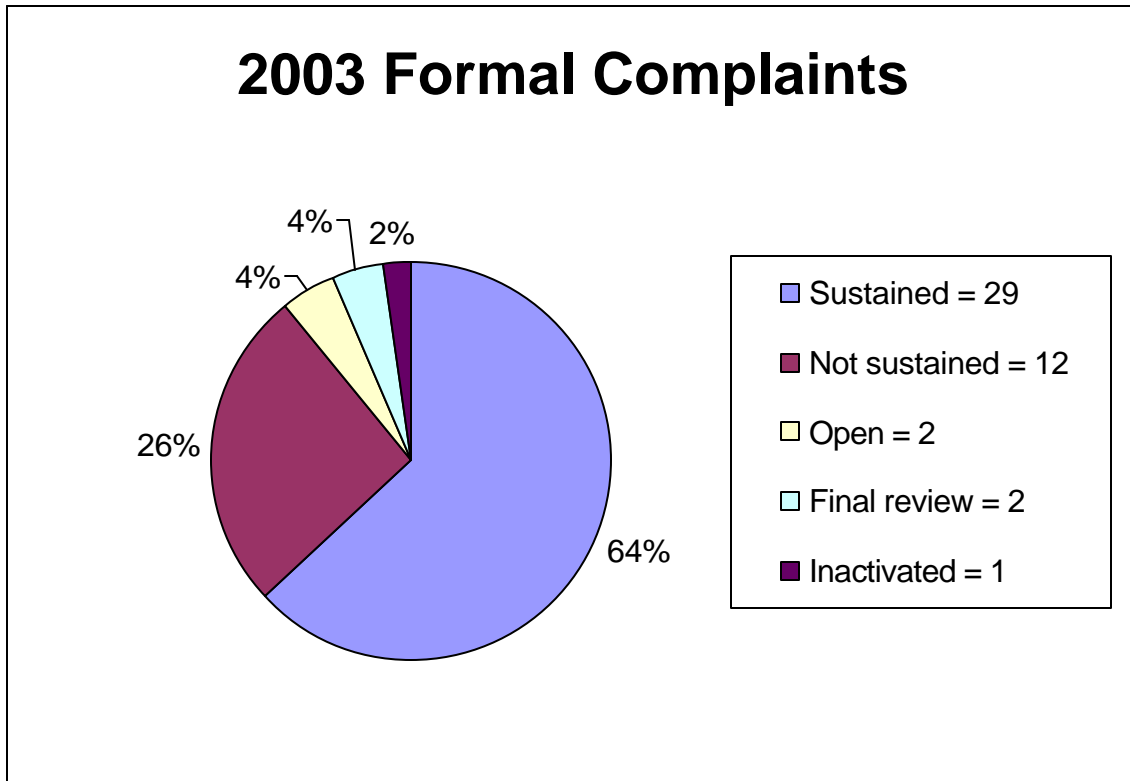
The 25 Informal/ External Complaints led to the investigation of the actions of 28 members'.

Complaint Allegations: (A complaint can lead to multiple possible violations of SOP's)

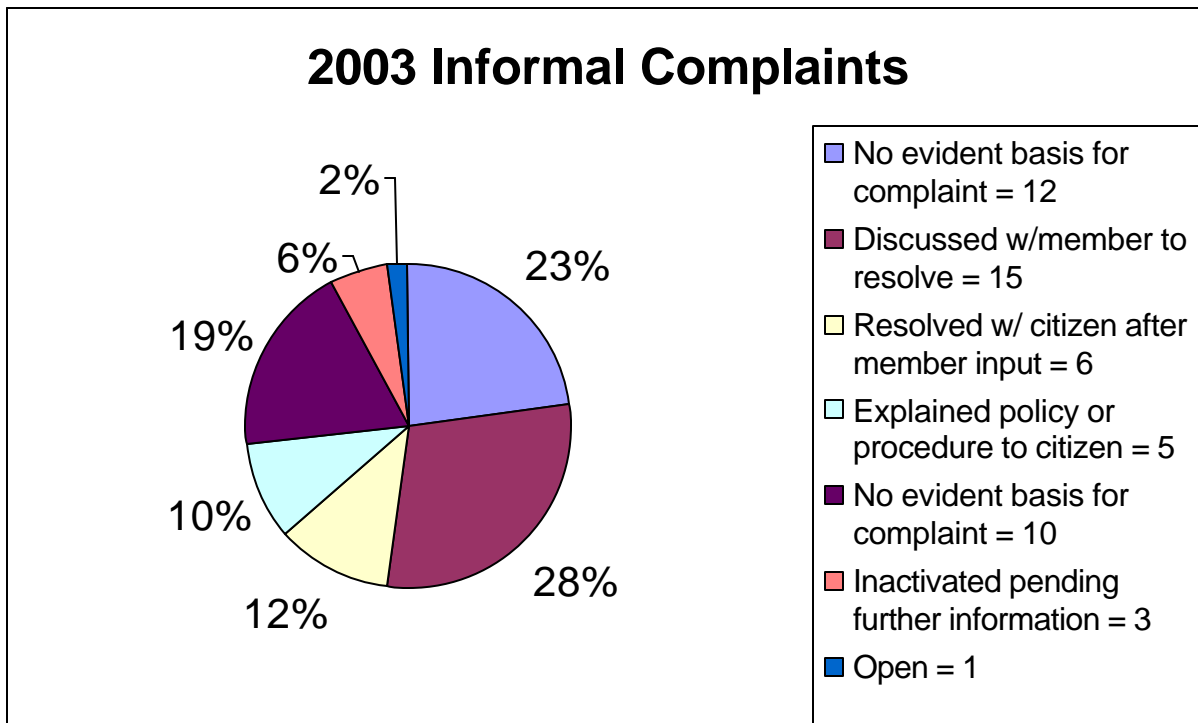
Conduct toward the public: SOP 10 Section III # B-10-	23
Use of control: SOP 1 Section VI # A-	21
Operation of police vehicles: SOP 41C Section II	19
Administrative regulation # 25: (Civilian employees)	9
Unsatisfactory performance: SOP 10 Section III # D-8	7
Arrest: SOP 40 Section IV	6
Court attendance: SOP 10 Section III B-22	5
Criminal investigation: SOP 42 Section VII # A	4
Impartial attitude: SOP 10 Section III # B-11	4
Truthfulness: SOP 10 Section III # A-1	3
Assistance to citizens: SOP 10 Section III # B-12	2
Emergency first aid: SOP 1 Section V # 3-B	2
Identification as a police officer: SOP 10 Section III # B	2
Personal behavior: SOP 10 Section III # A-2	2
Recovered property: SOP 10 Section III # A-22	2
Reports: SOP 82 Section V # A-1-5	2
Use of control reports: SOP 1 Section VI # G	2
Supervisory accountability: SOP 12 Section III # B 1,2,3	2
Communication operations: SOP 81 Section V # A-2	1
Consent searches: SOP 41G Section IV # D	1
Criminal conduct: Title 17-A	1
Divulging police information: SOP 10 Section III # A-9	1
Filed stop: SOP 41 Section V # 2	1
General responsibility: SOP 10 Section III # B-21	1
Handcuffs: SOP 71A Section V # E-1	1
Leave time: SOP 105 Section V	1
Obedience to law: SOP10 Section III # D-2	1
Proper procedure: SOP 10 Section III # B-21	1
Recommendation of legal counsel: SOP 10 Section III # C-7	1
Required conduct: SOP 10 Section III # D-1	1
Security of department business: SOP10 Section III # C-14	1
Use of badge or position for personal gain: SOP 10 Section III # C-1	1

Total Alleged SOP violations - 131

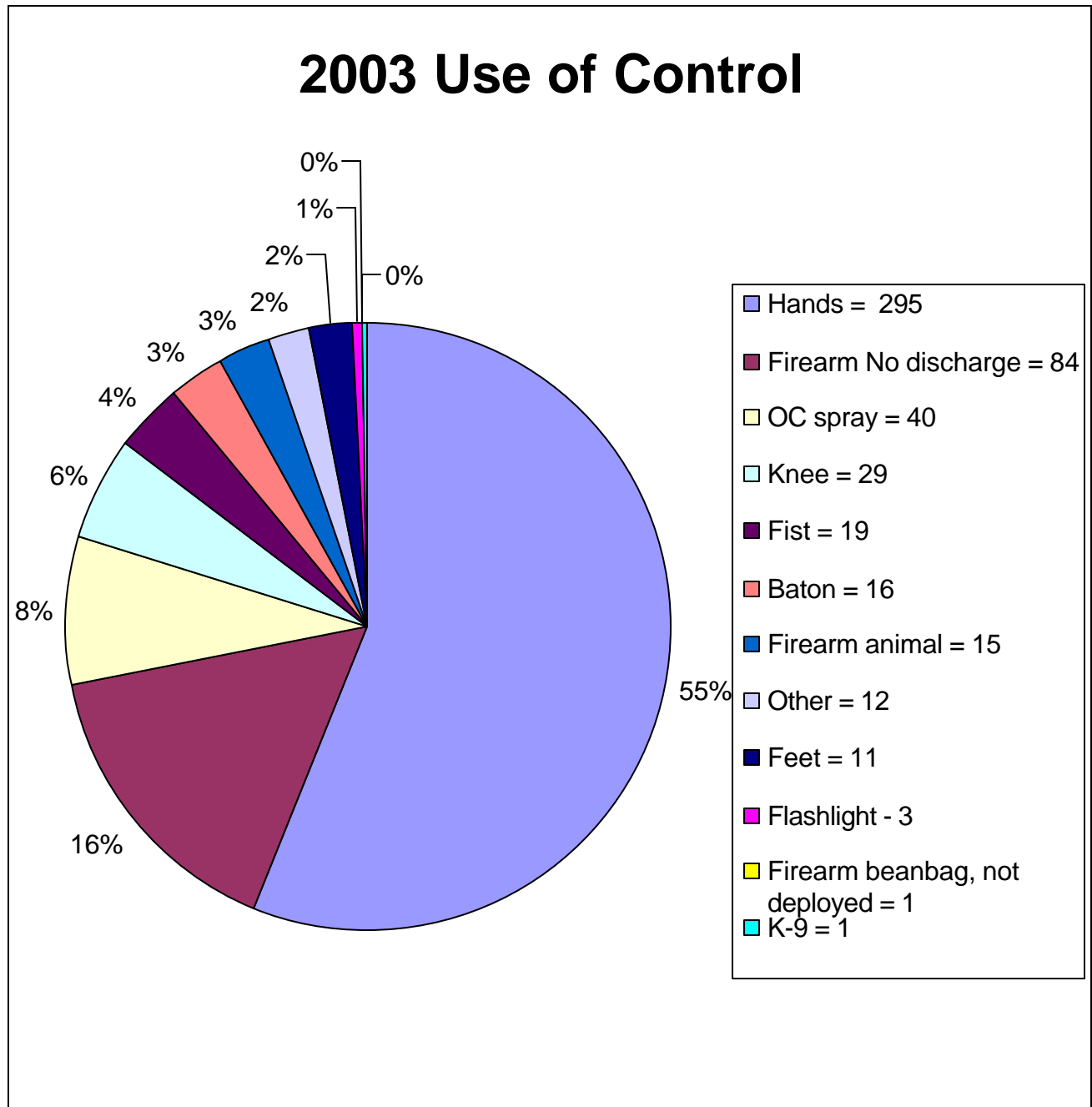
The Portland Police Department Internal Affairs Unit investigated **46 formal complaints** in 2003. **29 out of 42 formal complaints** that are completed were sustained for at least one or more SOP violations. 4 complaints are open or pending final disposition.



The Portland Police Department investigated **27 informal complaints** in 2003. Lieutenants may have checked off more than one resolution for an investigation.



The Use of Control breakdown shows all methods of reported control use by the Portland Police Department in 2003. There was 409 Use of Control reports during 2003 that involved 202 different cases and 162 different people. There are times that there is several Use of Control reports reference the same case. At times there is more than one type of control utilized during an incident. The Portland Police Department used handcuffs 2163 times during 2003.

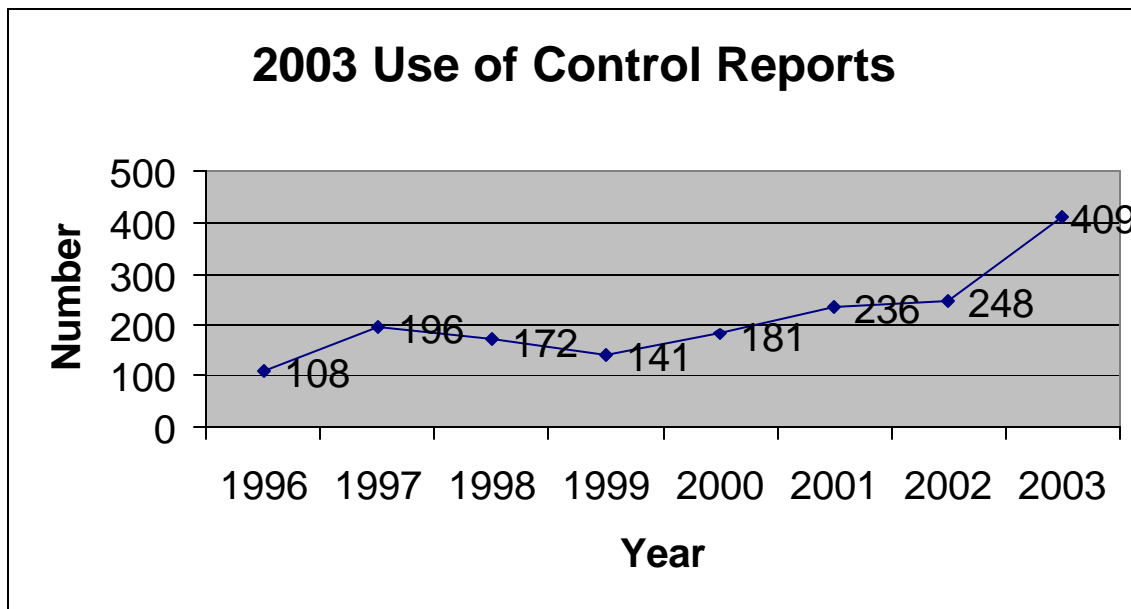
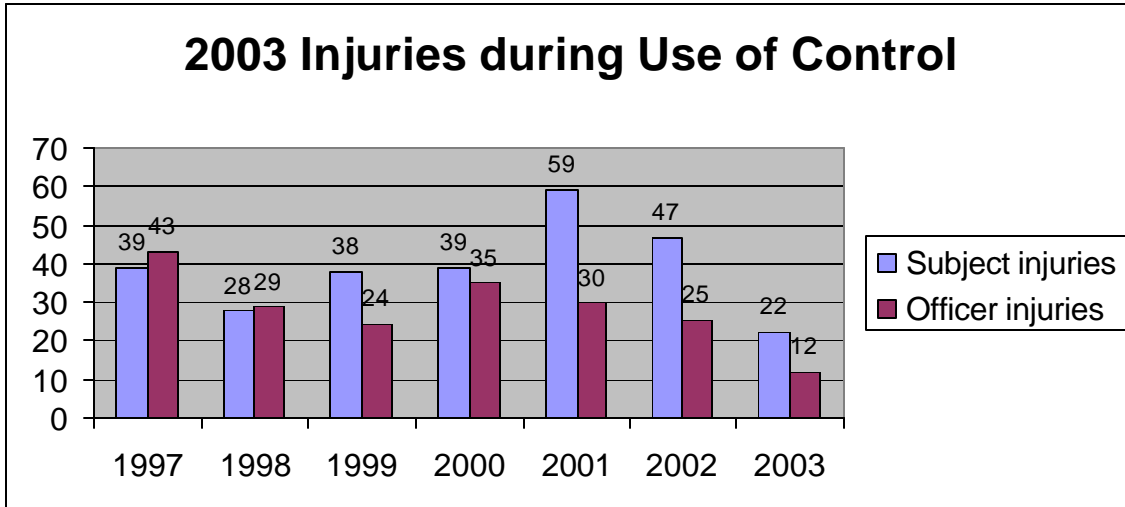


The control uses in the "other" category are as follows: 2 bodies, 2 tackles, 2 forearms, 1 MACH, 1 takedown, 1 elbow, 1 leg, 1 pepper ball, 1 distraction device

Use of Control reports are part of 4 Internal Affairs investigations. Each Use of Control is reviewed by the Use of Control Committee.

39 officers activated the Employee Review System in 2003. The Employee Review System looks at the following items: Use of Control reports, Restraint usage, Internal Affairs complaints, Civil litigation, calls for service, sick leave, overtime, counseling reports, motor vehicle pursuits, commendations and no complaints issued by the District Attorneys Office. Included in this detailed review that goes to the Chief and the Use of Control Committee is a comparison to other officers working the same shift.

The most serious injury to the subjects was abrasions and cuts to the head. The injuries to officers ranged from soreness to an officer requiring surgery to the knee.



In 2003 the Internal Affairs Unit has grown to include Lt. William Preis, Sgt. Kevin Cady and Administrative Assistant Susan Doody for a half a day. This has eliminated the back log of cases and has allowed for the completion of cases in a timelier manner.

In December of 2003 the new “IA Pro” software was introduced. This software program will make it easier to track and analyze data from Use of Control

reports and IA reports. Also incorporated in the software is an early intervention system.

The goal of the Internal Affairs Unit is to ensure that the integrity of the Portland Police Department is maintained through an internal system whereby objectivity, fairness, and justice are ensured by an impartial investigation and review. An additional purpose of this policy is to ensure that complaint information is compiled, tracked, analyzed, and made available to the Chief of Police for use in managing the Department.