

**CITY OF PORTLAND
CIVIL SERVICE COMMISSION**

POLICE CITIZEN REVIEW SUBCOMMITTEE

FIFTH ANNUAL REPORT

2006

JUNE 30, 2007

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1. INTRODUCTION

The Police Citizen Review Subcommittee had a quiet year, with only 4 meetings held because of the lack of cases to review. With the appointment of Deputy Chief Burton to Chief the prior year, promotional opportunities in the ranks were opened up. The IA Division is now led by Lt. Peter Wentworth, with Sergeants Dean Goodale and Clifford Strout assigned to IA.

Dr. Robert McAfee continued as Chair of the Subcommittee. As of this report, the Subcommittee has one vacancy, that of Alternate.

Cases were provided to the Subcommittee as they were closed; however, with far fewer complaints being filed (see below), there were no new cases the last quarter of the year. That trend has continued into 2007. Meetings were held on April 11, May 10, September 13, and October 16. A total of two new cases were reviewed during that time.

The Subcommittee spent time on a few issues, e.g., use of seatbelts in the arrest van and use of tasers. The new vans have locking bars which protect the arrestee from being thrown out of the seat. In regard to tasers, it was noted that Portland does not use tasers. The Chairman expressed his full support of that policy based upon his medical background, discussing with the Subcommittee that taser use can be deadly, disrupting heart rhythm.

In addition, Chief Burton attended the September 13th Subcommittee meeting, and summarized crime statistics for the City, and the shift from the increasingly gentrified east end to areas of the West End and Deering. Robberies increased during 2006, related to increased drug use in the City. The Chief also noted the development of a Day

Directed Patrol and Evening Directed Patrol and the expectation that officers will be multi-functional.

Some changes in training may have helped decrease the number of citizen complaints (despite an increase in arrests), such as: Verbal Judo training which has been well received by the officers; and technological advances such as computers and cameras in the cruisers; and audio components on the officers' belts.

The Subcommittee held its annual public hearing in February of 2007, with presentation of an overview of the IA process and introduction of the new IA personnel. While attended by a City staff person and Councilor, there was no attendance by the general public.

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 the Department's review of the case and subsequent disciplinary appeals, if any, have been completed. The review is an internal audit of the Internal Affairs unit itself, as to its methods and procedures in handling citizen complaints. With membership in NACOLE, there will be access to a broader view of how police civilian or citizen review committees work throughout the country.

2. 2006 REVIEW OF CASES AND SUBCOMMITTEE WORK

The Subcommittee continued its methodology for review of cases of 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” person lead the discussion on each case has worked well and the Subcommittee will continue that procedure.

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>Subcommittee Member</u>	<u>SOP’s involved</u>	<u>Result</u>
Random #7		M. Segal	71A, Sec. V,#D 71 Sec. 2j	N/S N/S
Random #8		J. Finn	Rudeness	N/S

*N/S = Not Sustained

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

3. RESULTS FROM RECOMMENDATIONS IN PRIOR REPORTS

The Subcommittee has not identified any systemic weakness in the Police Department’s investigations of citizen complaints, and notes that there have been significant improvements in procedures over the past 5 years. Timeliness of command review of IA investigations has improved, and undue delay in these reviews is the exception rather than the rule. The Subcommittee commends the Department in this improved process, and adoption of the goal of completion of each investigation within 60 days, including all reviews, barring unusual circumstances.

4. 2006 RECOMMENDATIONS

There were no specific recommendations resulting from the Subcommittee’s review of cases in 2006. The Subcommittee notes the decline in citizen complaints,

particularly serious complaints such as those which led to creations of the Subcommittee, but notes that complaints alleging officer rudeness when interacting with the public continue. The Subcommittee recommends that these more minor complaints be reviewed and training considered on appropriate verbal communication with the public, particularly when there is no immediate public safety threat involved.

5. SUBCOMMITTEE CONCERNS AND PROCEDURES

The Subcommittee continues to discuss the issues of encouraging public input into the Subcommittee's process and the scope of the Subcommittee's jurisdiction.

i. Annual hearing. The Subcommittee notes that none of the previous annual public hearings has resulted in significant public participation. 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 allots time during the meeting for general public comment, in addition to permitting comment on specific agenda items. This has resulted in some public comment at meetings this year.

iii. Complainant input. The Subcommittee has discussed implementing 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. The Subcommittee continues to be concerned about both this issue of

confidentiality and citizen “expectations” as well, i.e. that this is not an appellate review of the merits of their complaint, but is simply an opportunity to address the IA procedure itself, as to its thoroughness and timeliness. Concern has also been expressed about maintaining the confidentiality of the complainants themselves.

The Subcommittee will continue to review this issue.

6. SUBCOMMITTEE JURISDICTION

As noted in the prior reports, the Subcommittee continues to discuss the scope of its jurisdiction to review the handling of citizen complaints. Membership in NACOLE will enable the Subcommittee to obtain broader familiarity with how other citizen review agencies were established, how they operate, their cost, the scope of their review, and to compare Portland’s procedures with those in other municipalities, particularly municipalities of comparable size. For example, the Subcommittee has the annual report of the City of Minneapolis, admittedly a much larger municipality. In Minneapolis, the Civilian Police Review Authority is part of the City’s Department of Civil Rights. It is staffed by 2 investigators, a program assistant, a contract transcriptionist and a manager who reports to the Director of the City’s Department of Civil Rights. It investigates complaints and recommends discipline to the Chief, a far different model than Portland’s.

7. STATISTICAL SUMMARIES – INTERNAL AFFAIRS’ ANNUAL REPORTS

One of the Subcommittee’s specific charges has been to “do a statistical analysis of all cases reviewed, including an analysis of trends and patterns of complaints or results of investigations of complaints”. The Subcommittee has been concerned about the lack of consistency from year to year in the reporting of statistical information regarding

Internal Affairs. In 2004 a new computer program was implemented which has enabled better consistency in reports from year to year.

According to the Department's 2003 Internal Affairs Annual Report, the total number of complaints filed in 2003 was 73, with 44 generated externally (i.e. citizen complaints) and 29 internally (filed by the department against an officer).¹ In 2004, there were 45 complaints, with 31 external complaints and 14 internal complaints. In 2005, there was a decrease in external complaints to 20. In 2006, external complaints decreased to 15.

This shows a substantial decline over the past 4 years in citizen (external) complaints, from a total of 42 in 2003, 31 in 2004, 20 in 2005 and 15 in 2006. A summary of the trend is as follows:

<u>Statistical Trends</u>				
<u>Year</u>	2003	2004	2005	2006
External	44	31	20	15
Internal	29	14	7	9
<u>Use of Force Incidents</u>	203	235	184	193 ²

In the area of external citizen complaints, the trend is clearly in the right direction. The Subcommittee and the Department need to be sure, however, that access to the filing of citizen complaints remains open and available, and that all complaints continue to be thoroughly and objectively investigated.

¹ These numbers do not include motor vehicle accidents.

² These numbers are difficult to compare since one use of force incident can generate multiple use of force forms, depending upon the number of officers involved.

At the request of a Subcommittee member, staff reviewed the Department's Internal Affairs reports on Use of Force and race. The results were as follows:

Use of Force Information by Race and Sex – Excerpts from
Police Department Annual Internal Affairs Reports

<u>Year</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
# of Black Males	21	24	33
# of Hispanic Male	5	6	6
# Black Females	5	1	1
# Hispanic Females	0	0	2
Subtotal	31	31	42
Total # (all demographics):	227³	200	182

It is not clear if any conclusions can be drawn from this table. The Subcommittee encourages the Department to continue to keep track of these statistics to see if any trend is developing in regard to involvement of minority population in use of force incidents, and if so, what the explanation may be for any such trend.

8. CONCLUSION

The Subcommittee desires 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, however, that the public have faith in the integrity and professionalism of the Portland Police Department. Changes implemented over the past few years should help to reassure the public as it does the Subcommittee. The Subcommittee can play a positive role in improving both

³ This is estimated from the bar chart in the 2004 IA Annual Report.

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 Subcommittee can serve both the public interest and the Department interest in ensuring citizen confidence in the Department's ability to fairly investigate citizen complaints against officers.

ACKNOWLEDGEMENT

We want to acknowledge the excellent staff assistance we receive. Donna Cummings takes our minutes and provides copies of our cases to review. 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 also provided training to new members as they were appointed. He has done all this as a volunteer. Both the Lieutenant and Sergeants in Internal Affairs have provided us with a better understanding of the cases they investigate. Beth Anne Poliquin and Deputy Chief Ridge have provided information regarding departmental policies. Elizabeth Boynton, Associate Corporation Counsel, has provided legal advice to us and on related issues such as collective bargaining and state confidentiality requirements. The Corporation Counsel's support staff has diligently ensured both the availability and the confidentiality of the IA reports. We thank them all for their energy, time, insight and assistance.

Dr. Robert McAfee, Chair
Janis Beitzer
Julia Finn
Karen Hunter
Madeleine Segal
Daniel Skolnik

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.

• • • •

(b) *Quorum.* A quorum of the Police Citizen Review Subcommittee shall be four (4). Notwithstanding the foregoing, the quorum shall be reduced to three (3) during any period when there is a vacancy on the Subcommittee, including a vacancy in the position of alternate.

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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, 2006

CITY OF PORTLAND
POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Notes – April 11, 2006
Portland Police Conference Room
109 Middle Street

Subcommittee Members present: Chairman Robert McAfee, Janis Beitzer, Julia Finn, Karen Hunter, Madeleine Segal, Daniel Skolnik
Staff present: Bill McClaran, Elizabeth Boynton, Lt Bill Preis, Sgt Scot Mattox, Lisa Perrotta, Donna Tyler-Cummings
Public in attendance: None

The meeting was called to order at 6:04.

Chairman McAfee welcomed new members Janis Beitzer and Daniel Skolnik. Chairman McAfee asked that Bill McClaran schedule an orientation session for the new members as well as alternate Ted Luebbert.

Chairman McAfee reviewed with the committee members the group's charter, confidentiality rules, annual reports and hearing, and explained the case review process to the new members. He also requested that members provide as much advance notification as possible if they are unable to attend a scheduled meeting.

Chairman McAfee advised that the Committee has a membership in the National Association of Citizen Review of Law Enforcement (NACOLE). He recommended that Committee members visit the NACOLE website www.nacole.org and sign up for the mail list, a great source for relevant, informative material. Dr. McAfee also indicated that the 2006 NACOLE conference is scheduled for 25-28 September in Boise, ID.

Chairman McAfee discussed the Committee's 2005 Annual Report and indicated that he hopes to finalize the report at the May meeting. He explained that the 2005 report will focus on Internal Affairs trends rather than on recommendations to the Department. He also stressed that the Department has taken action on all of the Committee's recommendations to date. Dr. McAfee asked Committee members to review the minutes from the 2005 meetings to see if they have any recommendations to be included in the report. Elizabeth Boynton agreed to email the minutes to Committee members.

Chairman McAfee then conducted a page by page review of the 2005 Internal Affairs report. He noted the positive trends including a significant reduction in complaints. He expressed hope that these positive trends were not the result of chilled reporting. For the benefit of the new members, Sgt Mattox explained and demonstrated the process and occasional difficulty of double-locking handcuffs. Dr. McAfee asked Lt Preis to explain

the discrepancy between the number of uses of force and the number of arrests. Lt Preis explained that officers may have to use force to subdue a mentally ill person or a person attempting to harm themselves. In such a case, the person would likely be taken into protective custody for his or her own safety, but would not be arrested in the criminal sense.

Before going into executive session, Madeleine Segal pointed out the Committee is not included in the City A-Z guide. In response to her question about the paucity of cases, Sgt Mattox and several Committee members reiterated that the Internal Affairs Unit is only on its third case of the year. Ms. Segal also asked the status of inviting complainants who believe they have been “wronged” by the IA process to meetings. Dr. McAfee indicated that this issue is still under discussion.

Julia Finn reminded Chairman McAfee that Committee had not rescheduled the previously cancelled visit by the USDOJ consultant from NH. Dr. McAfee indicated that the consultant was a member of NACOLE and that he would likely be willing to attend a future meeting.

The committee went into executive session at 7:46.

Random Case #7

Discussion Leader: Madeleine Segal

Investigator: Sgt Mattox

The Committee agreed that this case was thoroughly and fairly investigated. Madeleine Segal expressed concern about the lack of seatbelts in the Arrest Van. Lt Preis explained that while the old van does not have seatbelts, it does have individual seats with arms that provide sufficient protection if an individual is cooperative. Sgt Mattox explained that the new Arrest Van is equipped with lockbars similar to those found on roller coasters.

The meeting adjourned at 7:58.

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Notes – May 10, 2006

**Portland Police Conference Room
109 Middle Street, Portland ME 04101**

Subcommittee Members present: Julia Finn, Karen Hunter, Dan Skolnik

Subcommittee Members not present: Chair Robert McAfee, Madeleine Segal, Jan Beitzer, Thomas Taggart

Staff present: Elizabeth Boynton, Bill McClaran, Bill Ridge, Donna Tyler Cummings

Public in attendance: None

At 6:12 p.m. it was decided that Chair McAfee was not going to make it to the meeting from the Dirigo hearing in Augusta he was attending. There was not a quorum present.

Elizabeth Boynton suggested taking some time to discuss the draft Annual Report.

Following are some of the discussion points touched upon:

- It was noted that the number of cases coming to the committee for review are down considerably.
- It was asked if there was a way to gain increased public input into the Subcommittee's meetings.
- Elizabeth Boynton noted the police contracts had just been ratified but that side agreements could be discussed with the unions, as was done in regard to attendance of the IA officers.
- A date the third week of September was recommended for a public hearing. It was noted that this meeting should probably not be held in City Council chambers.

Committee member Skolnik noted that he would be out of town from May 30th until July 12th and unable to attend the June meeting.

It was brought up that training is needed for Dan, Ted and Jan.

The meeting broke up at 7:00 p.m.

Respectfully submitted,
Donna Tyler Cummings

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Notes – September 13, 2006

**Portland Police Conference Room
109 Middle Street, Portland ME 04101**

Subcommittee Members present: Chair Robert McAfee, Dan Skolnik, Karen Hunter, Madeleine Segal

Subcommittee Members not present: Julia Finn, Jan Beitzer

Staff present: Attorney Elizabeth Boynton, Bill McClaran, Donna Tyler Cummings

Guests present: Chief of Police Timothy Burton, Deputy Chief Bill Ridge, Attorney Bethanne Poliquin, Lieutenant Anthony Ward

Public in attendance: None

The meeting was called to order at 6:06 p.m. by Chair McAfee.

The paucity of complaints was noted and the question framed—are complaints low because the process is in place and good?

Dr. McAfee recommended the website www.NACOLE.org to learn about the everyday concerns re police action and oversight.

Madeleine Segal requested that the third sentence of paragraph 6 of the April 11, 2006, minutes be rewritten to read:

Ms. Segal also asked the status of inviting to meetings those complainants who disagree with the IA result.

Dan Skolnik moved to approve the minutes of April 11, 2006, as amended by the above change, and the minutes of May 10, 2006. The motion was seconded and the minutes were so approved.

Dr. McAfee introduced Chief Timothy Burton, Deputy Chief Ridge, and Lieutenant Anthony Ward to the committee. There followed discussion on the current lower number of complaints, with emphasis on the changes in command and approach at the Portland Police Department:

- Chief Burton noted that arrest numbers are up, but complaint numbers are down.
- The Chief noted that that there has been no change in the complaint process, but things are going well and it has been a relatively quiet summer

- Chief Burton reported on the creation of Day Directed Patrol and Evening Directed Patrol, which reflect a change in approach. There has also been a change in the expectation of officers being multi-functional.
- Deputy Chief Ridge noted that there has been a lull in action in the area, but remarked that these things are always cyclical.
- Elizabeth Boynton noted that the Verbal Judo training may have had the effect of lowering the number of complaints. Verbal Judo is a method by which to gain compliance through a verbal approach, rather than with force. It has been well-received among officers. Refresher courses are available to them.
- It was noted, with regard to the media, that the most appropriate approach is individually determined. The media interview may be delivered by the Chief, or by Deputy Chiefs Ridge or Loughlin or one of their lieutenants.
- It was pointed out that the demand for services has shifted from the East End to the West End. Munjoy Hill gentrification has led to a decrease in attention there. There has also been an increase in demand for services in the Deering area.
- There has been an increase in robberies, but not in violent crime. Underlying drug issues are a factor in every robbery. The drug market is expanding locally and becoming more lucrative.
- It was noted that Concealed Weapons Permits have been consistent in numbers.
- In the Internal Affairs Unit, Lt. Anthony Ward is the new lieutenant in charge and Sgt. Dean Goodale is the investigating sergeant. Promotions within the Department will happen in late October or early November, at which time the second investigating sergeant will be assigned to IA.
- At that time there will also be a new captain appointed to replace Capt. Russell Gauvin, who retired from the department.
- Another change is the hiring of Jannet Francisca as Community Outreach Coordinator. Jannet provides various forms of education to the immigrant community and has been creating brochures in seven languages to explain how our laws and our policing policies work. She will also provide officer training in cultural awareness.
- It was noted, too, that the Civilian Police Academy may also be a factor in the lower number of complaints.

- Many technological improvements have occurred in Police Department. Deputy Chief Ridge explained that there are computers in all the cruisers now, as well as cameras, with audio components on the officers' belts.
- IO Solutions is the new testing system for applicants for new police officers. It allows the department to offer the test more frequently as it is an on-line test, and to get results immediately.

It was noted that there is currently a command review of four new cases and that these will all be sent out to the committee when complete. Chair McAfee discussed the importance of attending all meetings, especially with the upcoming increase in case load for review. Meeting policy will be the first item on the agenda at the next meeting. A firm commitment to the committee is necessary and to aid this, a new meeting time and day may be set. Elizabeth Boynton was asked to send out an email to solicit feedback on the preferred days and times for the Citizen Review meetings. The second Wednesday night of the month has not worked well in terms of attendance.

It was asked if there will be a public meeting, as previously discussed. It will not be possible for September, but Chair McAfee recommends January 2007.

Madeleine Segal asked if a couple of the committee's members might attend the HCD meeting, and the issue of someone attending the NACOL conference was brought up. The NACOL conference is in two weeks, so the committee should plan for next year's conference.

The committee then went into Executive Session to discuss the case on hand. After Executive Session, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Donna Tyler Cummings

POLICE CITIZEN REVIEW SUBCOMMITTEE

Meeting Notes – October 16, 2006

**Portland Police Conference Room
109 Middle Street, Portland ME 04101**

Subcommittee Members present: Chair Robert McAfee, Dan Skolnik, Karen Hunter, Madeleine Segal

Subcommittee Members not present: Julia Finn, Jan Beitzer

Staff present: Attorney Elizabeth Boynton, Bill McClaren, Donna Tyler Cummings

Guests present: None

Public in attendance: None

The meeting was called to order at 6:08 p.m. by Chair McAfee. It was MOVED and SECONDED and VOTED IN FAVOR to approve the minutes of the September 13, 2006, meeting.

The attendance issue and potential meeting days were discussed. All present hope to find a meeting day that will work for all and improve attendance. Bill McClaren stated that he is available any night and Dr. McAfee can attend any night in November except Monday. November 8th, the second Wednesday in November, is a possibility for the next meeting. Dr. McAfee will check with Chief Burton about cases for review. Dr. M. asked Elizabeth Boynton to research the attendance policies of other city committees.

Dr. McAfee then gave his report on the Nacole conference. The keynote speaker was David Harris, a professor at the University of Toledo, whose book Good Cops talks about preventive policing, with the following sub-categories: building bridges, solving problems, being accountable, leading the way, and changing the police department culture. A presentation entitled “Investigating Yourself—A Tale of Woe” was given by Federal District Judge Lynn Windmill. Luncheon speaker David Nevin, Attorney, spoke about the case in Idaho of Sammy Al Hussein who spent 511 days in solitary confinement before being found innocent of charges. His was a case of civil rights violated due to the Patriot Act. There was also a presentation at the conference on current technology.

Other discussions included the rampart scandal at L.A.P.D. where there was no civilian oversight, and a look at year-end reports from other communities—San Jose, Miami-Dade, and Oakland. Dr. McAfee noted that the Nacole newsletter will be sent to anyone who registers for it.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,
Donna Tyler Cummings

APPENDIX III
2006 INTERNAL AFFAIRS REPORT
PORTLAND POLICE DEPARTMENT