



# **PORTLAND MAINE**

## **POLICE DEPARTMENT**

### **OFFICE OF INTERNAL AFFAIRS**

### **ANNUAL REPORT**

2016

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# Table of Contents

I.	Introduction.....	Page 2
II.	Investigative Incidents.....	Page 3
	a. 2016 Incidents	
	b. External Complaints	
	c. Internal Complaints	
	d. Incident Details	
	e. Allegations and Findings	
III.	Performance Management Reviews .....	Page 9
IV.	Background Investigations .....	Page 10
V.	Conclusion .....	Page 10

## Introduction

The Portland Police Department's Internal Affairs Unit is comprised of a lieutenant and a sergeant. The unit is directly supervised by the Assistant Chief of Police while under the overall command of the Chief of the Department.

The unit investigates allegations of misconduct made against department personnel. Allegations may be initiated by the public or internally by department members. Other duties include monitoring certain activities relating to the professional operation of the department. These include use of force by officers, preventable accidents, vehicle pursuits, and firearm discharges. An early warning system consisting of pre-established organizational parameters is maintained and monitored by the unit. Performance Management Reports are generated and a command staff review is begun when these parameters are met. Statistical data is provided to command staff for use in planning, policy formulation, and risk management. The Internal Affairs Unit also conducts pre-employment background investigations. The Unit's functions fall into three broad categories: Investigative Incidents, Tracking and Evaluating Statistical Data and Background Investigations.

### Investigative

- **External Complaints**--Investigations conducted on complaints received from outside sources or citizens
- **Internal Complaints**--Investigations conducted on complaints generated from within the Portland Police Department
- **Pre-employment Background Investigations** -- Comprehensive investigations of all police department and Portland Regional Communications Center applicants

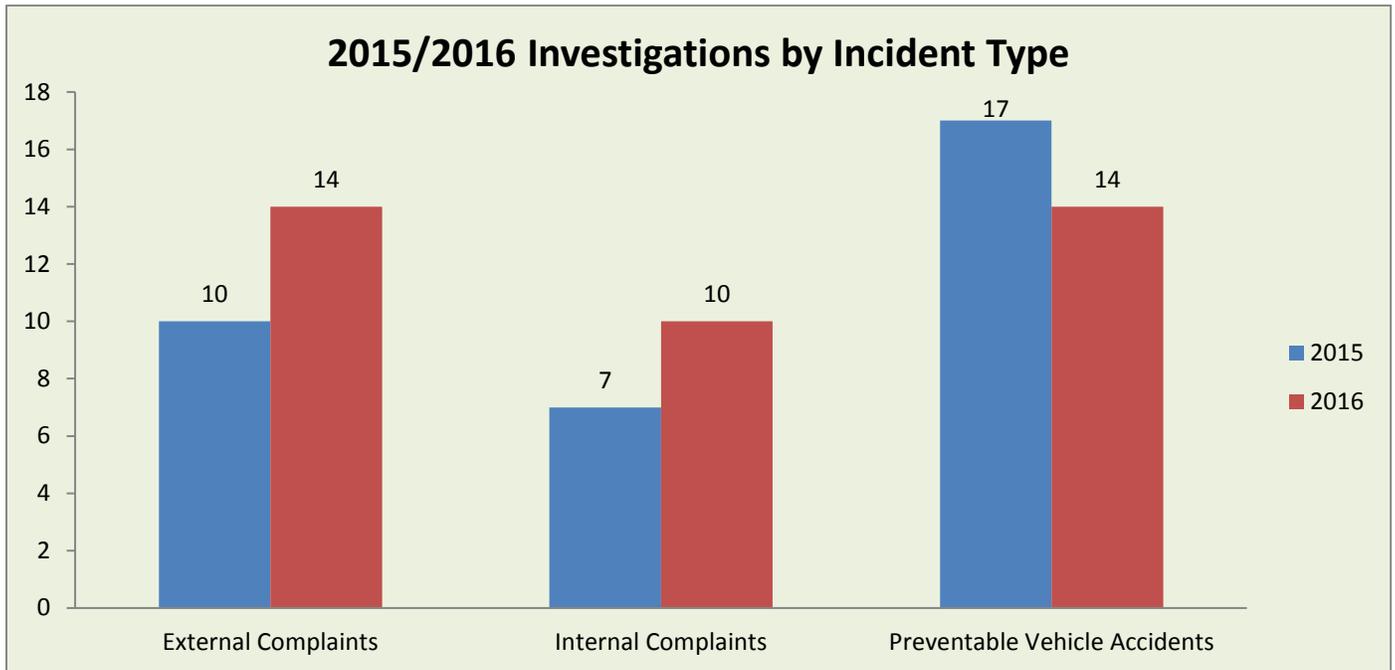
### Tracking and Evaluating Statistical Data

- **Uses of Force**--Tracks all facets of each use of force and analyzes for potential patterns and trends. The lieutenant also chairs the Use of Force Committee.
- **Use of Force Committee** – Meets monthly reviewing all use of force reports examining for trends, training needs, and policy concerns. Members include Command Staff, Police Attorney, IA Staff, Union Representatives, and a Defensive Tactics Instructor.
- **Vehicle Pursuits**--Tracks all aspects of vehicle pursuits
- **Performance Management Review**-- Prepares comprehensive reports for command review of officers who exceed identified organizational parameters

## **Investigative Incidents: Complaint Type**

External complaints are those generated by members of the public. Internal complaints are those generated from within the department.

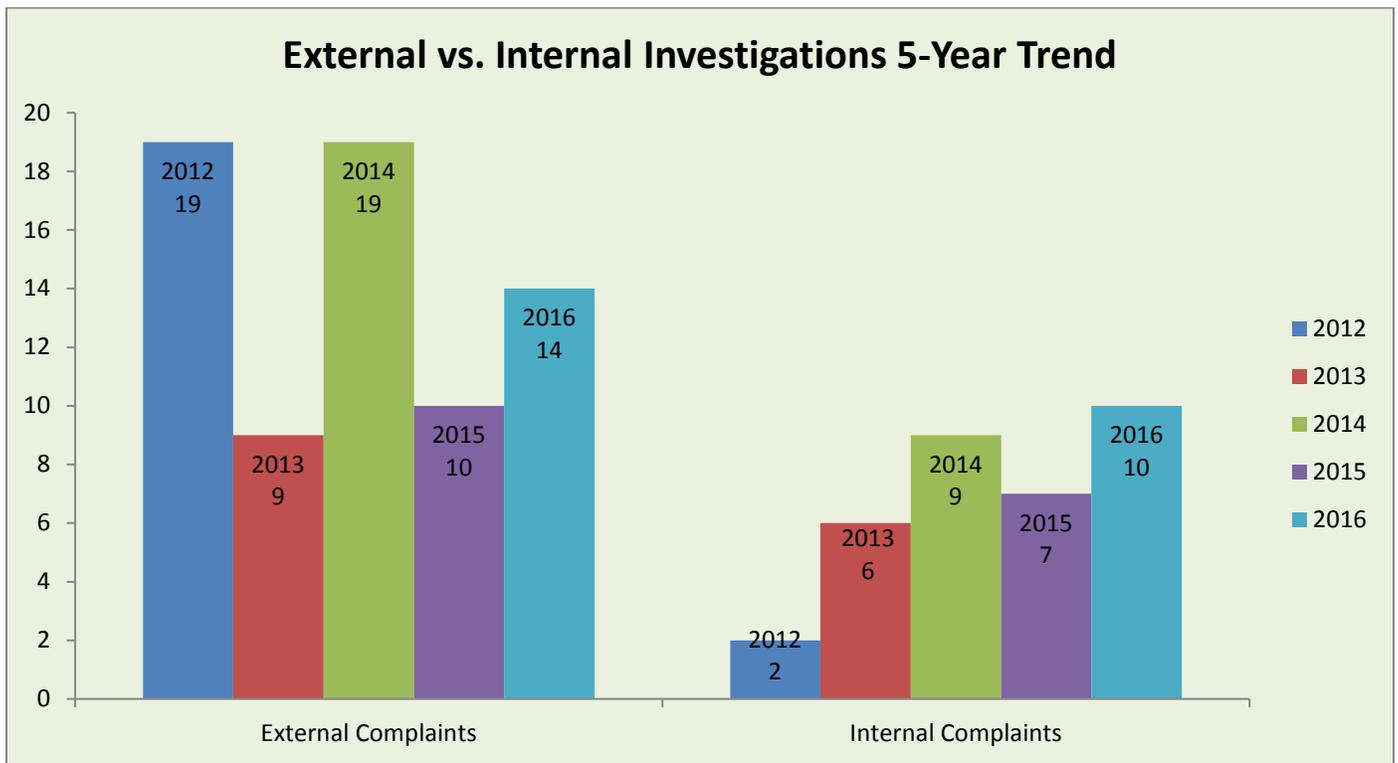
In 2016 the Portland Police Department handled over 82,807 calls for police service. These calls include citizens calling 911 and officer initiated interactions. In 2016 officers arrested 3,235 individuals. There were 14 External and 10 Internal complaints filed against officers in 2016.



Total internal and external complaints increased from 17 in 2015 to 24 in 2016. There was a slight decrease in preventable accidents in 2016. Preventable accidents are discussed in more detail later in this report.

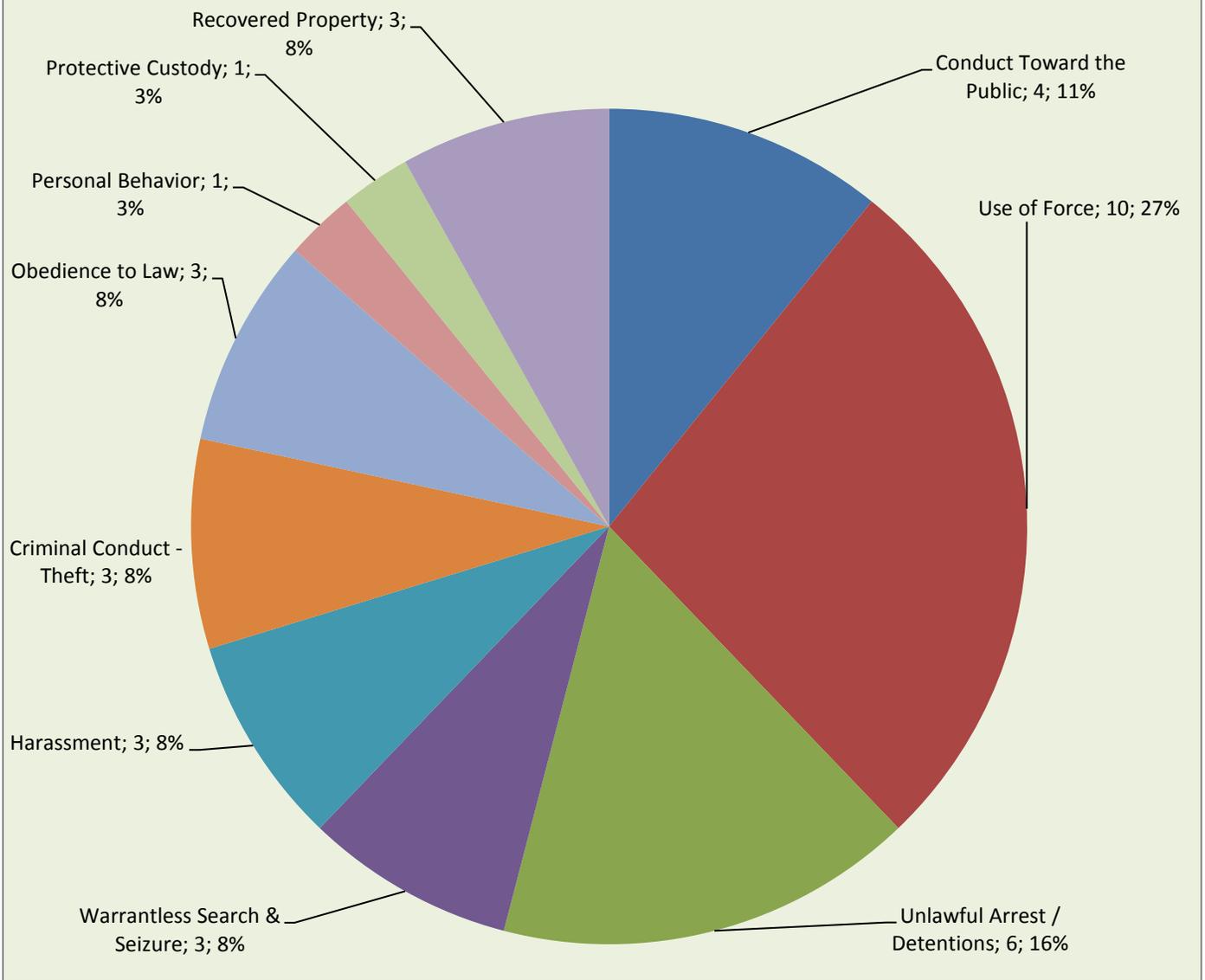


Over the past five years the annual number of complaints has averaged 21. 2014 was the highest year with 28 complaints and 2013 was the lowest with just 15. In 2016 we had 24 complaints.



Data over the past five years shows no apparent patterns regarding the number of complaints.

## 2016 External Complaints by Allegations

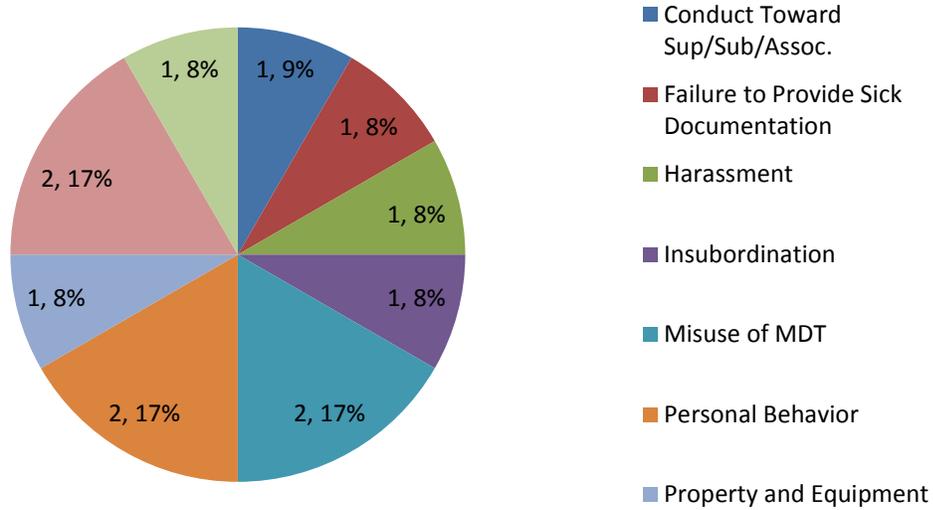


In 2016 there were 14 external complaints filed by individual(s) against 22 departmental employees. A total of 37 allegations were investigated alleging violations of the department's standard operating procedures.

Individual allegations included: Conduct Toward the Public (4, 11%), Excessive or Unnecessary Force (10, 27%), Warrantless Search/Seizure (3,8%), Unlawful Arrest/Detention (6, 16%), Harassment (3,8%), Criminal Conduct-Theft (3, 8%), Obedience to Law (3,8%), Personal Behavior (1,3%), Protective Custody (1,3%), and Recovered Property (3,8%).

Complaints of Excessive or Unnecessary Use of Force were alleged against 10 officers in 6 separate investigations. This allegation was responsible for 27% of the External Investigations in 2016.

## 2016 Internal Complaints by Allegation

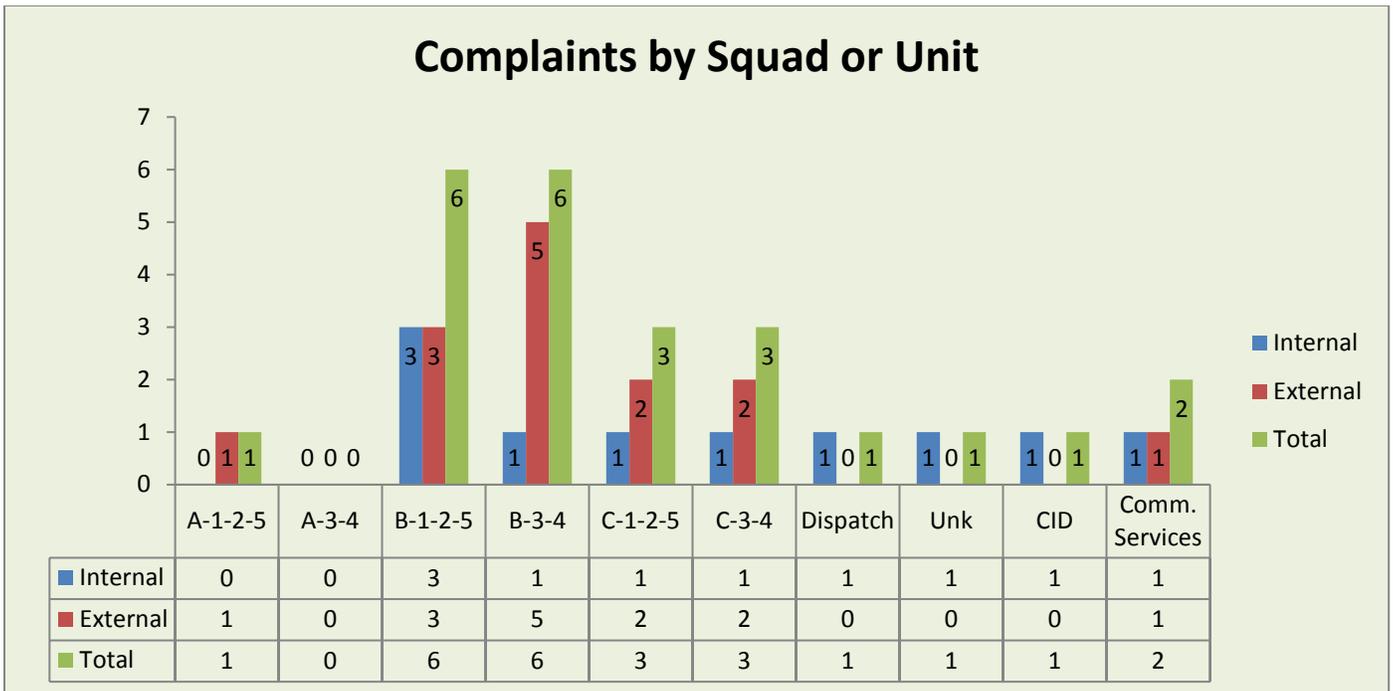


In 2016 there were 10 Internal Complaints filed against 9 departmental employees. One employee was the subject of 2 separate investigations. A total of 12 allegations were investigated alleging violations of departmental standard operating procedures.

Individual allegations included: Conduct toward Supervisor/Subordinates/Associates (1, 8%); Failure to Document Sick Leave (1, 8%); Harassment (1, 8%); Insubordination (1, 8%) Misuse of Mobile Data Terminal (2, 17%); Personal Behavior (2, 17%); Property and Equipment (2, 17%), Property Management (2, 17%); Unsatisfactory Performance (2, 17%);

Allegations of violations of Personal Behavior, Misuse of Mobile Data Terminal, and Property Management accounted for 50% of the allegations in 2016

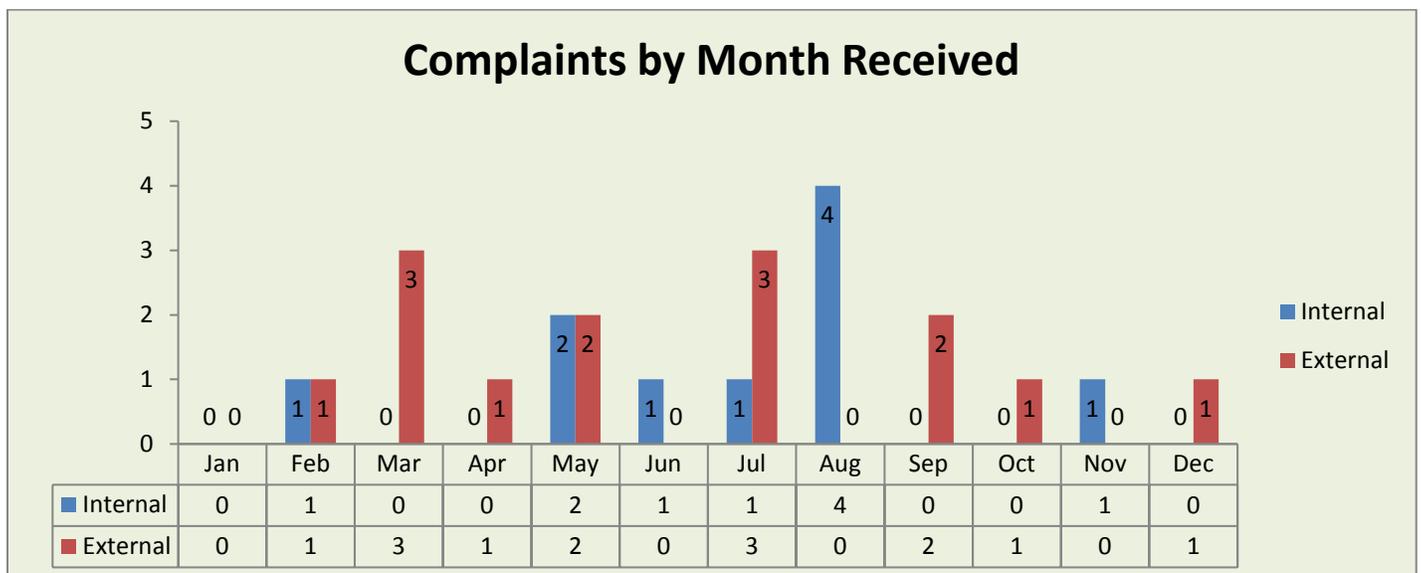
## Complaints by Squad or Unit



In the 24 complaints filed in 2016, a total of 25 different employees were named. The internal complaints named eight different officers. One officer was named in two internal complaints. One internal complaint was closed without naming an officer. In that case, equipment damage was being investigated and it was determined that it was likely the result of normal wear and tear. The external complaints named 17 different officers. Three officers were named in two external complaints each.

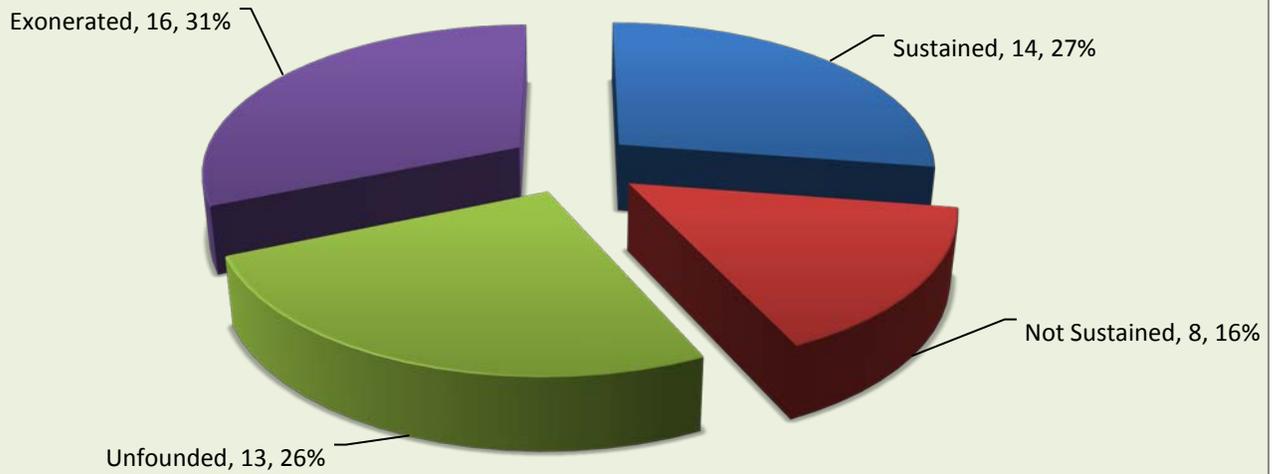
The B Team accounted for 12 (50%) of complaints. The B3 squad received the highest number of complaints with 5 (21%) of the total complaints filed. This group of officers works during the busiest periods, evenings and weekends. This may account for the number of complaints.

## Complaints by Month Received



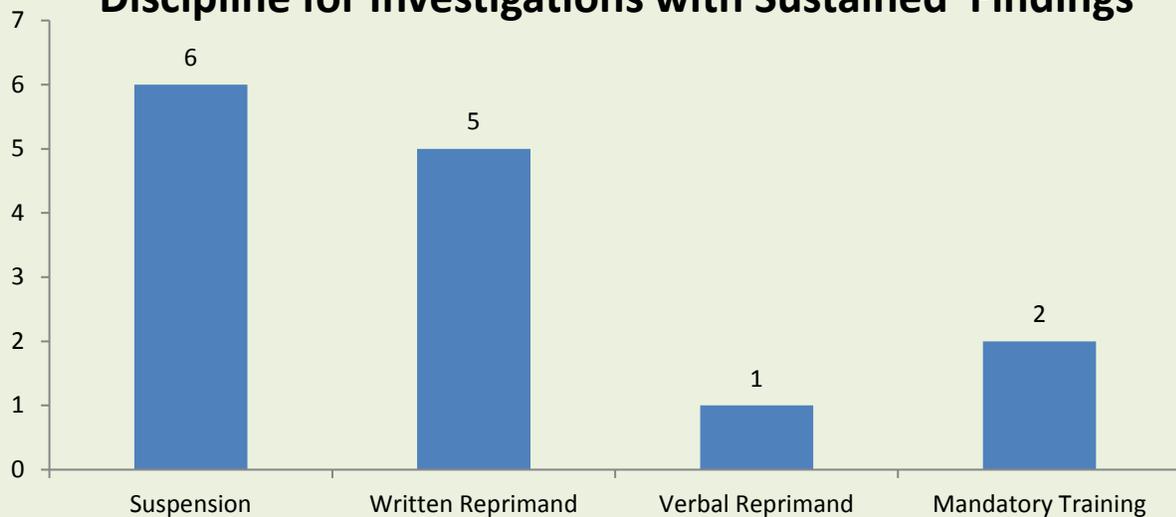
This chart demonstrates that there does not appear to be any apparent pattern based on a month to month comparison.

## Investigative Findings on Allegations



In some investigations there were multiple employees and multiple allegations investigated for each complaint. In 2016, 22 employees were the subjects of the 14 External Investigations with 37 allegations investigated. 9 employees were the subjects of the 10 Internal Investigations with 14 allegations investigated. 1 Investigation was unfounded and no officer was named.

## Discipline for Investigations with Sustained Findings



In 2016, 3 allegations from external investigations were sustained and discipline issued. Seven of the 10 internal investigations resulted in 11 allegations being sustained and disciplinary action being ordered.

Preventable accidents are not included here.

# Performance Management Reviews

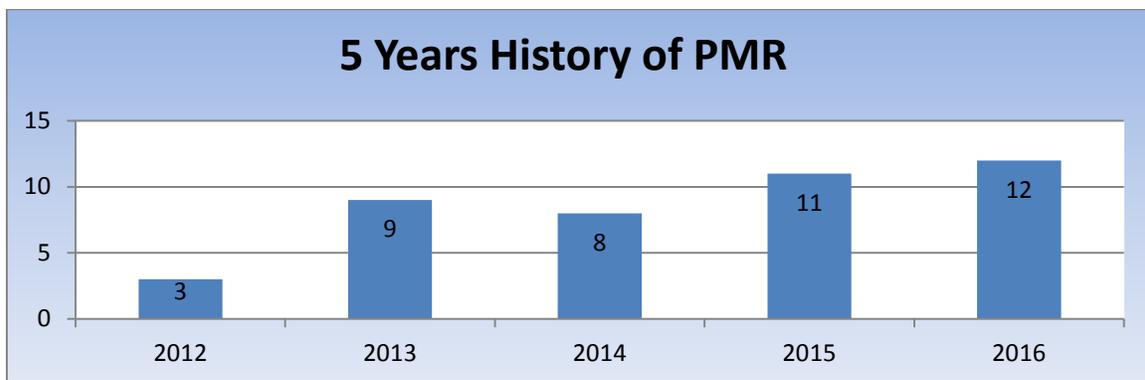
As part of an early warning system the Internal Affairs Unit monitors the number of use of force incidents by officers as well as other indicators that might represent areas of concern regarding employee performance. When certain parameters are met the Internal Affairs Unit prepares a comprehensive report for the officer's lieutenant and command staff. This process is known as Performance Management Review (PMR). In 2016 performance management reviews were conducted on 12 officers.

The Internal Affairs Office monitors the Performance Management Review System and initiates a review any time an officer reaches one of the following thresholds:

- Three use of force incidents in any ninety-day period or seven in any 365-day period,
- Two disciplinary incidents in twelve months,
- Request for review by officer's lieutenant, or
- A member of the Command Staff or the Chief of Police requests a review.

A Performance Management Review Report includes the following data: awards and commendations, training, calls for service, number of arrests, including the ratio of arrests to uses of force, use of force incidents, sick leave usage; motor vehicle pursuits, discipline, overtime and leave usage, cruiser accidents, Internal Affairs complaints, no-complaints from the District Attorney, outside employment, lawsuits and notices of claim, job improvement plans and a numerical comparison of the officer to others on the same patrol team are provided. The report will include an analysis of the data including areas in need of improvement or change, patterns, and performance or training issues.

The officer's sergeant and lieutenant review the report before it is discussed with the officer. After consulting with the officer a written action plan is devised to address any areas of concern or ensure continued monitoring if no issues are readily apparent. The Performance Review Committee must approve all action plans before implementation. The Performance Review Committee consists of the Chief of Police, Assistant Chief, Commander, Major, Internal Affairs Lieutenant, Training Sergeant, Police Attorney, and the Lieutenant of the officer.



# Background Investigations

## Pre-Employment Background Investigations

The Internal Affairs Unit conducts pre-employment background investigations on police officer and emergency communications candidates. While investigators from other divisions will assist in this task when there are numerous candidates, the majority are done by Internal Affairs. Investigations include querying criminal, credit and driving histories databases, along with interviews of employers, references, relatives, friends and co-workers. Every attempt is made to verify all applicant information for truthfulness and completeness. A written report is compiled for use by the Chief and Human Resources in making employment decisions

## Conclusion

The duties of the Internal Affairs unit are varied but generally revolve around risk management. 2016 saw an increase in the number of complaints investigated. The total number of investigations increased by 41%, with the number of External investigations increased by 40% and Internal investigation increased by 43%. If a conclusion can be drawn that most complaints arise from a Call for Service (CFS), there is approximately one complaint every 3450 CFS.

End Report