



PORTLAND MAINE

POLICE DEPARTMENT

OFFICE OF INTERNAL AFFAIRS

ANNUAL REPORT

2014

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Introduction

The Portland Police Department 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 Incidents

- **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

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

Background Investigations

- **Pre-employment Background Investigations** -- Comprehensive investigations of all police department and Portland Regional Communications Center applicants

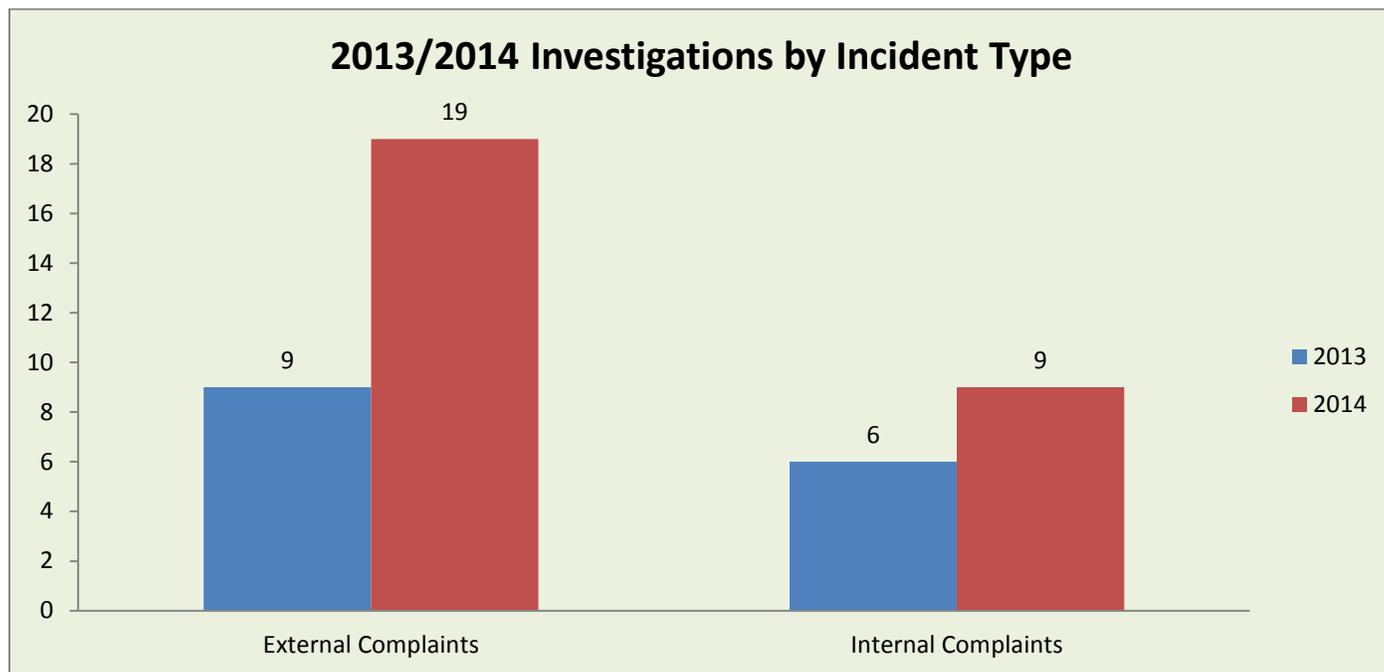
Investigative Incidents: Complaint Type

External complaints are those generated by members of the public. Internal complaints are those generated from within the department. Both types of complaints are generally investigated by the Internal Affairs Unit. Complaints of a minor nature may, with the approval of the Chief, be logged by the unit and forwarded to a shift supervisor for resolution.

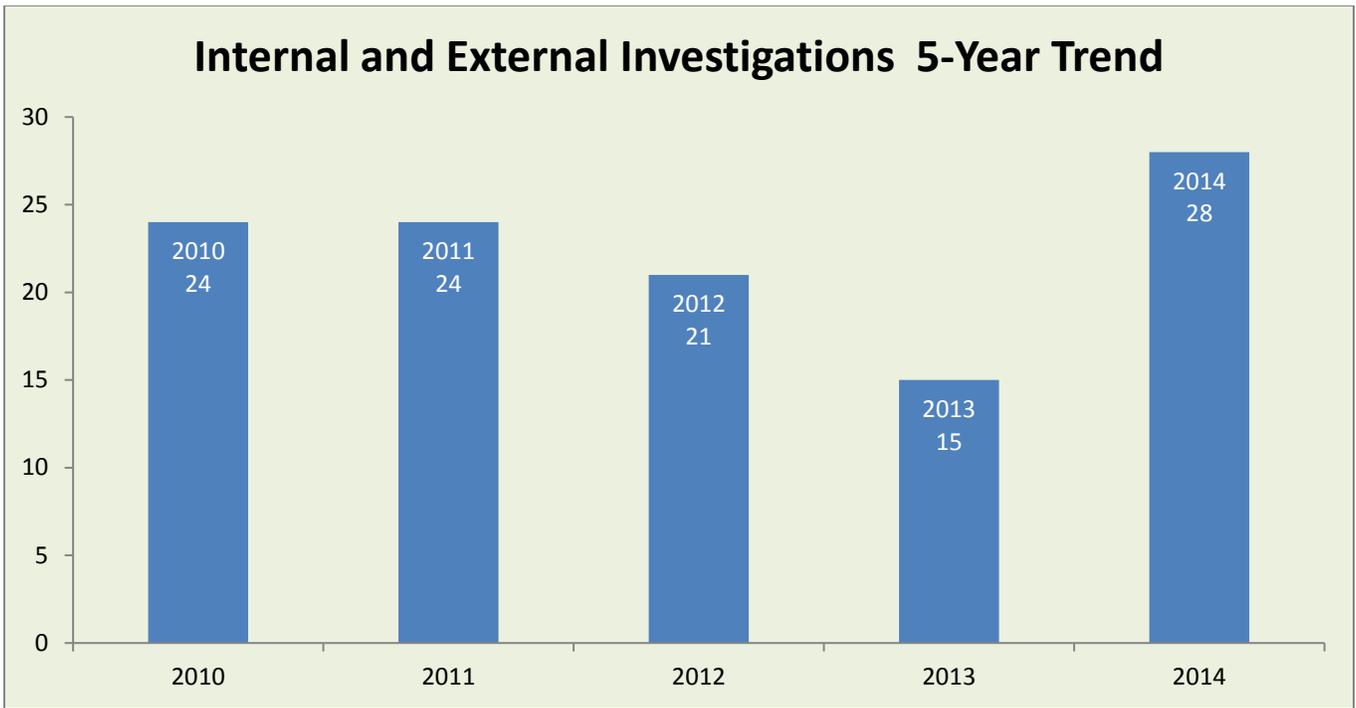
The Internal Affairs Unit typically investigates all of the following allegations:

- Conduct that violates a person’s civil rights
- Criminal Activity
- Excessive Force
- Improper Arrest
- Improper Entry
- Improper Search
- Infractions that would bring the Department into disrepute or risk the safety of fellow officers or the public
- Notice of Claim related incidents
- Conduct toward the public
- Repeated minor violations

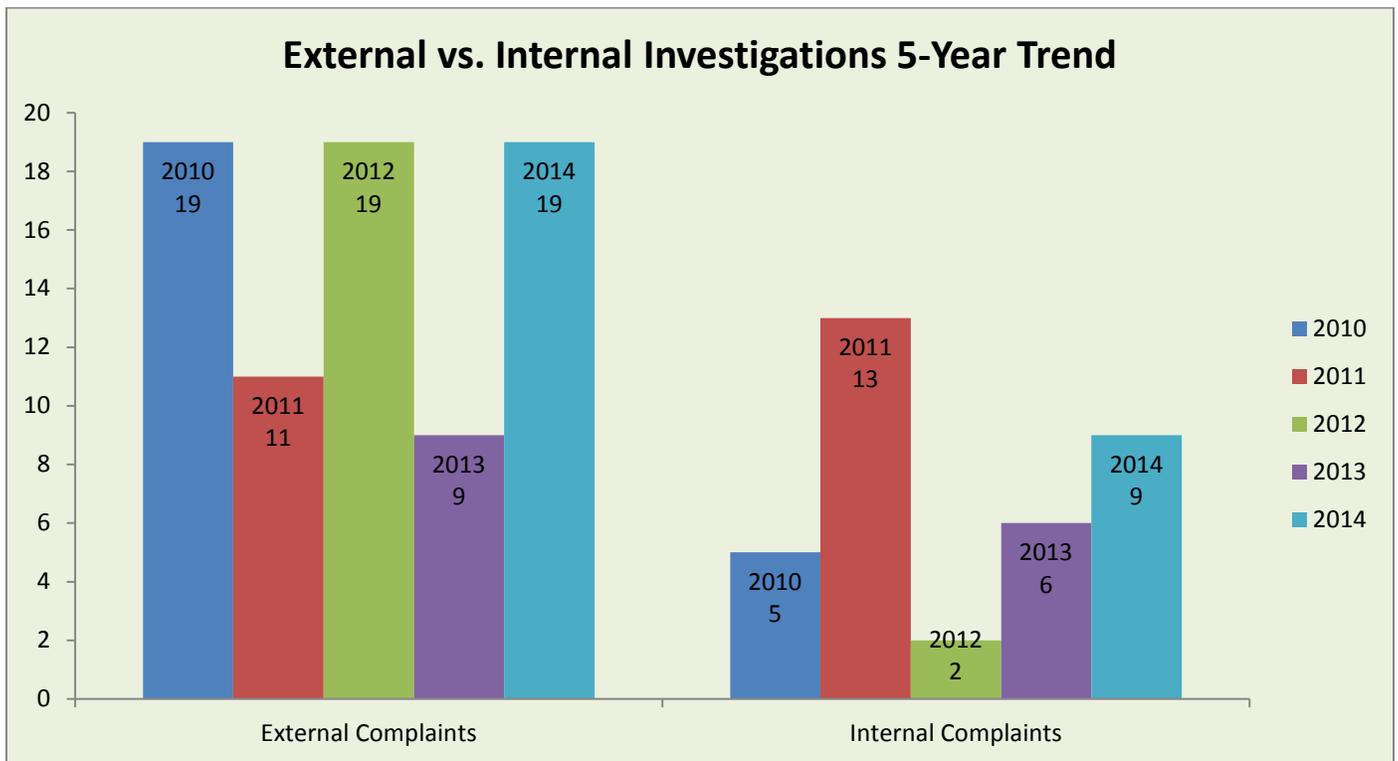
In 2014 the Portland Police Department handled over 84,000 calls for police service. These calls include citizens calling 911 and officer initiated interactions. Only 28 of these calls resulted in internal affairs complaints. In 2014 officers arrested 3,461 individuals. Only 10 of these arrests resulted in internal affairs complaints.



Total internal and external complaints increased from 15 in 2013 to 28 in 2014.

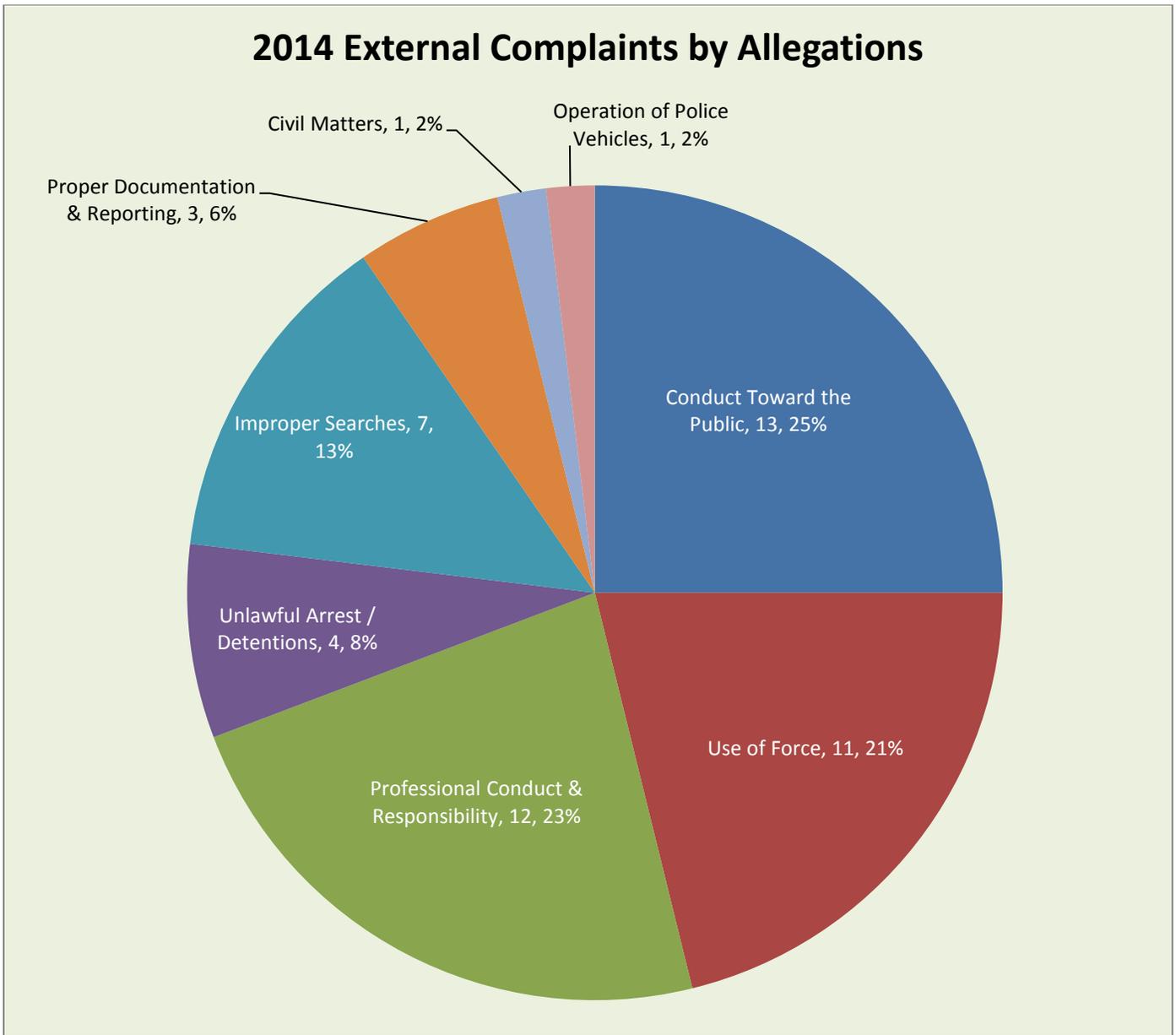


Over the past five years the annual number of complaints has averaged twenty two. 2014 was the highest year with twenty eight complaints and 2013 was the lowest with just fifteen.



Data over the past five years shows varying patterns of both external and internal complaints. Over the past three years there has been a steady rise of internal complaints.

2014 External Complaints by Allegations

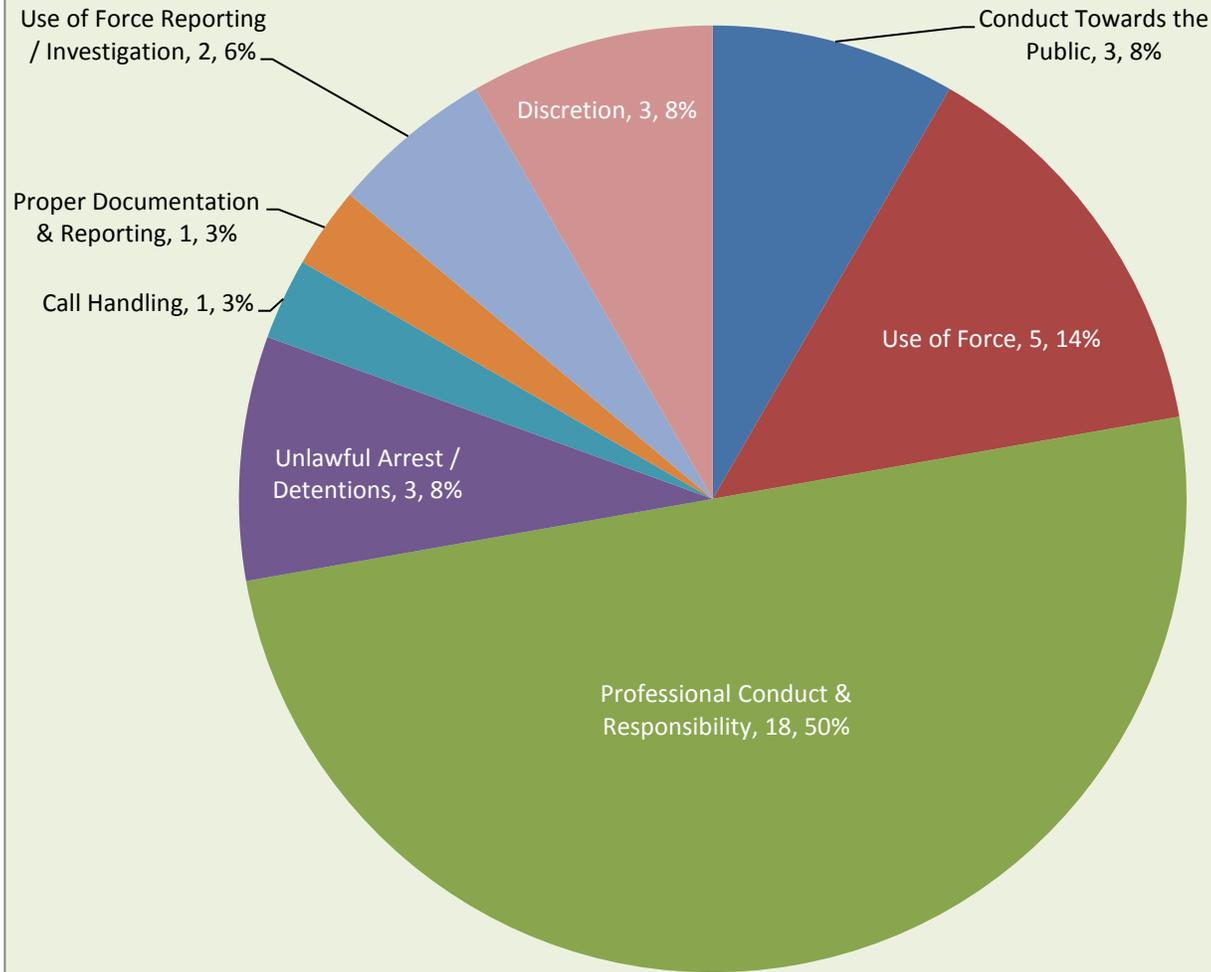


In 2014 there were 19 external complaints filed by individual(s) against 28 departmental employees. A total of 52 allegations were investigated alleging violations of the department's standard operating procedures.

Individual allegations included: Conduct Toward the Public (13 or 25%), Violations of Professional Conduct and Responsibility (12 or 23%), Excessive or Unnecessary Force (11 or 21%), Improper Searches (7 or 13%), Unlawful Arrest/Detention (4 or 8%), Proper Documentation or Reporting (3 or 6%), Civil Matters (1 or 2%) and Operation of Police Vehicles (1 or 2%).

Complaints of Excessive or Unnecessary Use of Force were alleged in 58% of the investigations and accounted for 21% of the allegations, conduct toward the public was alleged in 68% of the investigations and accounted for 25% of the allegations and violations of professional conduct and responsibility was alleged in 63% of the complaints and it accounted for 23% of the allegations. Together these three allegations accounted for 69% of the allegations investigated in the external complaints that were received in 2014.

2014 Internal Complaints by Allegations

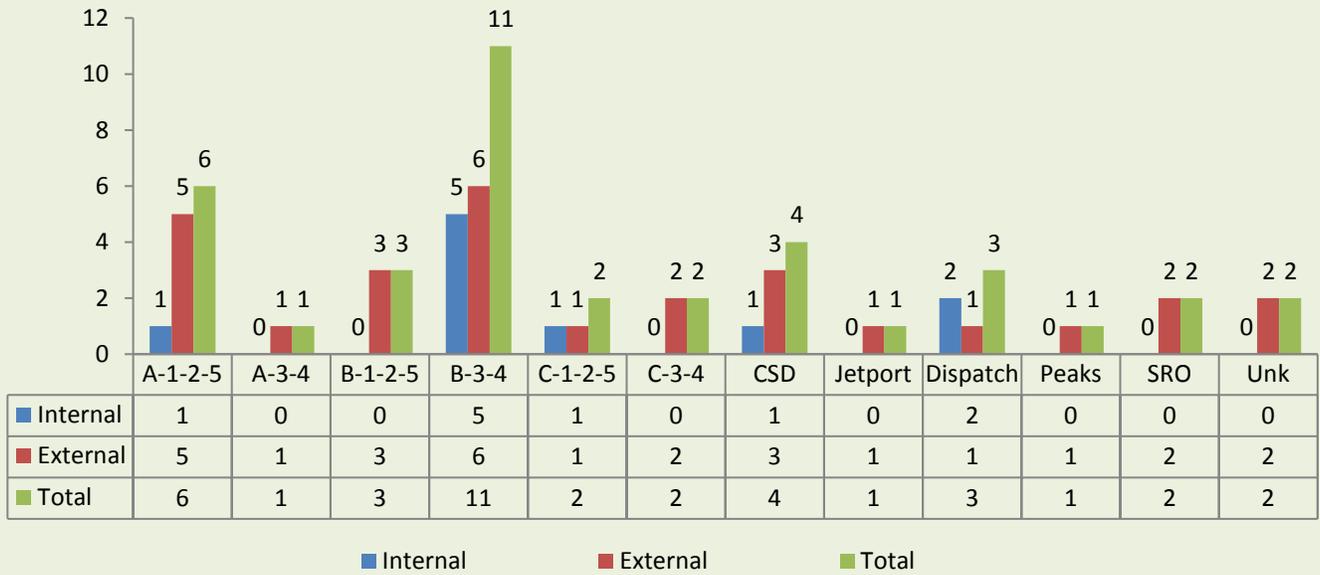


In 2014 there were nine Internal Complaints filed against ten departmental employees. A total of thirty six allegations were investigated alleging violations of departmental standard operating procedures.

Individual allegations included: Violations of Professional Conduct and Responsibility (18 or 50%), Excessive or Unnecessary Force (5 or 14%), Conduct Toward the Public (3 or 8%), Discretion (3 or 8%), Unlawful Arrest/Detention (3 or 8%), Use of Force Reporting / Investigation (2 or 6%) and Proper Documentation or Reporting (1 or 3%) and Call Handling (1 or 3%).

Allegations of violations of Professional Conduct and Responsibility were investigated in all but one of these complaints and accounted for 50% of the allegations that were investigated internally. Excessive or Unnecessary Use of Force was alleged in five (56%) of the investigations and accounted for 14% of the total allegations and conduct toward the public was alleged in three (33%) of the investigations and accounted for 8% of the allegations. These three allegations accounted for 72% of the allegations investigated.

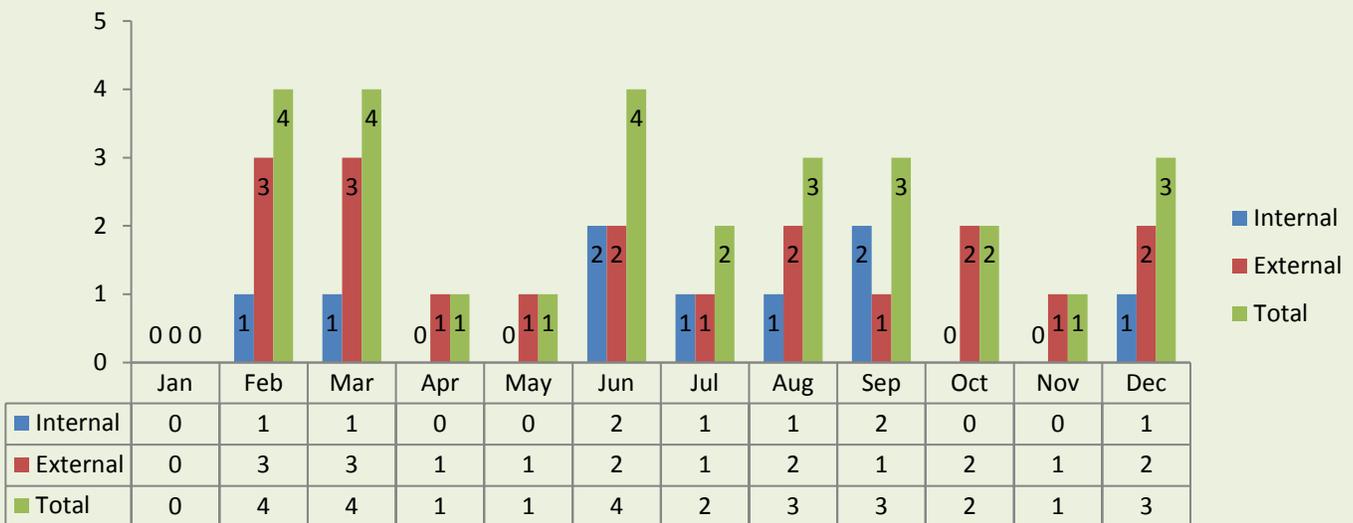
Complaints by Squad or Unit



There were a total of twenty eight Internal (9) and External Complaints (19) investigated in 2014. Thirty eight employees were named in these complaints with ten being named in the Internal Investigations and twenty eight in the External Investigations.

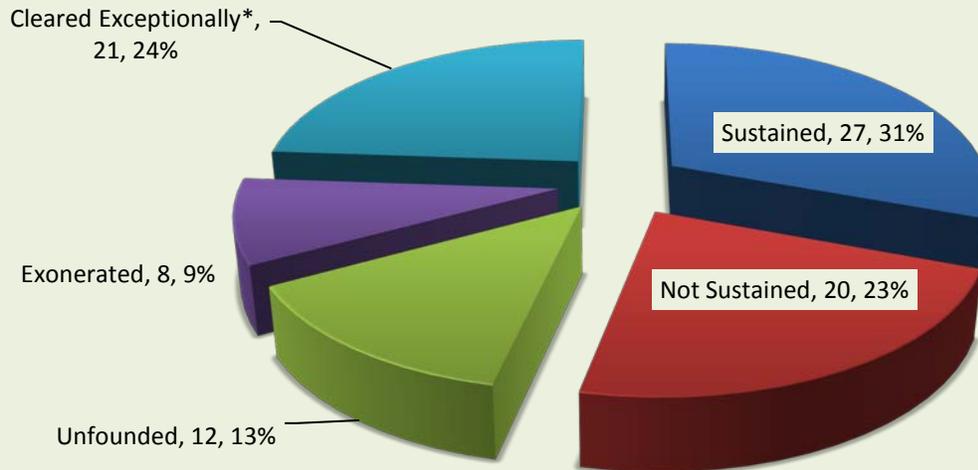
Squad B3 and B4 received the highest number of complaints in 2014 with almost 29% of the complaints filed against these officers. This group of officers works during the busiest periods, evenings and weekends. This may account for the number of complaints.

Complaints by Month Received



This chart demonstrates that complaints were spread consistently throughout the year with no significant variances from month to month.

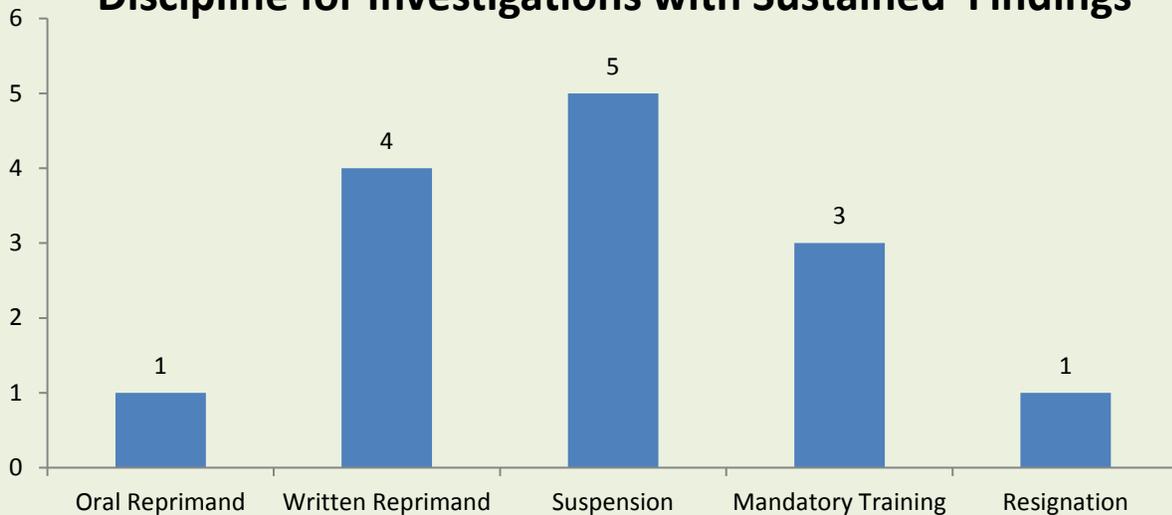
Investigative Findings on Allegations



* No findings were generated for these allegations because the employee(s) resigned/retired prior to the conclusion of the Internal Affairs Process.

In some investigations there were multiple employees and multiple allegations investigated for each complaint. In 2014 twenty eight employees were the subjects of the nineteen External Investigations with fifty two allegations investigated. Ten employees were the subjects of the nine Internal Investigations with thirty six allegations investigated.

Discipline for Investigations with Sustained Findings



In 2014 ten of the twenty eight complaints that were investigated resulted in at least one allegation being sustained and disciplinary action being ordered. In three cases training was mandated in addition to other disciplinary action. In one case the investigation showed that there was a department wide need for training on civil matters. This finding resulted in a block of training for all officers and supervisors covering landlord tenant issues and child custody matters. Six of the nineteen external complaints and four of the nine internal complaints resulted in findings of sustained. 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 employee's lieutenant and command staff. This process is known as Performance Management Review (PMR). In 2014 performance management reviews were conducted on four 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 discipline 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 in every case 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. 2014 saw an increase in the number of complaints investigated. Although more complaints were filed, the total number is a very small percentage when compared to the calls for police service. All complaints are investigated thoroughly and reviewed by many levels of the organization. The Citizen review Sub-committee of the Civil Service Board also reviews citizen complaints against officers.

End Report