



# **PORTLAND MAINE**

## **POLICE DEPARTMENT**

### **OFFICE OF INTERNAL AFFAIRS**

### **ANNUAL REPORT**

**2020**

Prepared by Lieutenant Clifford Strout

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# Introduction

The Portland Police Department's Internal Affairs Unit is composed 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 allegations of misconduct made by a member of the public or anonymous source.
- **Internal Complaints**--Investigations conducted on complaints generated from within the Department.
- **Pre-employment Background Investigations** -- Comprehensive investigations of all police department and Portland Regional Communications Center applicants

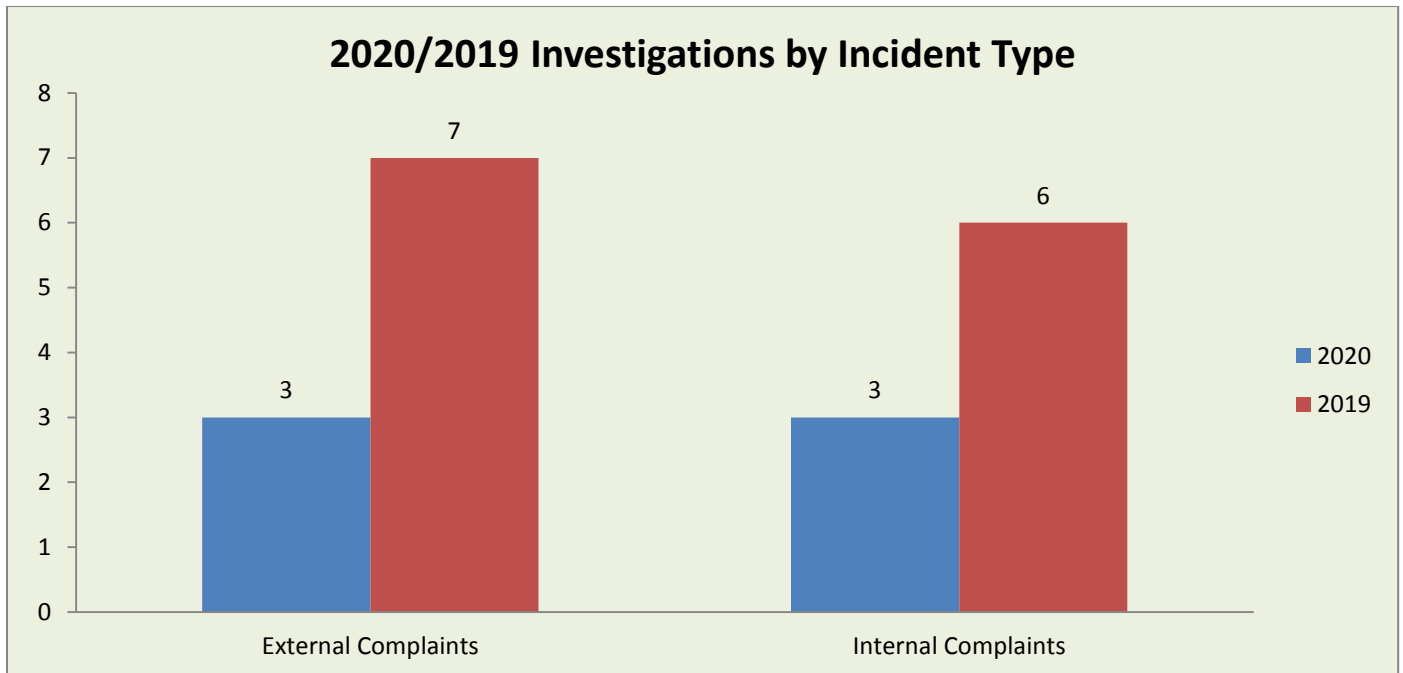
## Tracking and Evaluating Statistical Data

- **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 or from other outside sources. Internal complaints are those generated from within the Department.

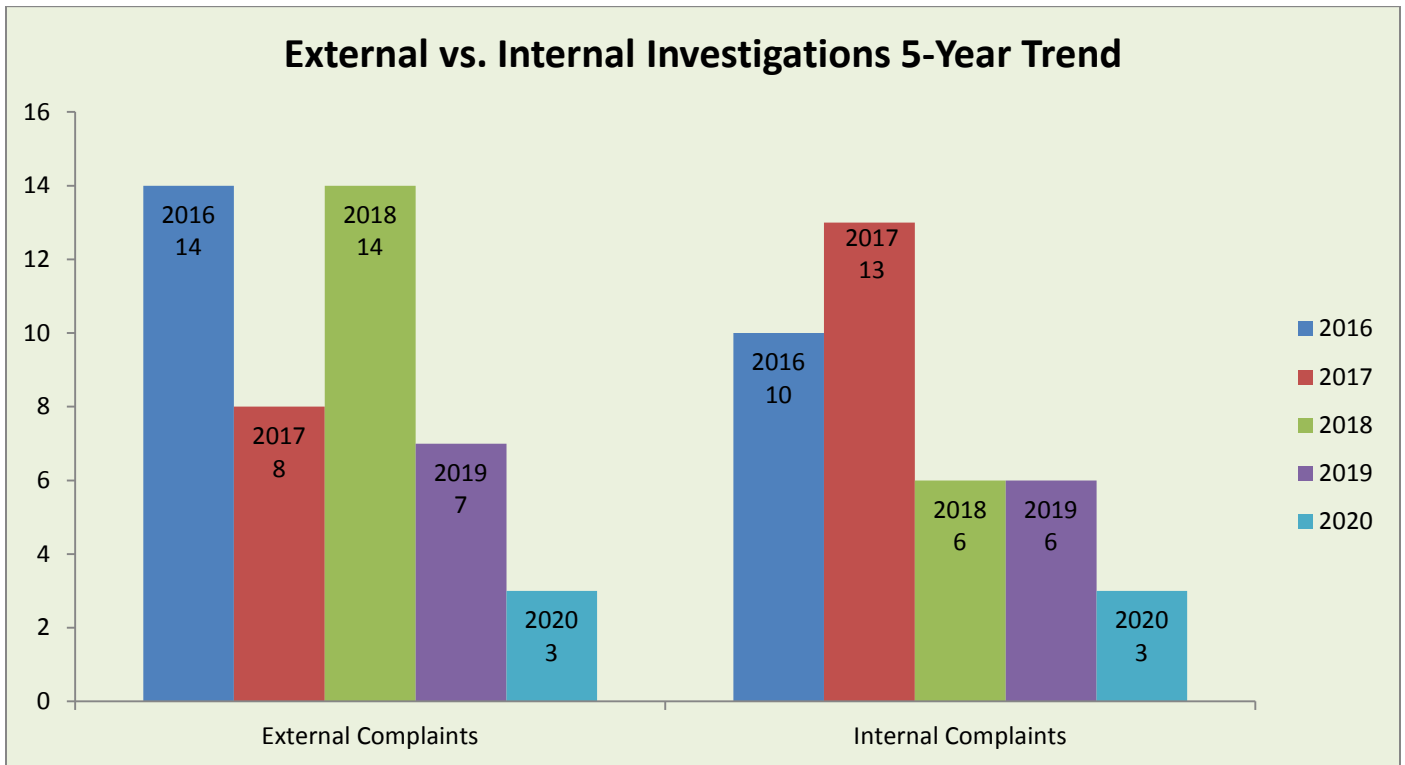
In 2020 the Portland Police Department handled 68,435 calls for police service. These include 911 and non-emergency calls, and officer initiated interactions. In 2020 officers arrested 2,221 individuals. There were 3 External Complaints and 3 Internal Complaints filed against employees in 2020.



Total Internal and External Complaints decreased from 13 in 2019 to 6 in 2020.

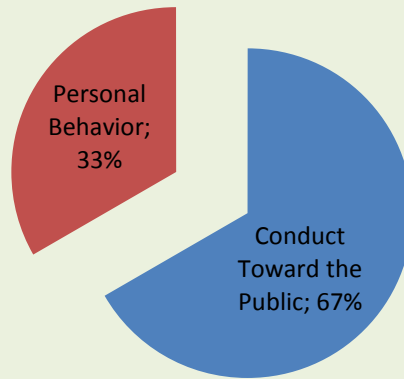


Over the past five years, the annual number of complaints has averaged 16.8.



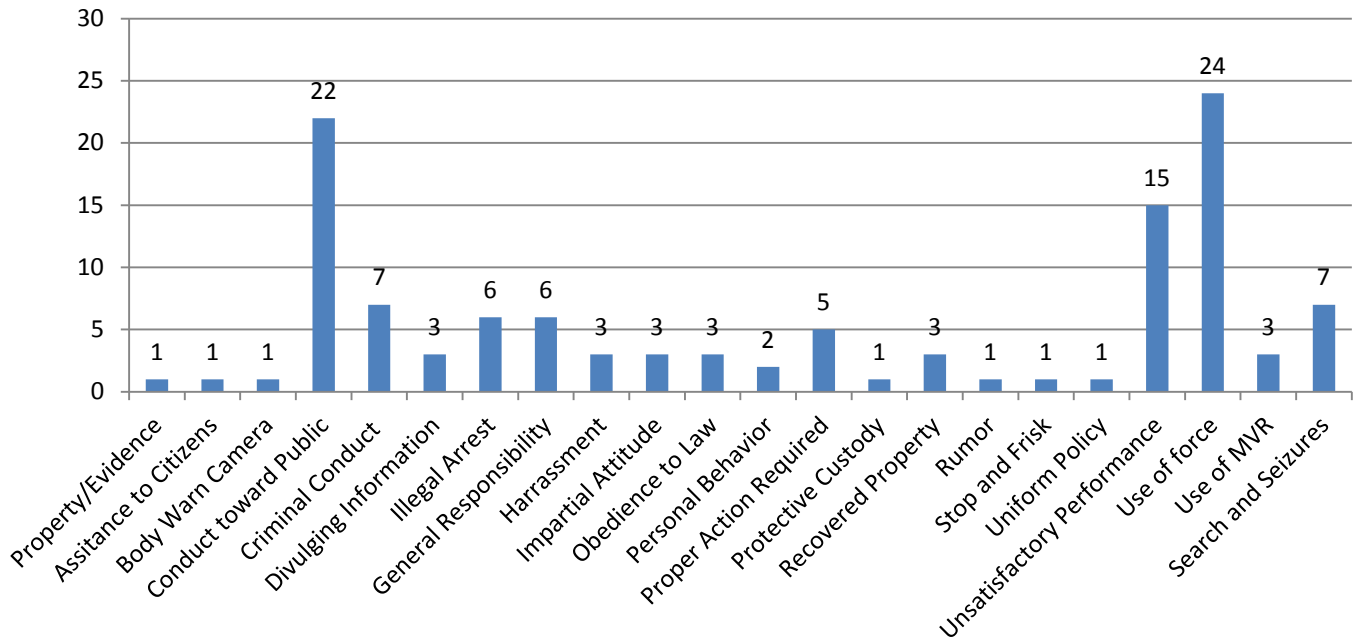
Over the past five years, there has been an average of 9.2 External and 7.6 Internal Complaints.

## 2020 External Complaints by Allegations

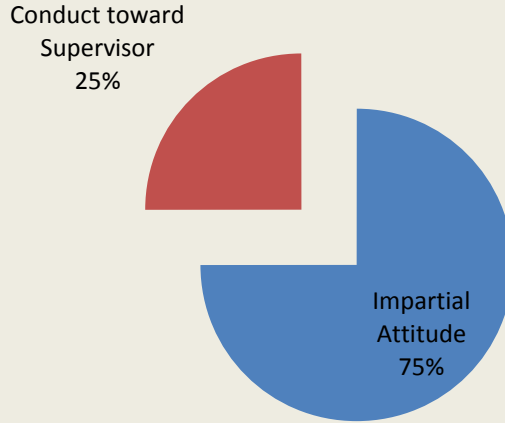


In 2020 there were 3 External Complaints filed against 3 departmental employees. A total of 3 allegations were investigated alleging violations of the department’s standard operating procedures. Two of the allegations were for Conduct toward the Public and one was for Personal Behavior.

## 5 Year External Allegations

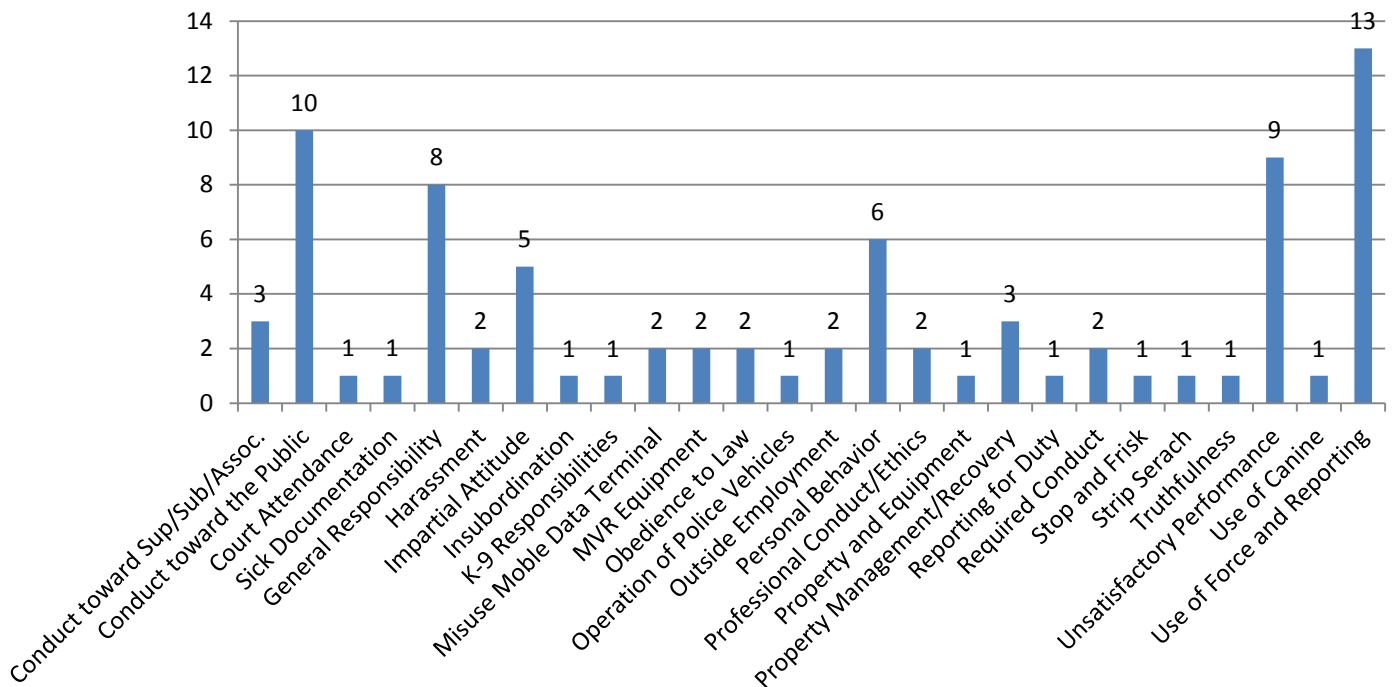


## 2020 Internal Complaints by Allegation

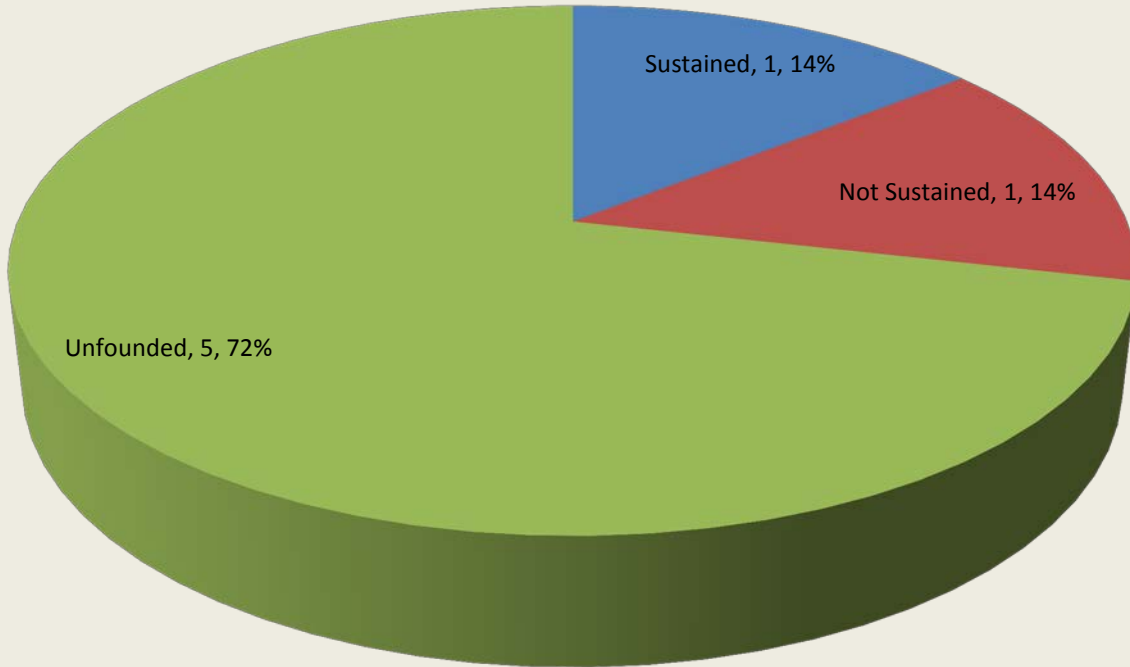


In 2020 there were 3 Internal Complaints filed against 4 Departmental employees. A total of 4 allegations were investigated alleging violations of departmental standard operating procedures. Three of the allegations were for Impartial Attitude and one was for Conduct toward Supervisor.

## 5 Year Internal Allegations



## 2020 Investigative Findings on Allegations



In 2020:

### External Complaint Allegations:

- There were 3 External Complaints against 3 employees. These complaints alleged 3 policy violations
- 1 of the 3 allegations from External Investigations was not sustained and no discipline was issued.
- 2 of the 3 allegations from External Investigations were determined to be unfounded.

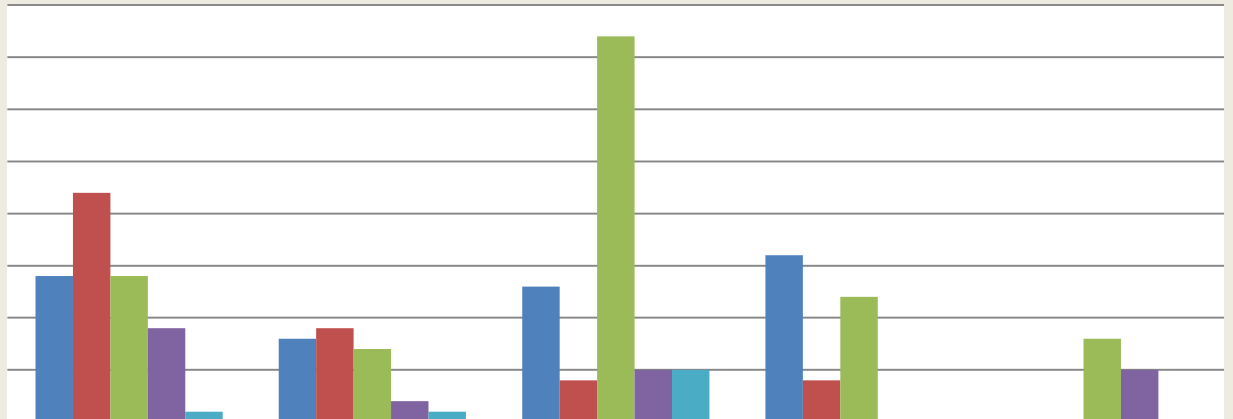
### Internal Complaint Allegations:

- There were 3 Internal Complaints against 4 employees. These complaints alleged 4 policy violations.
- 1 of the 4 allegations from Internal Investigations was sustained and discipline issued.
- 3 of the 4 allegations from Internal Investigations were determined to be unfounded.



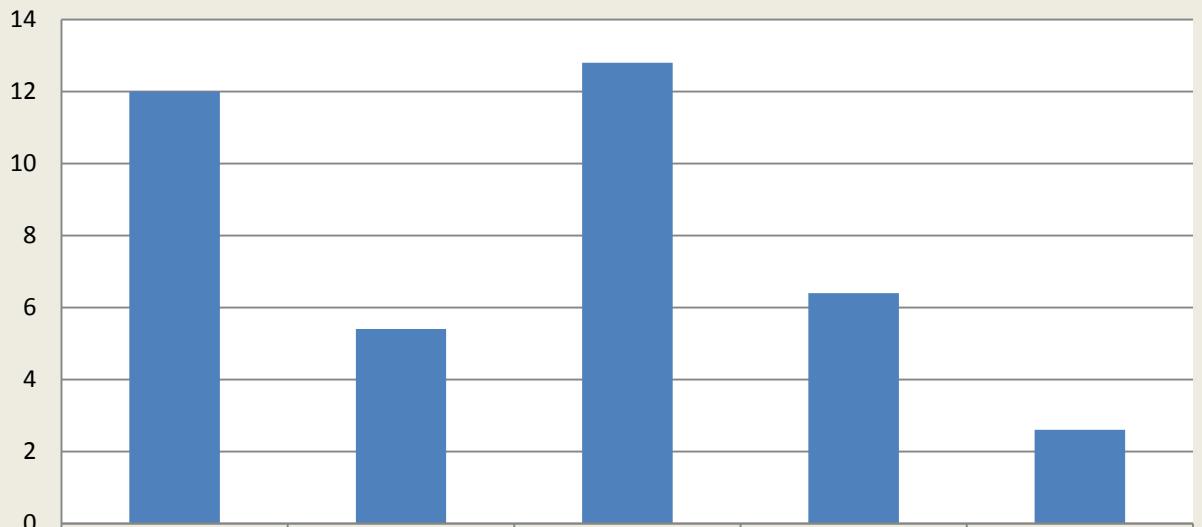
## Findings by Year

■ 2016 
 ■ 2017 
 ■ 2018 
 ■ 2019 
 ■ 2020



|      | Sustained | Not Sustained | Unfounded | Exonerated | Exempt/Admin |
|------|-----------|---------------|-----------|------------|--------------|
| 2016 | 14        | 8             | 13        | 16         | 0            |
| 2017 | 22        | 9             | 4         | 4          | 0            |
| 2018 | 14        | 7             | 37        | 12         | 8            |
| 2019 | 9         | 2             | 5         | 0          | 5            |
| 2020 | 1         | 1             | 5         | 0          | 0            |

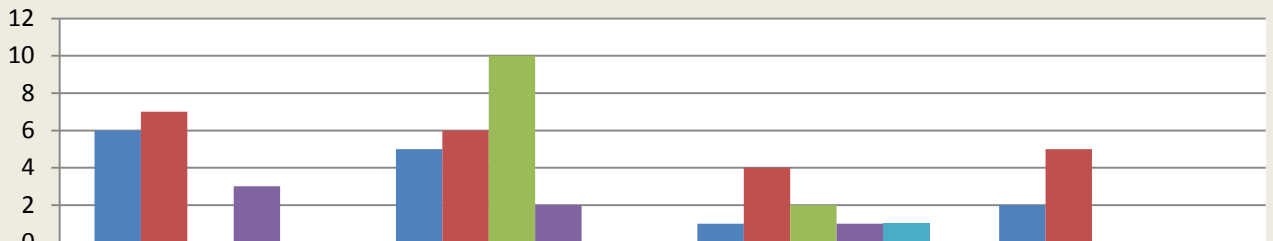
## Findings 5 Year Average



|              | Sustained | Not Sustained | Unfounded | Exonerated | Excep/Admin |
|--------------|-----------|---------------|-----------|------------|-------------|
| ■ 5 Year Avg | 12        | 5.4           | 12.8      | 6.4        | 2.6         |

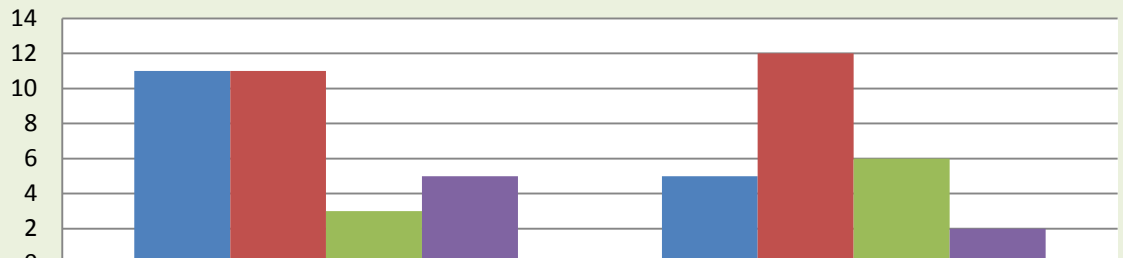
## Discipline by Year

■ 2016 ■ 2017 ■ 2018 ■ 2019 ■ 2020



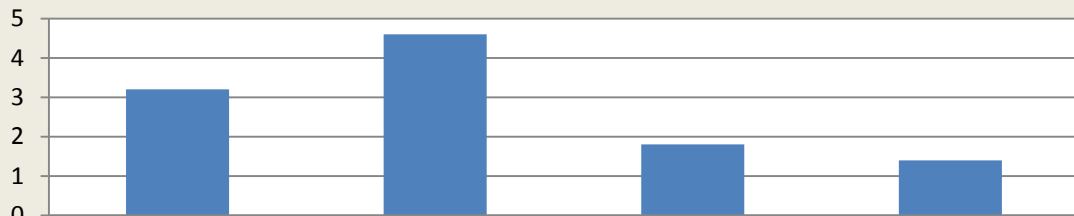
|        | Suspension | Written Reprimand | Verbal Reprimand | Mandatory Training(only) |
|--------|------------|-------------------|------------------|--------------------------|
| ■ 2016 | 6          | 5                 | 1                | 2                        |
| ■ 2017 | 7          | 6                 | 4                | 5                        |
| ■ 2018 | 0          | 10                | 2                | 0                        |
| ■ 2019 | 3          | 2                 | 1                | 0                        |
| ■ 2020 | 0          | 0                 | 1                | 0                        |

## 5 Year Discipline by Complaint Type



|                      | Internal | External |
|----------------------|----------|----------|
| ■ Suspension         | 11       | 5        |
| ■ Written Reprimand  | 11       | 12       |
| ■ Verbal Reprimand   | 3        | 6        |
| ■ Mandatory Training | 5        | 2        |

## Discipline 5 Year Average



|             | Suspension | Written Reprimand | Verbal Reprimand | Mandatory Training(only) |
|-------------|------------|-------------------|------------------|--------------------------|
| ■ 5 Year Av | 3.2        | 4.6               | 1.8              | 1.4                      |

# Performance Management Reviews

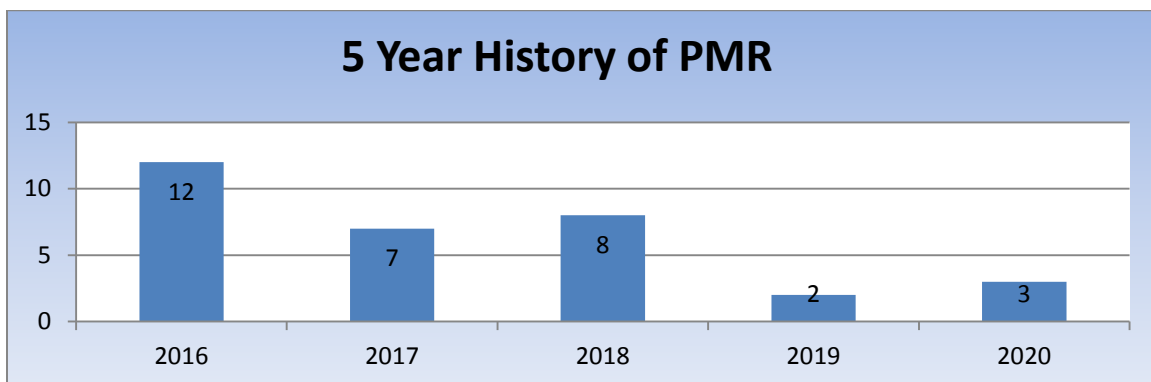
As part of an early warning system, the Internal Affairs Unit monitors the number of use of force incidents by officers as well as other indicators that might represent areas of concern regarding employee performance. When certain parameters are met the Internal Affairs Unit prepares a comprehensive report for the officer's lieutenant and command staff. This process is known as Performance Management Review (PMR). In 2020, 3 performance management reviews were conducted on 3 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 days or seven in any 365 days,
- 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, the 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 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.

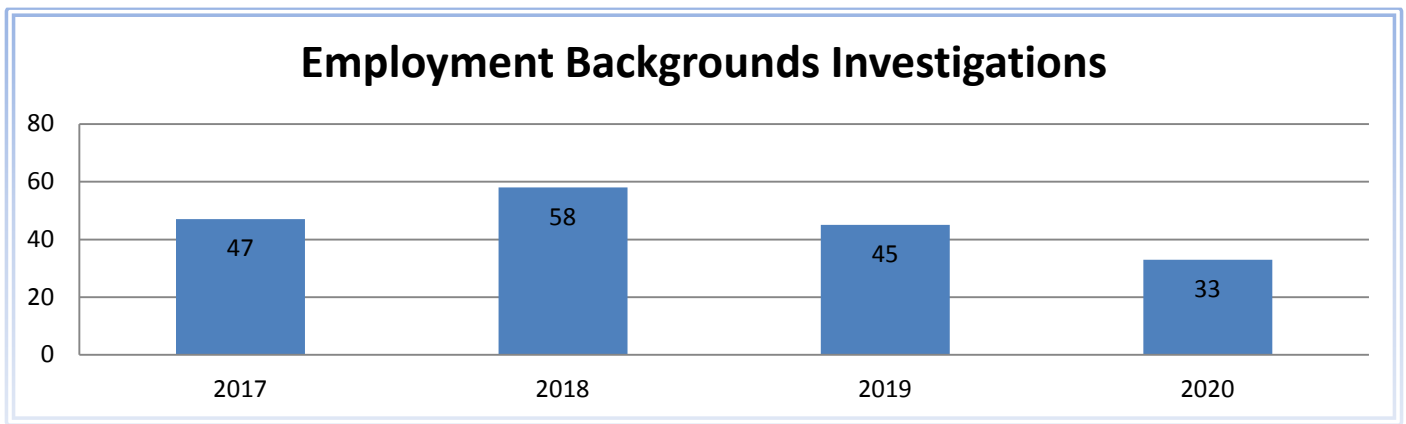


# Background Investigations

## Pre-Employment Background Investigations

The Internal Affairs Unit conducts pre-employment background investigations on police officers 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 history 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. The information is compiled and used by the Chief and Human Resources in making employment decisions.

The Internal Affairs Unit conducted 33 Background Investigations in 2020.



# Conclusion

The duties of the Internal Affairs unit are varied but generally revolve around risk management. 2020 continued the trend of an overall decrease in the total number of complaints along with a decrease in the total number of allegations. The number of External Investigations decreased by 57% (7 to 3) and the number of allegations in those complaints decreased by 67% (12 to 4) between 2019 and 2020.

It is a reasonable assumption that most Complaints arise from a Call for Service (CFS). There was approximately one complaint per every 6,179 CFS in 2019, whereas there was approximately one complaint per 11,406 CFS in 2020. This is a 45% decrease from 2019 to 2020.

An External Complaints was initiated approximately 1 in every 11,475 CFS in 2019 and 1 in 22,812 CFS in 2020. This is a 49.4% decrease from 2019 to 2020.

Over the past 5 years, the Department has averaged approximately 17 Complaints per year, with an average of 9.2 External Complaints and 7.6 Internal Complaints. In 2020, the 3 External complaints were a decrease of 67% from the 5- year average. The 3 Internal Complaints were approximately a 61% decrease from the yearly average.

# Recommendations

As described in the Portland Police Department's Standard Operating Procedures, "The Portland Police Department depends upon the integrity, decision-making, and discipline of every employee, so it is the policy of this department to expediently investigate all complaints of employee misconduct in a thorough, fair, and consistent manner, and to take appropriate action based upon the outcome of the investigations."

In 2020 the Department evaluated and drafted revisions in order to update the Internal Affairs SOP. The recommendations include provisions to ensure the Department is receiving, investigating, reviewing, addressing and analyzing complaints of misconduct or violations of law or department policy or procedure by police personnel with the intention of providing a thorough, timely, objective, and fair review that will serve to protect the public, the department and the employee. It is imperative that the Department continue to evaluate the process and procedures that it uses to ensure that the Department is serving the needs of the community, protecting the public, the Department, and the employees.

It is recommended that the Department, once evaluated, that any updates and changes be implemented as soon as possible. Additionally, the Department should continue to review and evaluate SOP's to ensure that best practices are used and they meet or exceed, the standards established by the MCJA Board of Trustees.

Lt. Clifford Strout

End of Report