



PORTLAND MAINE

POLICE DEPARTMENT

OFFICE OF INTERNAL AFFAIRS

ANNUAL REPORT

2015

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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

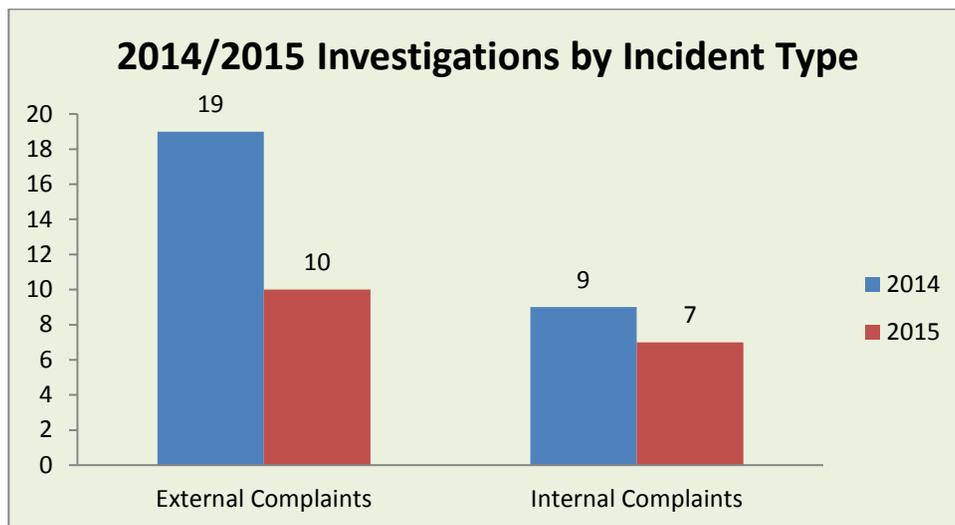
Investigative Incidents: Complaint Type

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.

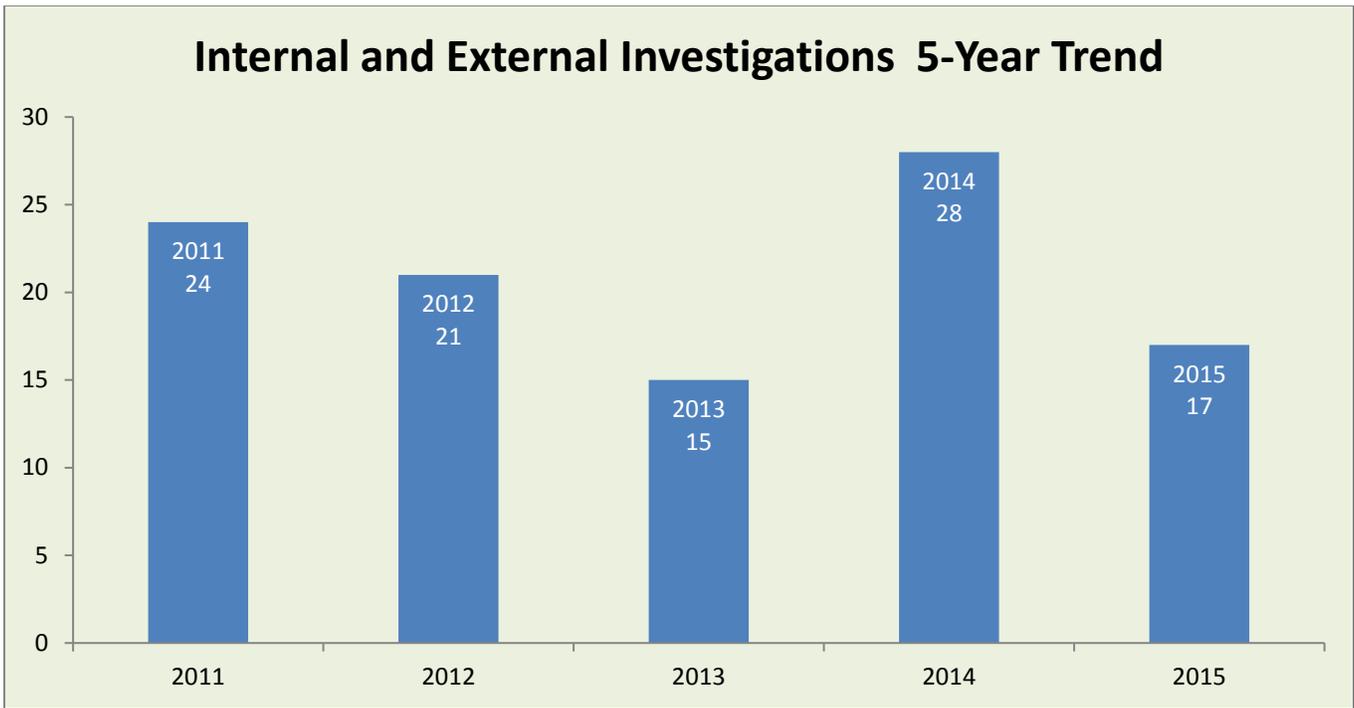
The Internal Affairs Unit typically investigates all of the following allegations:

- 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

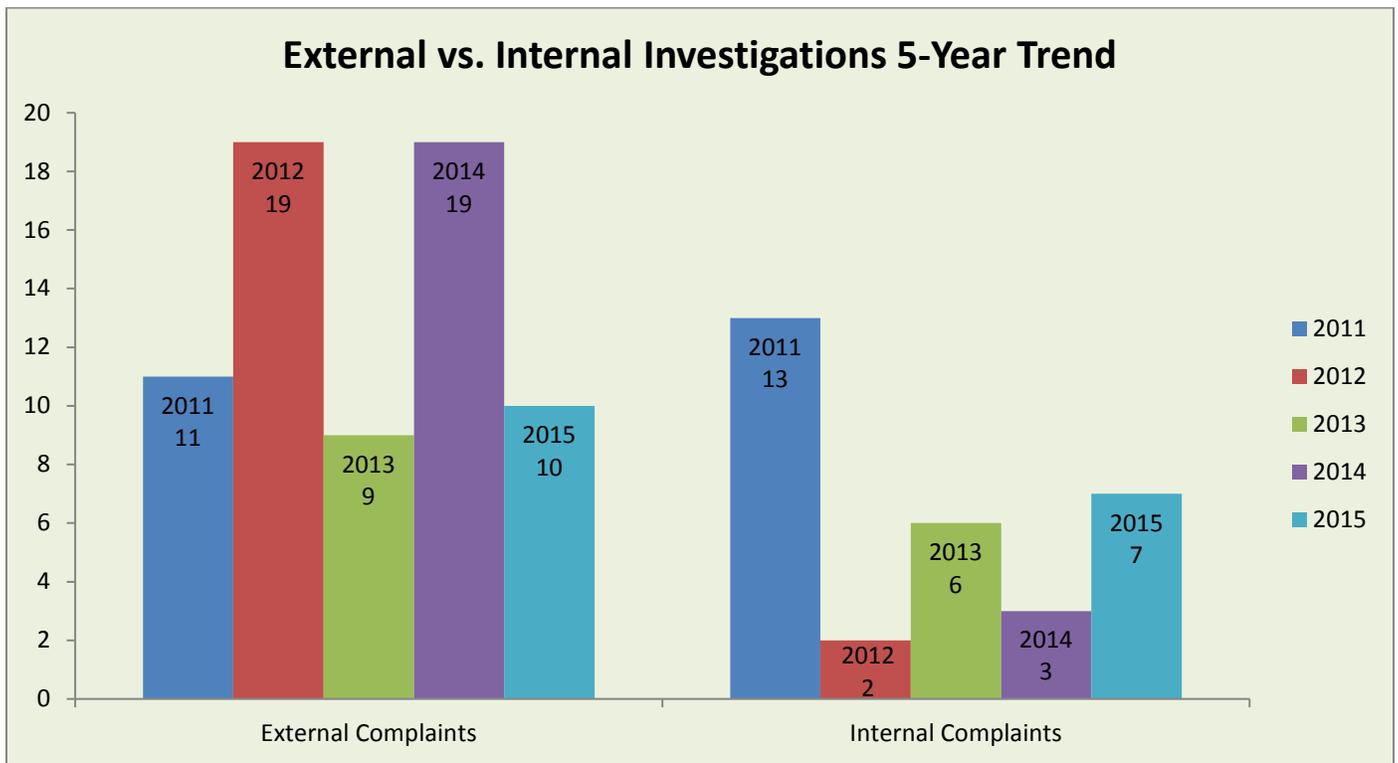
In 2015 the Portland Police Department handled over 85,115 calls for police service. These calls include citizens calling 911 and officer initiated interactions. Only 10 of these calls resulted in citizen complaints. In 2015 officers arrested 3,473 individuals. Only 5 of these arrests resulted in citizen complaints.



Total internal and external complaints decreased from 28 in 2014 to 17 in 2015.

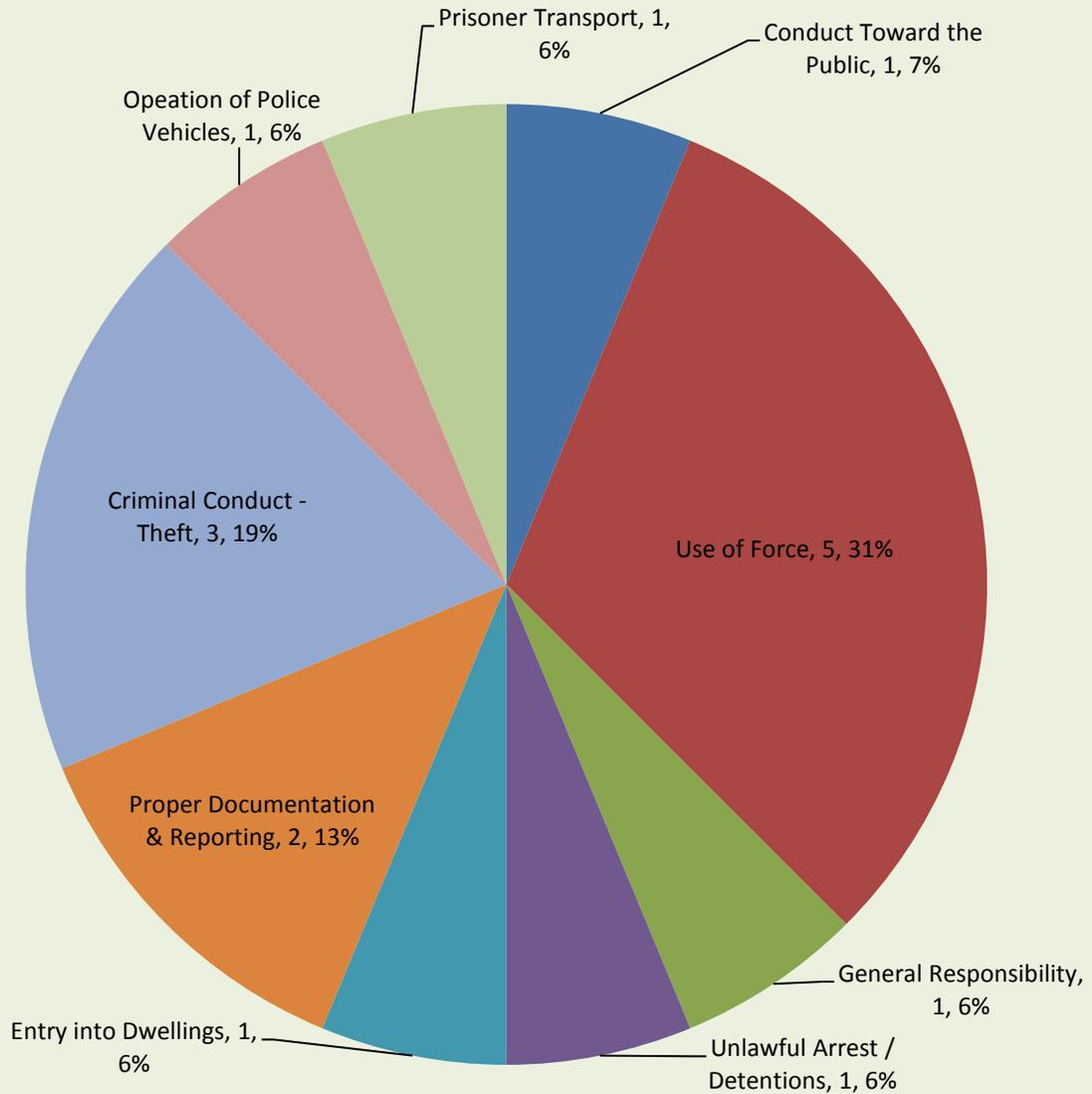


Over the past five years the annual number of complaints has averaged 21. 2014 was the highest year with 28 complaints and 2013 was the lowest with just 15. In 2015 we had 17 complaints.



Data over the past five years shows varying patterns of both external and internal complaints.

2015 External Complaints by Allegations

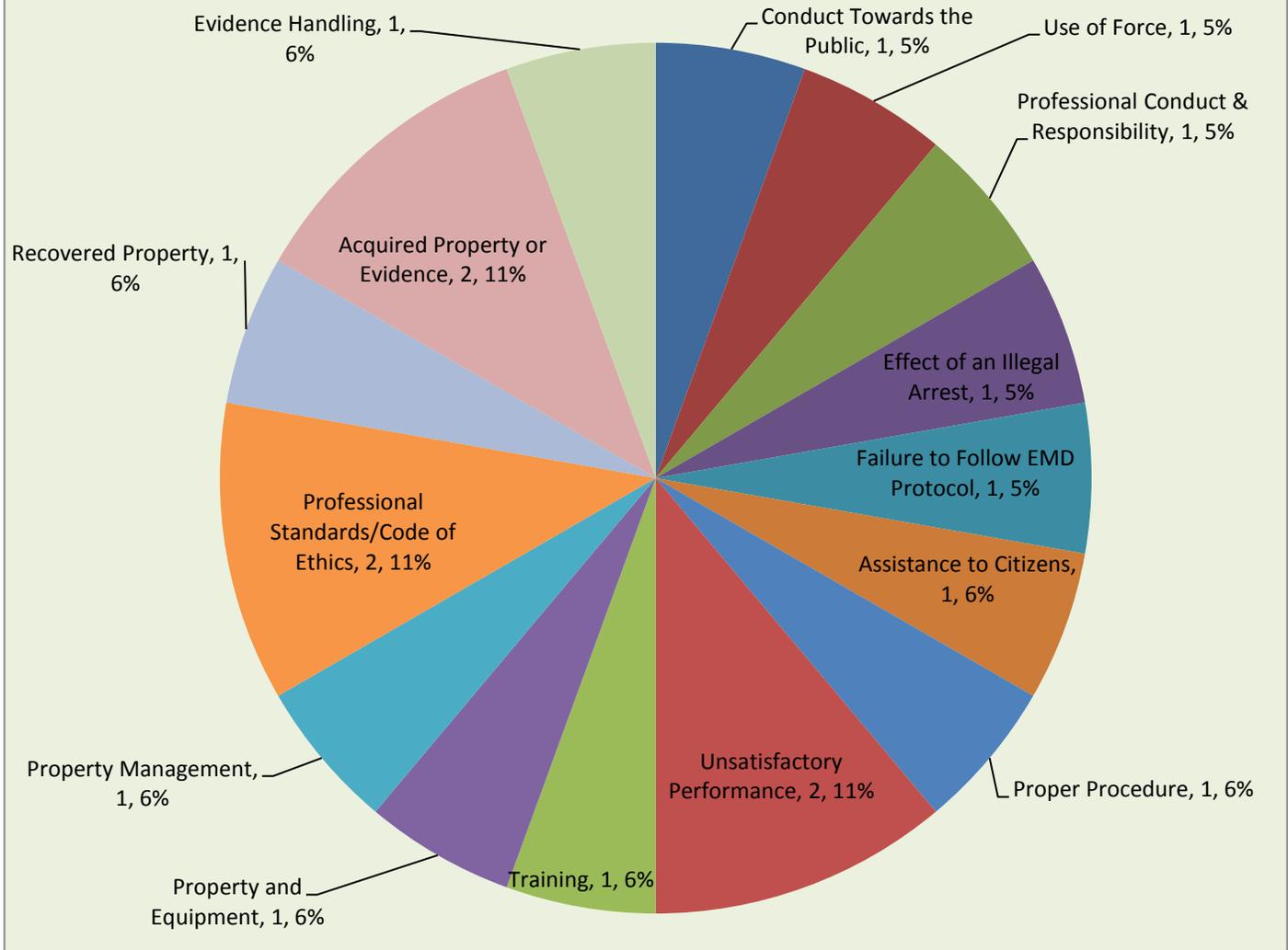


In 2015 there were 10 external complaints filed by individual(s) against 14 departmental employees. A total of 16 allegations were investigated alleging violations of the department's standard operating procedures.

Individual allegations included: Conduct Toward the Public (1, 6%), Violations of General Responsibility (1, 6%), Excessive or Unnecessary Force (5, 31%), Entry into Dwellings (1, 6%), Unlawful Arrest/Detention (1, 6%), Proper Documentation or Reporting (2, 13%), Criminal Conduct - Theft (3, 19%), Operation of Police Vehicles (1, 6%) and Prisoner Transport (1, 6%).

Complaints of Excessive or Unnecessary Use of Force were alleged against 5 officers in 3 separate investigations. This allegation was responsible for 30% of the External Investigations in 2015.

2015 Internal Complaints by Allegations

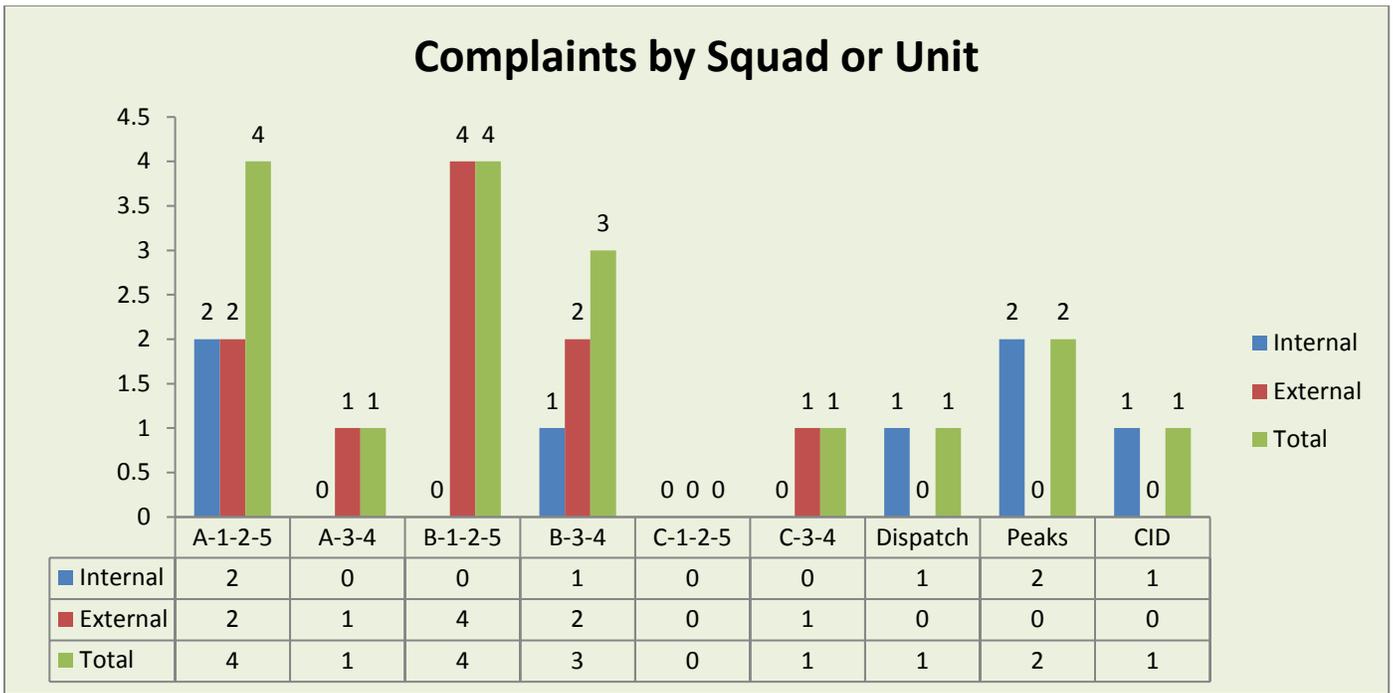


In 2015 there were 7 Internal Complaints filed against 7 departmental employees. A total of 18 allegations were investigated alleging violations of departmental standard operating procedures.

Individual allegations included: Violations of Professional Conduct and Responsibility (1, 5%), Excessive or Unnecessary Force (1, 5%), Conduct Toward the Public (1, 5%), Failure to Follow EMD Protocol (1, 5%), Effect of an Illegal Arrest (1, 5%), Assistance to Citizens (1, 6%), Proper Procedure (1 or 6%), Unsatisfactory Performance (2, 11%), Training (1, 6%), Property and Equipment (1, 6%), Property Management (1, 6%), Professional Standards/Code of Ethics (2, 11%), Recovered Property (1, 6%), Acquired Property or Evidence (2, 11%) and Evidence Handling (1 or 6%).

Allegations of violations of Professional Standards/Code of Ethics, Property & Evidence - Management/Handling and Unsatisfactory Performance accounted for more than 50% of the Internal Complaints. Excessive or Unnecessary Use of Force was alleged in only one case.

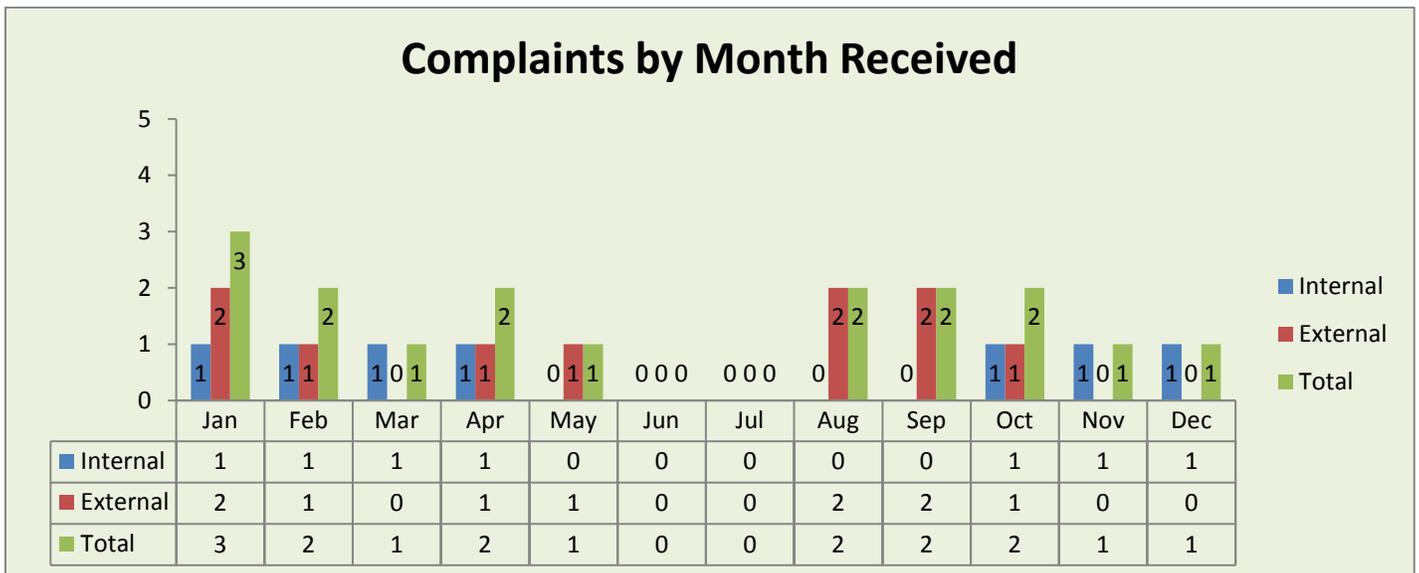
Complaints by Squad or Unit



There were 7 Internal and 10 External Complaints for a total of 17 Complaints investigated in 2015. 21 employees were named in these complaints with 7 being named in the Internal Complaints and 14 in the External Complaints.

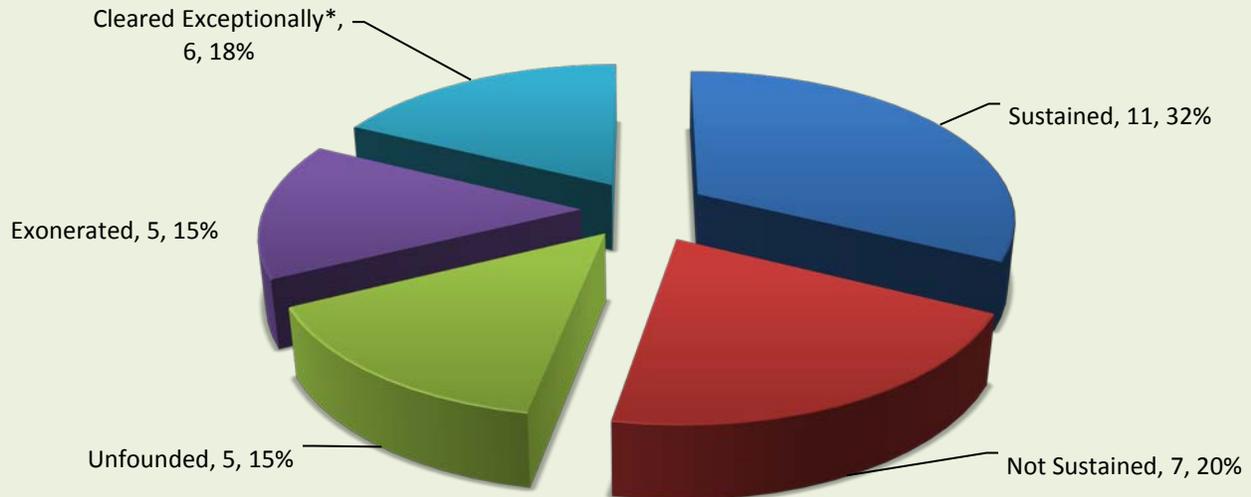
Squad B3 and B4 received the highest number of complaints in 2015 with almost 29% of the complaints filed against these officers. This group of officers works during the busiest periods, evenings and weekends. This may account for the number of complaints.

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. In one case the employee resigned prior to the conclusion of the Internal Affairs Process. The second case was initiated because of a Notice of Claim being filed. The lawsuit was resolved prior to a finding being made in the investigation.

In some investigations there were multiple employees and multiple allegations investigated for each complaint. In 2015, 14 employees were the subjects of the 10 External Investigations with 16 allegations investigated. 7 employees were the subjects of the 7 Internal Investigations with 18 allegations investigated.

Discipline for Investigations with Sustained Findings



In 2015 no external complaints were found to be sustained. However, one of the investigations identified a training issue not related to the allegations and that employee was sent to mandatory training. This year 4 of the 7 internal investigations resulted in at least one allegation being sustained and disciplinary action being ordered. In one case training was mandated in addition to other disciplinary action. One of the cases was cleared exceptionally with the employee resigning before a finding was made.

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 2015 performance management reviews were conducted on 13 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. 2015 saw a decrease in the number of complaints filed in comparison to the prior year. Complaints vary from year to year with the average for the past five years being 20 complaints. This number represents a very small percentage of the police calls for service each year. All complaints are thoroughly investigated and reviewed at multiple levels of the organization and by the Citizen Review Sub-committee of the Civil Service Board.