

TO: Chief Daniel Ahern
FM: Lt. Todd Bernard
DT: April 4, 2023
RE: Office of Professional Standards - Annual Report

Please accept this as the Office of Professional Standard's 2022 Annual Report, providing a broad overview of department activities, followed by reviews and/or analyses of our command and administrative review, internal affairs, bias-based policing and early intervention system processes, as well as department staffing and recruitment functions.

Please let me know if there are any questions or should you need additional information or clarification.

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Introduction

Please accept this as the Office of Professional Standard’s 2022 Annual Report, providing a broad overview of department activities, followed by reviews and / or analyses of our command and administrative review, internal affairs, bias-based policing and early intervention system processes, as well as department staffing and recruitment functions.

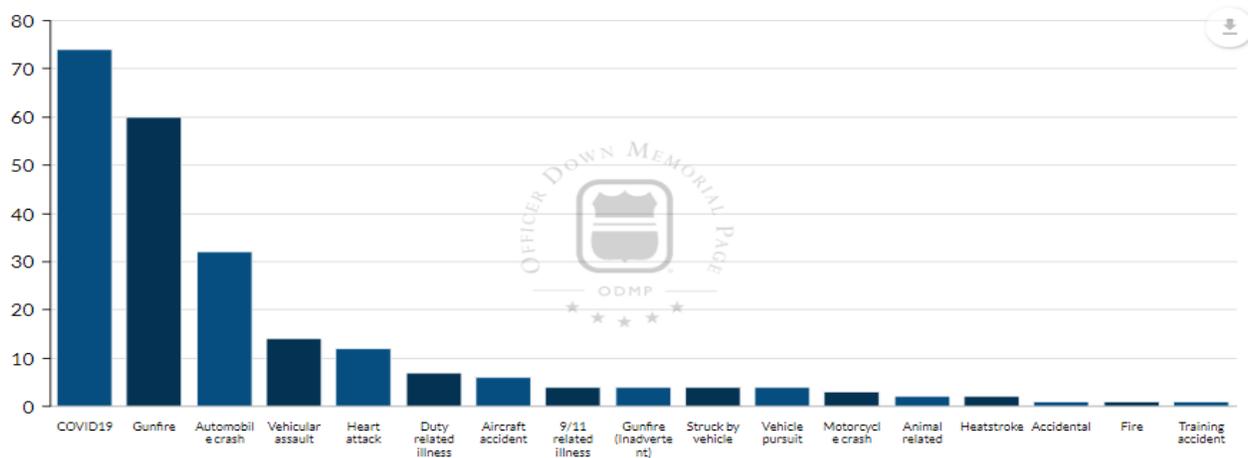
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Overview:

During 2022, the department responded to approximately 26,785 calls for service; a decrease of 12.7% from 2021. Officers investigated 2829 formal crime, incident and crash reports, with 90 of those being filed online. This is a decrease in overall reports (4500 in 2021), Officers arrested or summonsed 884 up from 874 in 2021. They conducted 4273 down from 4977 traffic stops in 2021 we issued 995 traffic citations, again a small decrease from the previous year. In 2022 the department purchased and began using Pro-Phoenix Public Safety Reporting Software. This was the first full year we are using this new system and the numbers look different in the new system that may not be capturing all of our previous calls for service.

Law enforcement continues to be an unpredictable and dangerous profession. In 2022 line of duty deaths were down 65%. During 2022, 231 officers died in the line of duty up from 458 the previous year. The leading cause of 2022 line of duty deaths was, not surprisingly, COVID-19 with 74 officers perishing of this virus as of January 1, 2023. Traffic related deaths killed 57 officers and firearms accounted for 60 (down from 62) officers killed. Felonious deaths were 37 percent in 2022. Nationally, 19 officers died of a job-related heart attack or illness. Ninety percent of the officers that died were male; 10% were female. The graph below shows the 2022 causes of officer deaths. www.odmp.org

All Causes of Death



Suicide continues to be high for Law Enforcement. Police officer suicides have outnumbered line of duty deaths every year for more than a decade. 154 officers died of suicide in 2022, compared to 131 in 2021. Due to the stigma and the fact that there is no mandated reporting of police suicides, this is likely an underreported statistic. The suicide fatalities included the following demographic data: 90% Male, 10% female with an average length of service of 16 years. It is veteran officers who are more prone to suicide. The LESDC is being established based on mandates within the Law Enforcement Suicide Data Collection Act (LESDCA) which was signed into law on June 16, 2020. The collection provides a mechanism for law enforcement agencies to report suicides and attempted suicides of law enforcement personnel, based on the scope of the LESDCA, for the purpose of compiling national statistics on these tragedies. FMI: www.bluehelp.org and *The Law Enforcement Suicide Data Collection Act (LESDC)*

These somber statistics substantiate the department's efforts in both providing and mandating the use of soft body armor, specialized ballistic doors in the patrol vehicles, specialized (e.g., armored) vehicles, equipment, teams and training, firearms training, restrictive response and pursuit guidelines, and high visibility vehicles and equipment. Additionally, the department requires the administrative review of high liability incidents and has the annual physical fitness program – inclusive of facilities and incentives. Finally, the department benefits from an early intervention system, employee assistance program, peer support, and critical incident stress protocols overseen or coordinated by our internal Behavioral Health Liaison Officers. In 2022 we hired a second part time Behavioral Health Liaison Officer who was then hired to work full time. In 2022, our Behavioral Health Liaison Officers organized several gatherings to increase awareness of peer support and encouraged officers to seek help

through a guide. In addition, in March the Department brought in Dr. Kevin Gilmartin, a nationally recognized expert on Police wellness, All of Maine public safety was invited. Almost the entire department attended the very sought after training. Dr. Gilmartin brings this critical element of wellness to the Maine Police family.

The Active Bystandership for Law Enforcement (ABLE) Project, Georgetown University Law Center's national training and support initiative for U.S. law enforcement agencies is committed to building a culture of peer intervention that prevents harm. By demonstrating agency commitment to transformational reform with support from local community groups and elected leaders, SPPD joins a select group of other law enforcement agencies and statewide and regional training academies chosen to participate in the ABLE Project's national rollout. Backed by prominent civil rights and law enforcement leaders, the evidence-based, field-tested ABLE Project was developed by Georgetown Law's Innovative Policing Program in collaboration with global law firm Sheppard Mullin LLP to provide practical active bystandership strategies and tactics to law enforcement officers to prevent misconduct, reduce officer mistakes, and promote health and wellness. ABLE gives officers the tools they need to overcome the innate and powerful inhibitors individuals face when called upon to intervene in actions taken by their peers. The department has two trained ABLE instructors and the department is still committed to adopting this valuable program for the department. Unfortunately, due to staffing issues this was not completed during 2021. Implementing ABLE is a goal of 2023.



The department continues its CALEA certification process. The South Portland Police Department is one of five Maine agencies awarded this certification. The department received its first re-accreditation in March of 2022 at the annual Calea Conference. Approximately 5% of police departments nationally hold this elite certification. We remain committed to ensuring that our agency possesses the highest level of professionalism and service delivery through the CALEA review. This process ensures our policies, procedures, equipment, and training are the most contemporary and best practices. This is an excerpt from Craig Hartley, the Executive Director of Calea from our 2022 Calea Agency award letter:

CALEA Accreditation is a continuous process and serves as the foundation for a successful, well-managed, transparent, community-focused public safety agency. To this end, an agency must maintain its accredited status by remaining in compliance with CALEA standards at all times.

CALEA congratulates the South Portland Police Department for demonstrating a commitment to professional excellence through accreditation. The CALEA Accreditation indices are the Marks of Professional Excellence and should be displayed proudly by those that have earned them.

*Sincerely,
W. Craig Hartley, Jr.*

Notwithstanding the current national climate, and the threats officers face every day, our agency is held in high esteem in the South Portland community and the Maine law enforcement profession. Our officers continue to balance the department's mission of working cooperatively with all citizens to protect life and property, preserve the peace, enforce the law and maintain civil rights through proper and responsive community based service, while ensuring both the public's and their own safety. In light of the significant number of contacts our officers

have with the public, often during stressful, tense and chaotic situations, I hope you will agree that the data, reviews and analyses contained herein indicate that our officers continue to conduct themselves not only with the restraint and professionalism that is both expected of and regularly demonstrated by them, but with the spirit and intent of our *Mission Statement* and our *Guiding Values*.

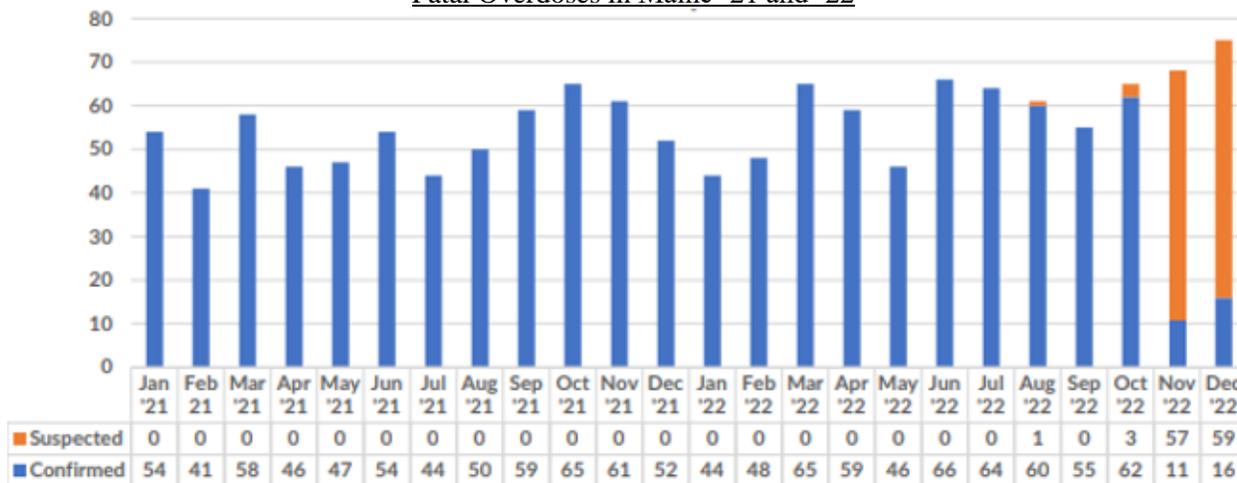
Trends:

Opioid Crisis

Unfortunately, the opioid epidemic that has challenged our state in recent years showed few, if any signs of relenting in 2022. According to the *Maine Monthly Overdose Report* (a report funded jointly by the Maine Office of the Attorney General and the Maine Office of Behavioral Health), preliminary data shows that Maine experienced 716 confirmed or suspected fatal overdoses in 2022. This number is up approximately 13% from 2021 (631 confirmed deaths) which had been the previous record high by a wide margin. As unfortunate as these numbers are, they do not come as a surprise to the South Portland Police Department. While the Opioid Crisis is certainly a nationwide and statewide problem, Cumberland County alone accounted for 130 overdose deaths in 2022. South Portland, along with Portland, are a major service-center cities located in Cumberland County. At times during 2022, South Portland was sheltering over 800 unhoused individuals in hotels across the city’s West End. Unhoused individuals suffer from substance use disorder at far higher rates than other population groups. Because of this dynamic, officers from the South Portland Police respond to more overdoses and drug-related calls than officers from peer-agencies of similar size.

In 2019, SPPD officers responded to 68 overdoses. Of these, 11 were fatal.
 In 2020, SPPD officers responded to 79 overdoses. Of these, 9 were fatal.
 In 2021, SPPD officers responded to 91 overdoses. Of these, 14 were fatal.
 In 2022, SPPD officers responded to 103 overdoses. Of these, 18 were fatal.

Fatal Overdoses in Maine '21 and '22



With the number of overdoses increasing statewide by 344% since 2014, the State of Maine has been fighting back by passing significant legislation and enacting numerous programs aimed at combating the opioids crisis. Most relevant to the South Portland Police Department is the passing of Maine’s “Good Samaritan Law” in 2019. This law, which was further strengthened by the Legislature in 2022, aims to protect people who call for medical help at the scene of an overdose from arrest and prosecution for non-violent and drug related crimes. Maine’s Good Samaritan Law has been described as the strongest Good Samaritan Law in the nation by the Maine Recovery Advocacy Project.

In South Portland specifically, all officers are permitted to carry the opioid-reversal drug Naloxone (commonly

referred to as NARCAN) and trained in its use. The wide availability of Naloxone (it is available without a prescription) in the South Portland area (multiple area nonprofit and advocacy groups issue Naloxone to area residents and businesses) is a large reason why nearly 93% of reported overdoses are non-fatal. This “savior rate” has increased significantly in recent years.

In the Fall of 2022, the South Portland City Council, with strong recommendation from the Police Department, approved the hiring of Amelia Smith as a full-time behavioral health liaison (BHL). BHL Smith’s position had previously been grant-funded. The addition of BHL Smith full-time has expanded our department’s capacity to conduct efficient outreach to those in our community suffering from behavioral health or substance use issues. BHL Smith, along with BHL Baldwin (who works in a part-time capacity) frequently respond with officers to drug related and/or mental health related incidents. The BHL’s connect individuals involved in these incidents to proper resources and follow up with them regularly. The BHL’s efforts routinely lead to positive results for the individuals they connect with and the officers who they assist on scene. The South Portland Police are appreciative of the city’s continual interest in exploring alternatives to police response for certain calls for service.

On October 29th, 2022, the SPPD Community Response Unit helped organize our department’s participation in the National Prescription Drug Takeback Day. In coordination with the U.S Drug Enforcement Agency, the South Portland Police Department was one of 4000 dropoff sites nationwide and one of over 100 sites in the State of Maine to collect prescription drugs. The proper disposal of drugs saves lives and protects our environment. On October 29th alone, the South Portland Police (along with the help of volunteers) collected **185 pounds** of prescription drugs that were unused, expired or unwanted. In Cumberland County alone (thanks to a large number of dropoff points) over 9000 pounds of drugs were collected. Since 2018, over 4000 pounds (over 2 tons!) of drugs have been safely disposed of by the South Portland Police Department.

Reports & Analyses

Training Report:

In 2022 training continues to be a difficult area to navigate as we return to normal after the coronavirus pandemic staffing issues have made off-site training more challenging. We moved to an in-person training for some trainings and also used online or virtual training platforms. The training included MCJA mandated training e.g., firearms, new law updates, Law Enforcement Response to Mental Health Calls (3 hours), Wellness and Resiliency for Law Enforcement (3 hours), and other elective trainings), as well as a variety of elective and specialty trainings (e.g., SWAT, CNT, dive team, K-9 patrol and drug detector, and officer safety related training). Calea also requires trainings that were able to be conducted, including Biased, Implicit Bias and ethics training. In 2020 we partnered with Dirigo Safety to manage all of our MCJA and State mandated trainings. These online courses provided a convenient way for officers to complete these trainings. Both the SWAT team and CNT continued training and the SWAT team was able to get their hours in to re-certify at the MCJA. Personnel consistently display an interest and commitment to seeking, attending, and providing training relevant to their assignments and professional development. Officers and supervisors continue to pursue training in areas of interest and relevant to career development. Officers were sent to some classes that were required for their jobs. Detectives received Evidence and crime scene training and the new Evidence Technician also received training in evidence collection and crime scene photography. The department logged more than 3600 hours of combined training in 2022, up from 3400 in 2021.

All personnel also received requisite firearms, less lethal, constitutional policing, and crisis intervention team (CIT) training. CIT training is required for all department officers. It promotes community collaboration

and assists people living with mental illness and/or addiction who are in crisis. Additionally, all officers received training in managing encounters with people suffering from mental illness and/or substance use disorder (co- occurring disorders) and the use of de-escalation tactics, situational use of force and law enforcement approach to substance use disorders. Officers also received training in implicit bias.

Based on last year's recommendation, the department increased MARC training. All officers attended a 4 hour defensive tactics training class that focused on proper use of force and policy and law as it relates to uses of force. Also covered in 2022 related to use of force was training in less lethal, e.g. Pepperball Taser, OC Spray and Expandable baton training.

During 2022 the department conducted an 8 hour day on patrol tactics taught by members of the SWAT team. This focused on response to active threats, building clearing, tactical movement and first aid for individuals who are injured. We also a 4 hour block for each officer for defensive tactics. In March the department brought in Dr. Gilmartin who did an 8 hour training seminar on Emotional Survival for Law Enforcement. This training was inspired by the tragic loss of one of our officers during 2021. Almost every officer on the Department attended the training. We also did active threat scenario training with the U.S. Coast Guard and the Maine Mall during the year. One other goal for 2022 that was not met was implementing ABLE Active bystandership for law enforcement). Staffing issues prevented this 8 hour training, this will continue to be a goal to implement.

Based upon the above information, actions taken and analysis there are no further recommendations for policy, practice, or equipment at this time.

The training unit's mandate is to look at department training needs and recommend training as required or necessary.

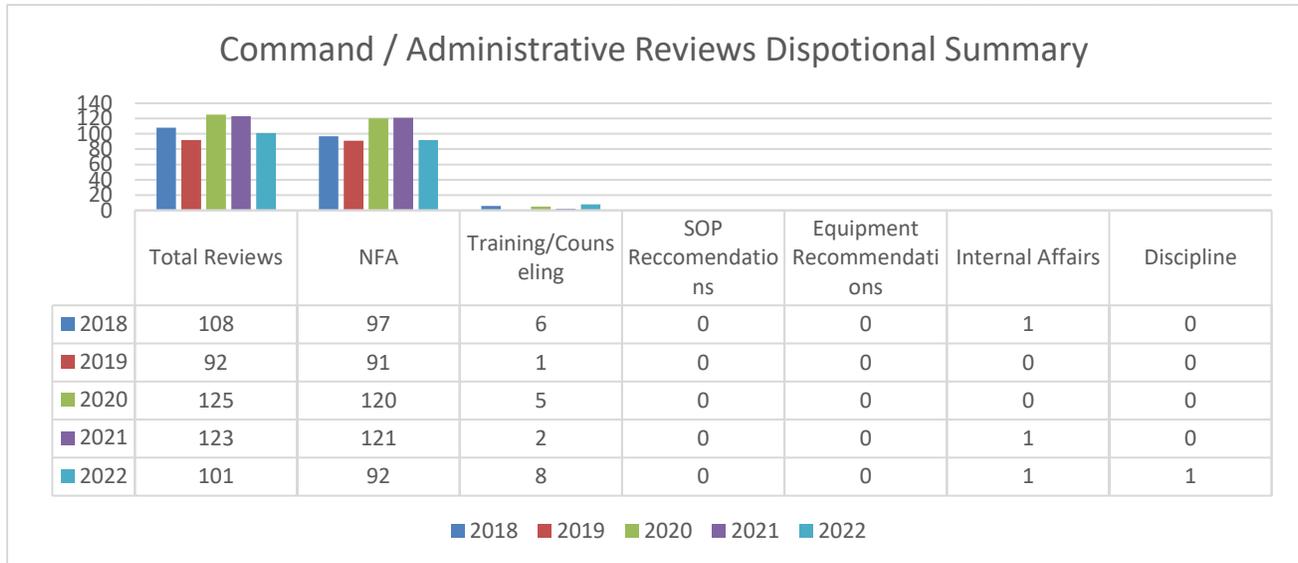
In terms of training, based upon the frequency of and high liability policies, the following are recommended:

- 1 Continued increase in annual MARC to include handcuffing training hours in order to ensure competency and confidence in this area will be offered 4 times during the year (2023);
- 2 Emergency vehicle operations / pursuit training
- 3 An increased frequency of force on force or scenario-based training to ensure the ability to review and critique proficiency and decision making in this critical area.
4. Increase in training for response to people suffering from mental health, substance use disorder or co-occurring disorders. Our BHLs are crucial in these efforts.

The review that was conducted by CALEA staff during our latest assessments indicated that we exceeded training in the area of use of force. We should still remain vigilant in regards to our contacts and interactions with persons with domestic violence histories, as well as our provision of mental health related training and collaboration between sworn staff, the behavioral health liaisons, and PRCC personnel.

Command / Administrative Review Analyses:

During 2022, 101 reviews of high liability incidents were conducted, specifically including all uses of force, all pursuit and failure to stop incidents, and all cruiser collisions. This is a decrease down from 108 last year. All were subject to preliminary review and recommendations by a minimum of two members of the command staff. Per the department’s SOP criteria, the Administrative Review Board reviews incidents involving any use of deadly force or certain non-deadly force response options. Incidents resulting in officer or subject injuries or complaints of injuries, or when force is used at the termination of a foot or vehicle pursuit; and any pursuit, failure to stop, or police vehicle collision incident resulting in death, bodily injury or property damage exceeding



\$5,000.

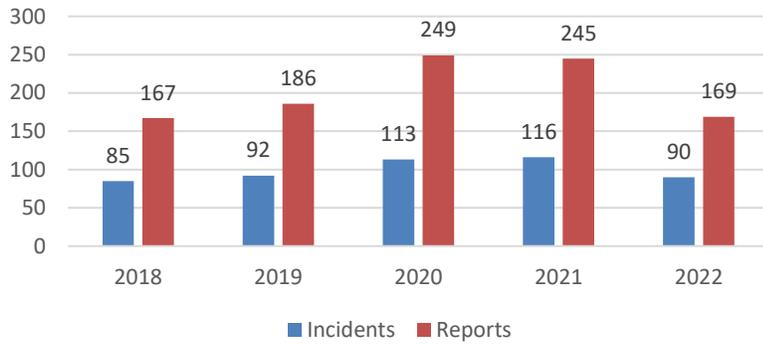
Recommendations from and actions taken during the command and administrative reviews are compiled and all are referred to the Chief of Police for final review. The chart right notes the dispositions and 5-year historical trend of these reviews, the vast majority of which comport with policy, procedure and training and require no further action.

The following reviews and analyses are additionally offered in the separate functional areas reviewed.

Use of Force and Control Analysis (4.2.4):

The department maintains a high standard and low threshold for force reporting. Officers are required to report any use of deadly, non-deadly and physical force (greater than un-resisted handcuffing), in writing, before the end of the tour of duty in which the force is applied. Supervisory response and on scene investigation remains mandatory for certain instances, as dictated by SOP, and is encouraged for all use of force incidents.

2022 Incidents and Reports Data

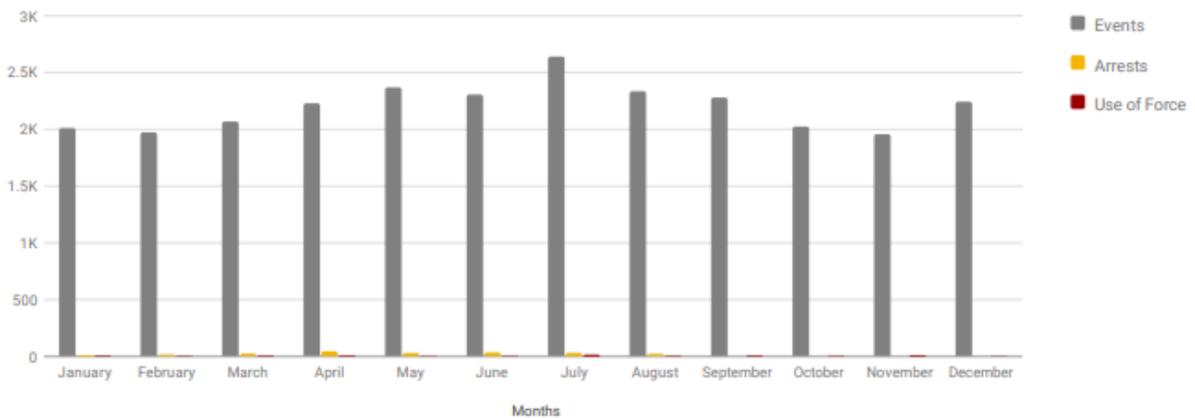


During 2022, South Portland police officers filed 169 separate use of force and control reports, down from 244 in 2021, with 90 recorded use of force and control incidents, again down from 116 the previous year. This marked a downward departure from the previous three years. This also includes 14 incidents of the mere display of a firearm and no other force was used. The 5-year trend of these statistics is contained in the adjacent chart.

The department's system of accounting for and reporting use of force incidents appears to be appropriate and functional. In 2022 the department purchased Frontline Pro-Standards Software to record all uses of force, pursuits and complaints. The new software replaces the Excel spreadsheet system for recording these incidents, making it much more user-friendly, efficient and professional. As noted in the dispositional summary chart on the previous page, across the 5-year time period captured, the majority of reviews in these cases resulted in the need for no further action, with training, counseling, further investigation or review and discipline being administered, as necessary, but with low frequency.

USE OF FORCE VS. EVENT COMPARISON SUMMARY BY MONTH

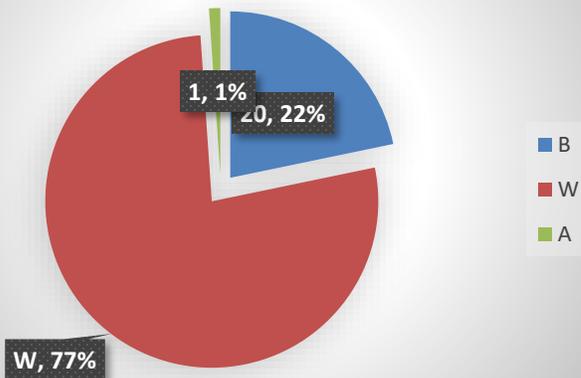
Event vs. Arrests vs. Use of Force Comparison



The chart above shows the number of calls for service monthly compared to how often Officers use force at these calls. We average around 2000-2500 monthly. This represents a tiny fraction of how often we use force compared to contact with the public.

In terms of the age of those involved in use of force incidents, upwards of 95% of all incidents involved adults. The ages ranged from 67 years old to 9 years old. Of the 5 incidents involving juveniles, all but one were for non-criminal interactions, IE. CIT incidents.

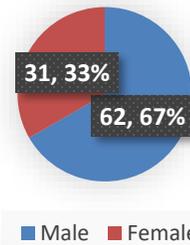
2022 Use of Force by Race



In terms of race, approximately 77% of all incidents involved a person who was white (percentages may not sum due to rounding). Six of the 17 incidents that involved a person who was black involved a firearm display and not an actual use of force. Four of the 17 also involved non-criminal related interactions, to include crisis interventions and a drug overdose. Five of these 17 incidents involved juveniles.

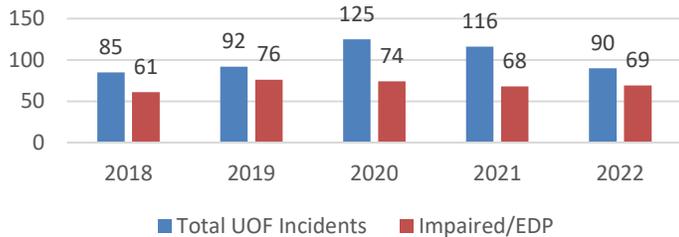
Males continue to be the subjects involved in the majority of use of force incidents, with 62% of all incidents involving men.

2022 Use of Force by Gender

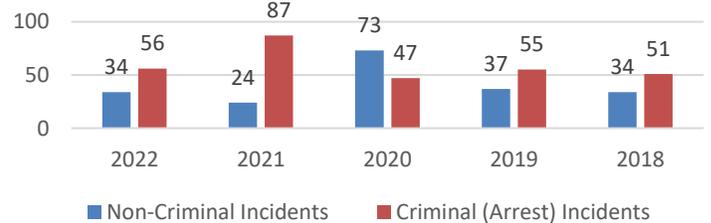


Approximately 62% of all use of force incidents stemmed from criminal / arrest situations, while the remaining percentage involved non-criminal (i.e., primarily protective custody and behavioral health) situations. The chart below depicts the trend in the need for and use of non-criminal use of force applications.

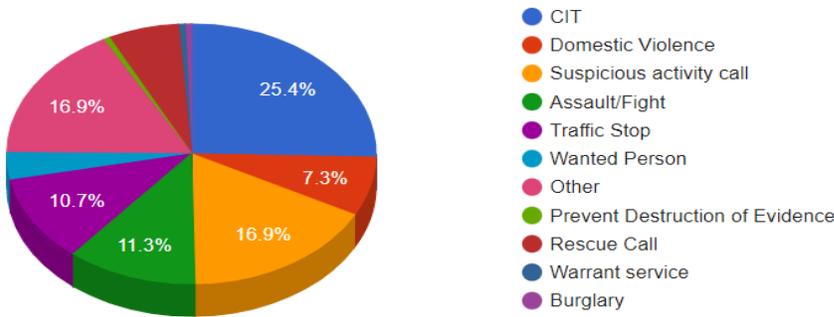
2022 Impaired/EDP and Total Uses of force



2022 Criminal/Non-Criminal Incidents

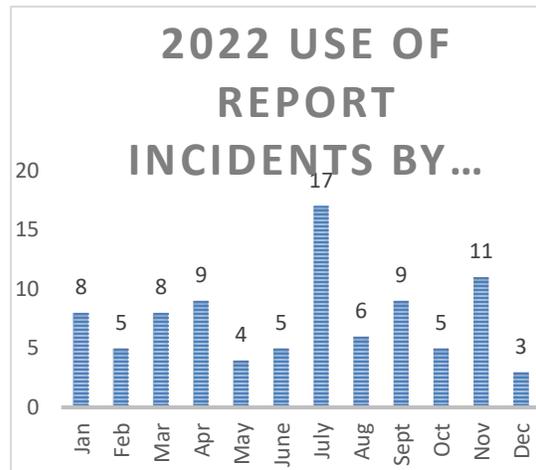
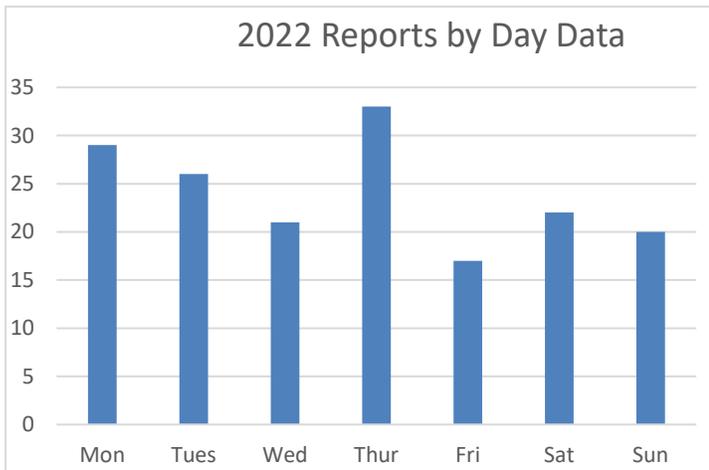


INCIDENT TYPE



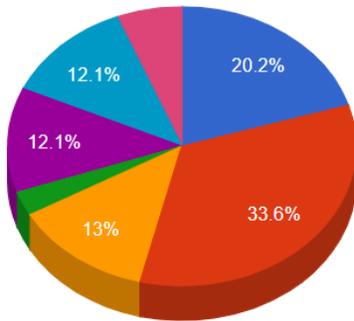
2022 saw a slight increase upwards to 76 percent, the number of subjects involved in use of force incidents whom officers reported to be emotionally disturbed and / or using alcohol and / or drugs up from approximately 75% of all incidents in 2021.

Additional data points related to 2022’s use of force incidents include frequency of incidents by month, day of week, and time of day. The highest number of incidents occurred during the months of July and November. There did not appear to be any factors that contributed to any patterns or trends for day of the week or incidents by month.



The days with the greatest frequency of incidents were Monday and Thursday, however there was not a lot of range between days that showed any kind of discernable pattern. Due to a limit in the Use of force reporting software the day of week is shown in reports, not incidents. Also time of the incidents broke down as follows: Third shift had 33 incidents, Day Shift had 18 incidents and Second Shift had 52 incidents. Note rounding errors show more incidents that actually occurred. It counted some incidents as reports thus were counted more than once. This is a limit with the software. It was not unexpected that second shift would show the most incidents as it is the busiest shift.

REASON FOR DEFENSIVE ACTION



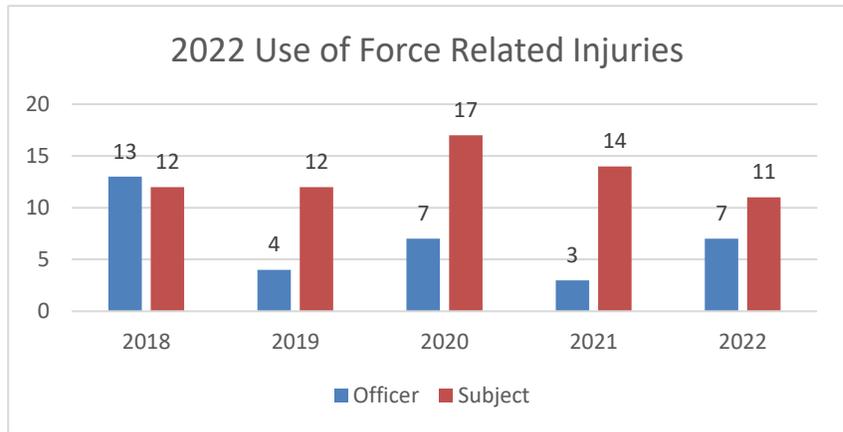
- Take into Protective Custody
- To make an arrest
- To defend self
- To prevent a violent crime
- To prevent escape
- To defend another officer
- To defend a civilian

Use of force frequency by all personnel, along with a breakdown and trend of overall officer response options, is contained in **APPENDICES B** and **C**, respectively.

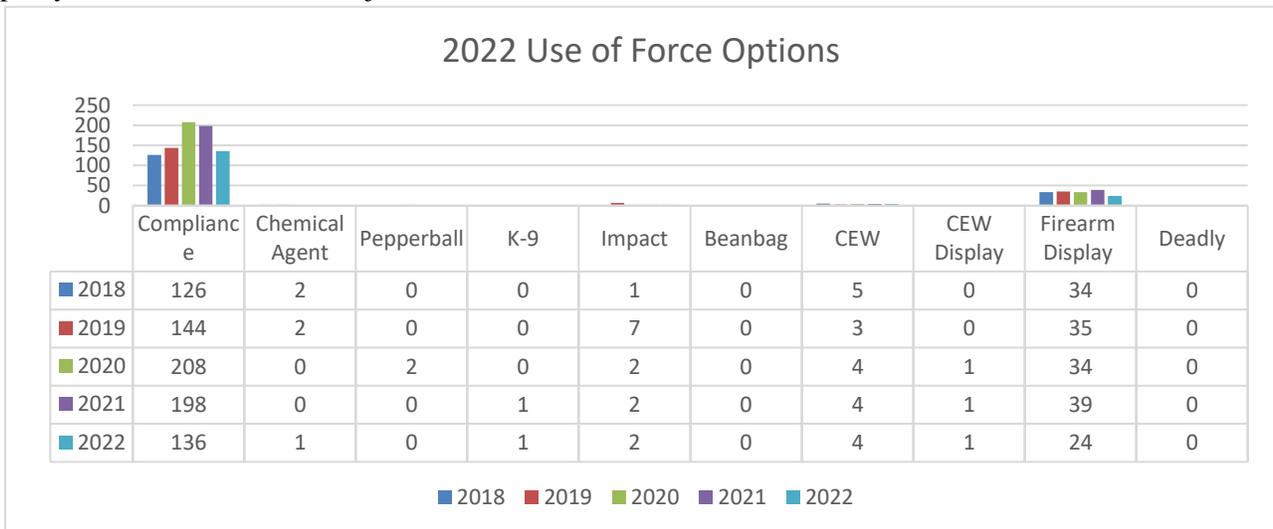
2022 was a difficult year to compile data on incidents by team as we had a lot of movement throughout the year as well as promotions. . The range of individual officer use of force report filings ranged from zero to thirteen.

In comparison to 2021, both subject injuries decreased 11 down from 14. It should be noted that 4 of the incidents, the officers reported

injuries that were existing prior to LE contact. Officer Injuries rose from 3 in 2021 to 7 in 2022. The injuries consisted of abrasions, lacerations, cuts, bloody lip, CEW probe marks; the officer injuries consisted of abrasions, lacerations, sprains, back pain and head impact and head cut, three of the offices injured was from a blood exposure and another officer was bitten by a suspect.



Our numbers for injuries are usually pretty consistent with minor injuries



being reported and are a reflection of better officer safety tactics and the professionalism, training, and preparation of agency personnel.

The chart to the left represents the type of force used during the 90 incidents. As usual, the overwhelming majority of the force applications are compliance techniques. These are incidents that officers use a minor use of force to overcome the resistance during handcuffing. Beyond the internal administrative reviews all officer

injuries are additionally reviewed by the department and city safety committees. Those reviews tend to find such injuries as a potential outcome and a non-preventable component of the particular use of force. Command staff strive to assess injuries during each administrative review, addressing any potential concerns or training needs with an overall goal of reducing both subject and officer injuries.

SOP #1-1-A, Use of Force & Control, was reviewed and revised during July 2022. There were no revisions made during the year other than a name change for the Chief signature. The policy was disseminated via PowerDMS, with all sworn personnel trained on its content via a training session taught by Department trainers.

All personnel also received requisite firearms, less lethal, training relevant to constitutional policing, and crisis intervention team (CIT) training. All Officers were given an 8 hour block on patrol tactics taught by SWAT team members. CIT training is required for all department officers. It promotes community collaboration and assists people living with mental illness and/or addiction who are in crisis.

Based on last year's recommendation, the department increased the MARC training. All officers attended a 4-hour block covering defensive tactics, less lethal and Taser training. Also based on last year's recommendation the firearms training team has incorporated Simunitions training into firearms training sessions, including force on force training. They have also provided officers with up to date Officer Safety and awareness training through PowerDMS and range training. One other area for training will be increased training in handcuffing, which may promote less injuries during use of force encounters.

Based upon the above information, actions taken and analysis there are no further recommendations for policy, practice, or equipment at this time.

Pursuit / FT Stop Analysis & Review (41.2.2):

Department SOP remains restrictive in this area. Incidents involving a *pursuit*, as defined by SOP, are generally prohibited barring the commission of a "violent felony" prior to the initiation of a pursuit. Current SOP substantially defines a *pursuit* as emergency vehicle operations in order to attempt to stop a violator who flees and operates a vehicle in a *reckless manner or in excess of ten (10) miles per hour over the speed limit*. Additional discretion is offered for those instances that fall under the SOP definition of a *failure to stop* incident. This SOP generally involves emergency vehicle operations in order to attempt to stop a violator who flees but does not operate a vehicle in a *reckless manner or in excess of ten (10) miles per hour over the speed limit*. Officers are required to report all pursuit and failure to stop incidents, in writing.

During 2022, the agency engaged one pursuit halting a 6 year streak of no defined pursuits. Officers engaged in five (5) *failure to stop* incidents, up from three (3) in 2021. The one pursuit was conducted out of policy and after an internal investigation, discipline was issued to two officers and the entire department received mandatory training on the pursuit policy. Considering how many citizen encounters we have this is not out of line or in any way unreasonable when evaluated in light of the overall disciplined actions during these incidents by department personnel.

In terms of analysis:

- All incidents involved *marked* South Portland police vehicles;
- All but three incidents occurred during the third shift;
- All but one incident was initiated based upon a traffic infraction, which does not provide a basis to engage in a pursuit but may allow for continuation of a failure to stop incident; the one non-infraction incident, the operator fled due operating a stolen vehicle.

- There were no injuries or damage to department personnel or property during these incidents;
- There were no injuries or damage to other involved or uninvolved persons during these incidents;
- The involved primary officers ranged in experience from less than 1 year to 10 years of service;
- There were no Stinger Spike attempts or deployments, or contact between any police and suspect vehicle during any of these events.
- Two officers were disciplined for the pursuit.

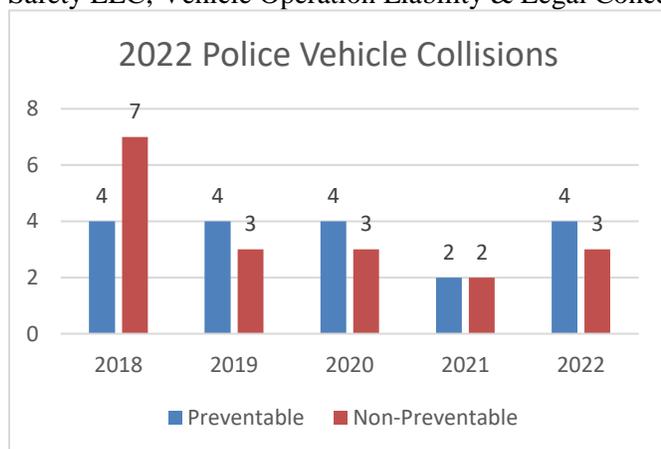
Additional information and an overview of data regarding these incidents, to include date, time, officers and shift commanders involved, as well as initiating and terminating events, and charges, if any, are contained in **APPENDIX D** of this report.

With the overriding goal of officer and public safety, SOP directives in this area appear to be effectively limiting these types of incidents and their potentially disastrous outcomes. Based upon the individual reviews and this analysis, these directives appear to be understood and followed by personnel. Officers appropriately reported each failure to stop incident; and reviews by command staff up through to the Chief of Police were conducted consistent with SOP. These reviews found the majority of the officers' actions during these events to be within policy and law. All of these failure to stop incidents are reviewed with the officers to ensure good decision making is used with remedial training provided when needed. Two officers were disciplined for a policy violation during a pursuit.

In January 2023, SOP #4-41, Operation of Police Vehicles, which includes pursuit policies and reporting procedures, was reviewed and revised with input from all personnel. The revisions did not impact the threshold for the reporting, investigation and review of *pursuit* and *failure to stop* incidents. A review and training on the SOP for all impacted personnel was administered via PowerDMS. No additional recommendations for revision are offered at this time.

Collisions Report:

Department personnel reported involvement in a total of 6 police vehicle involved collisions during 2022 up from 4; as compared to 2021. The Command / Administrative review process deemed only two (2) of those collisions to be preventable, resulting in two drivers being assigned to defensive driver training through Dirigo Safety LLC; Vehicle Operation Liability & Legal Concerns for Law Enforcement.



Given the number of hours spent driving under routine and non-routine situations, and adverse weather and circumstances, this data would seem to indicate that officers are driving with due regard for safety, and that collisions and cruiser damage, regardless of extent, are being consistently reported, as per SOP.

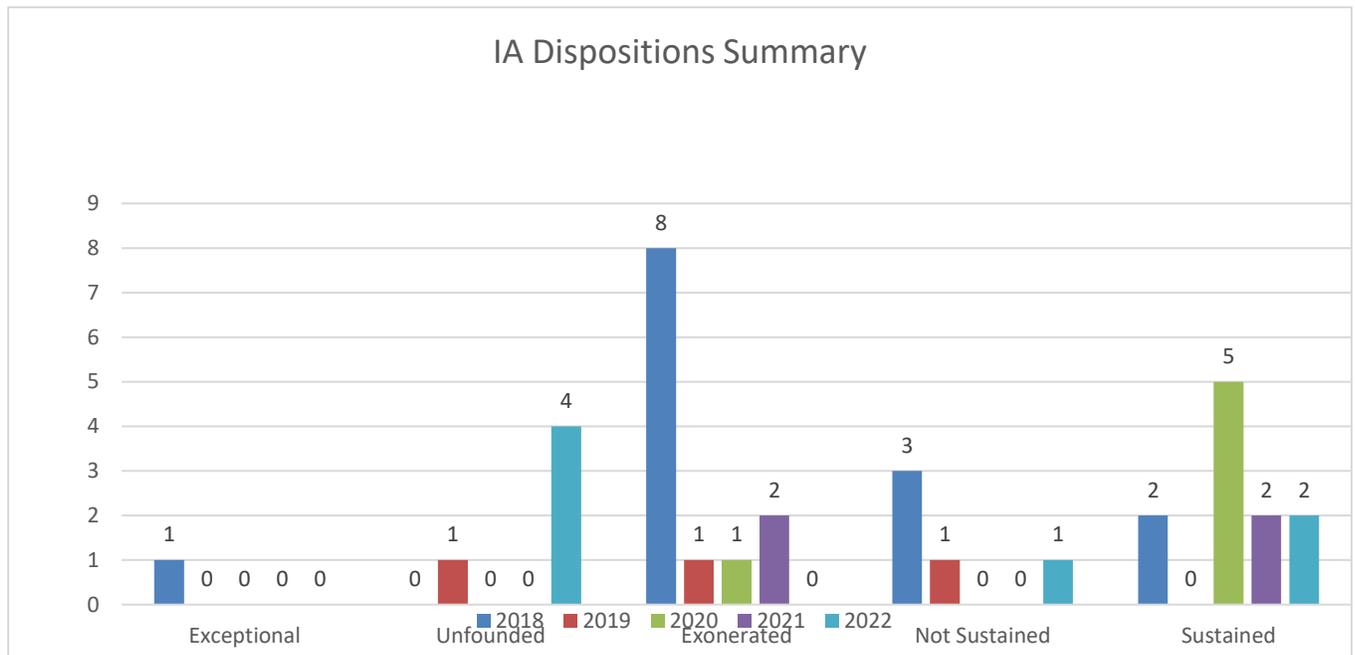
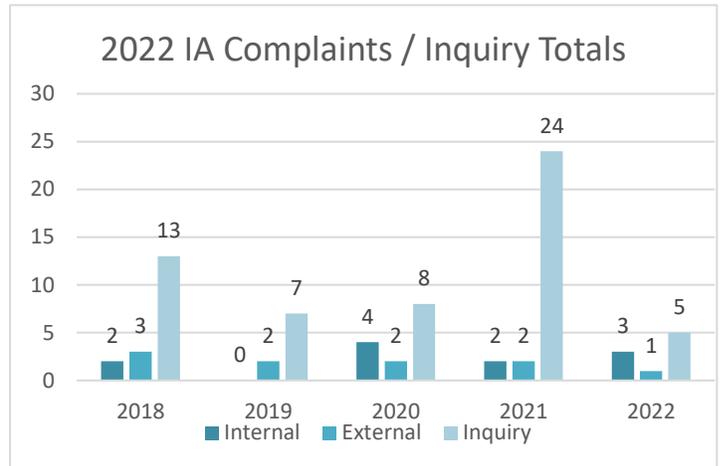
A January 2022 review of SOP #4-41, Operation of Police Vehicles, resulted in no revisions offered for the policy were needed or recommended.

Internal Affairs Report & Analysis:

During 2022, the department conducted four Internal Affairs investigations; three were based upon external complaints, and one internal complaint involving two officers.

The three external complaint were investigated and determined to be “unfounded”. The other internal complaint resulted in discipline being issued after a thorough investigation.

Department supervisors also documented and resolved a total of five (5) Inquiries, which involve any issues, concerns or allegations brought forward that, even if true, would not rise to the level of a complaint, in that the allegations themselves would not be a violation of any law, rule or SOP. This is down from twenty-four (24) in 2021. This seemingly indicates that all concerns brought forward by the public should and appear to have been appropriately documented, investigated and reviewed by the chain of command through



the agency’s complaint / inquiry process.

Given the nature of our profession, the national climate, and the high standards to which we hold ourselves accountable, complaints and internal affairs investigations are a predictable component of law enforcement activities. That said, the number of complaints received and / or initiated by the agency remain extremely low, especially in comparison to the agency’s historical data. Complaints, however, are simply allegations; notwithstanding internal complaints, generated by personnel who are familiar with our policies and procedures, the number of sustained complaints continues to remain extremely low. This has proven consistent in recent years.

Given the thousands of interactions that our officers have with the public, the investigative results and findings this past year and related to the vast majority of complaints continue to demonstrate that our officers are

professionally interacting with the public in accordance with the law, their training and the department's policies, procedures and expectations.

SOP #5-52, Administrative Complaint / Internal Affairs, recently went through the internal review process via PowerDMS, with no revisions recommended. As such, I offer no further recommendations for revisions at this time.

Bias-Based Policing (1.2.9):

Pursuant to SOP #1-4, *Bias-Based Policing / Profiling*, the following review was conducted to assess the likelihood of illegal or bias-based policing occurring during the operation and enforcement activities of this department.

Bias-based policing generally includes the targeting, detention, interdiction or other enforcement or disparate treatment of any person based solely upon on the basis of characteristics or traits common to a group, including but not limited to race, ethnic background, age, gender, economic status, cultural group, national origin, religion, sexual orientation or other group identifier.

First, there were no external or internal complaints, inquiries or investigations during 2022 involving allegations of bias-based policing or profiling by department personnel.

In terms of analysis, datasets related to the department's law enforcement activities, specifically including adult and juvenile arrests and criminal summonses and traffic citations ("VSACs"), were reviewed in relation to the involved persons' race. Data related to use of force application, by race, was included in the use of force analysis. The department does not currently collect or track such individual characteristics or traits in regards to stops, detentions or other contacts that do not result in an enforcement action (e.g., traffic warnings or field interviews). Furthermore, in 202 the department contracted with the University of Southern Maine's (USM) and Catherine Cutler Institute and the Institute on Race and Justice at Northeastern University to analyze the Portland and South Portland police departments enforcement activities as they relate to race, ethnicity and housing status. The study was conducted for a three year period from 2018-2020. The complete study and findings can be found at:

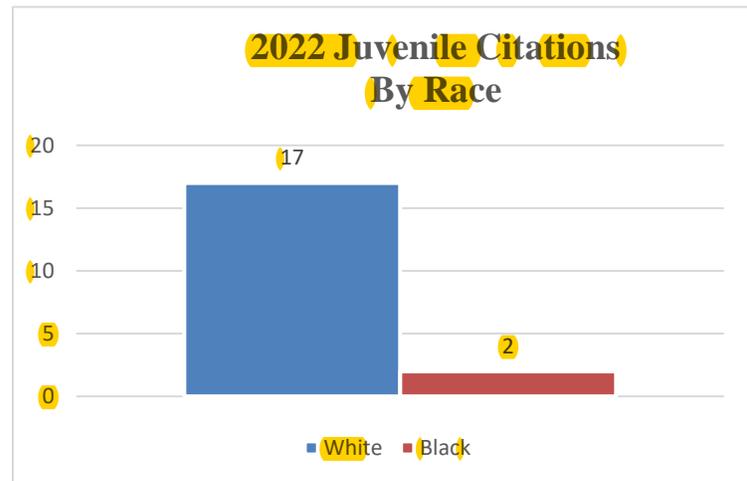
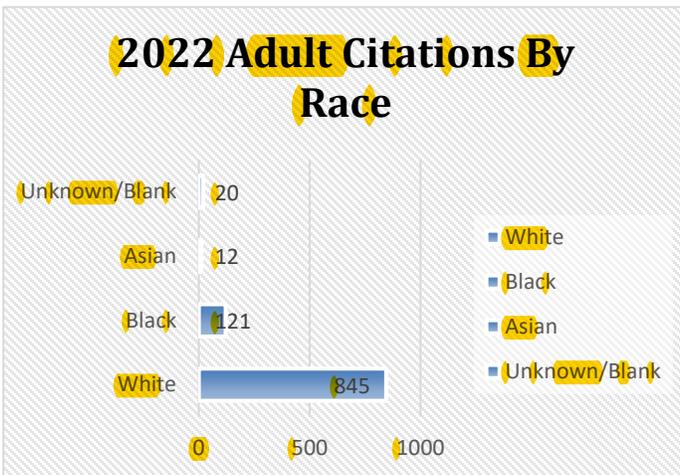
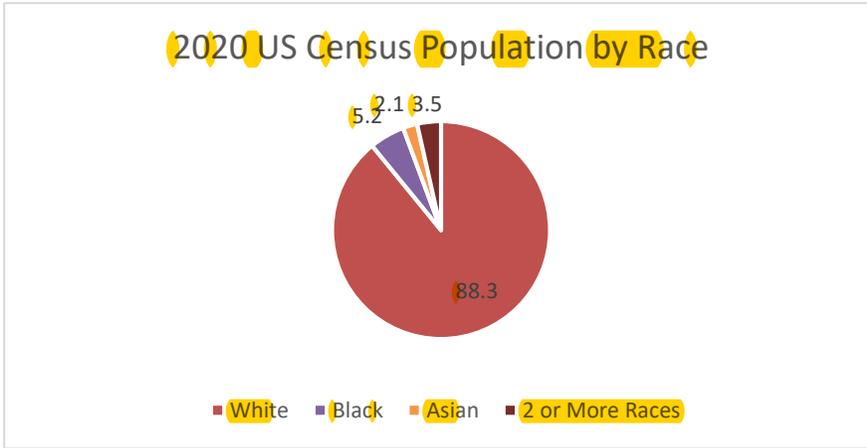
https://www.southportland.org/files/1016/7284/3988/SPPD_Assessing_Arrest_and_Traffic_Stop_Patterns_Study_2022.pdf

The study found that there were disparities in enforcement but found no evidence that officers did not engage in race based enforcement. This is an excerpt from the final report that came out form the study:

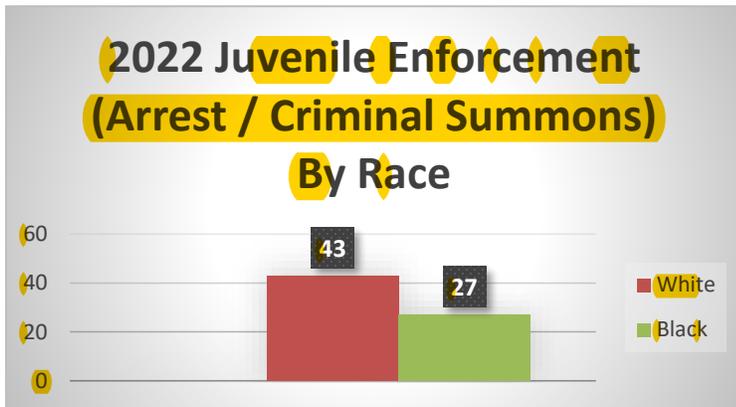
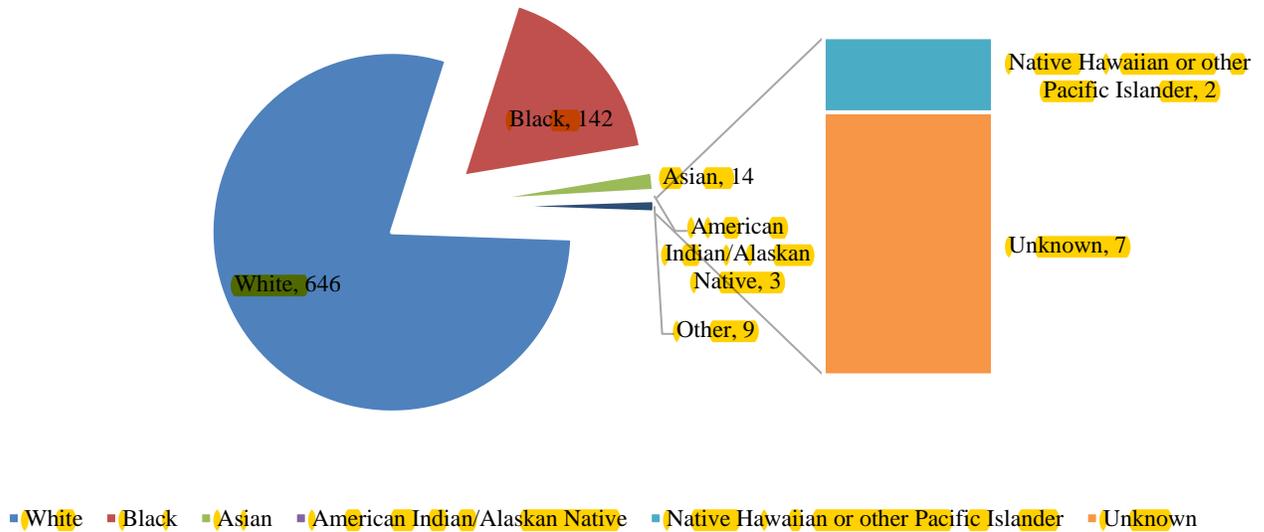
The analysis did not find statistical evidence of biased-based policing by members of the South Portland Police Department, that is, instances where an officer made a decision or took action based on the individual's race or ethnicity rather than the individual's behavior. In particular, our analysis does not find significant evidence that race and ethnicity were related to the decision to request multiple charges, which prior research suggests can be an indicator of biased decision-making.⁷¹ Additionally, in terms of traffic enforcement this analysis found that, contrary to the Veil of Darkness theory, Black or African American individuals were not stopped more frequently during daylight hours. This does not mean such incidents do not happen, but rather no patterns emerge that demonstrate severe and

persistent occurrences; indeed, identifying officer attitudes and individual acts of bias-based policing by individual police officers was beyond the scope of this report.

The report confirms that the department continues to enforce the law and provide service in a non-biased manner.



**2022 Adult Enforcement
(Arrest / Criminal Summons)
By Race**



In terms of analysis, datasets related to the department’s law enforcement activities, specifically including adult and juvenile arrests and criminal summonses and traffic citations (“VSACs”), were reviewed in relation to available information on race. Data related to use of force application, by race, is included in the use of force analysis. The department does not currently collect or track such individual characteristics or traits in regards to stops, detentions or other contacts that do not result in an enforcement action (e.g., traffic warnings or field

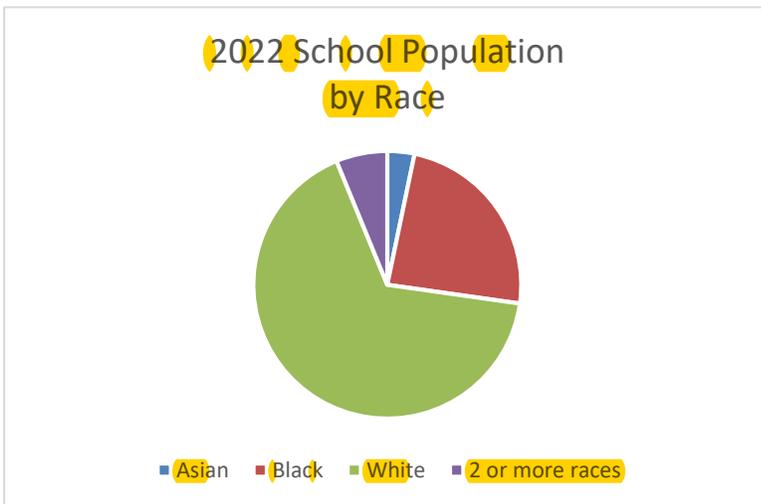
interviews). However, Beginning in July of 2023 this data will be required by state statute. The department is currently working with IT and the vendor of our crime reporting software that was new in 2021 to accomplish the collection of this data.

The data from these enforcement activities was then compared against relevant city demographic levels (2020 Census and subsequent estimates). When viewed on its face, the raw data, as outlined in the above charts, would reflect that enforcement actions were not directly proportional to the black demographic in the city. Although 5.2% of the city’s population is Black (2020 Census), enforcement activities involving those of the black race appear to be at a level higher than what is represented by the represented population. As noted above, the department contracted with the University of Southern Maine’s (USM) and Catherine Cutler Institute and the Institute on Race and Justice at Northeastern University to analyze the Portland and South Portland police departments enforcement activities as they relate to race, ethnicity and housing status. The study was conducted for a three year period from 2018-2020. This study was very comprehensive and provided analysis on our enforcement data with the conclusion noted above of no statistical evidence of biased-based policing by

members of the South Portland Police Department. I feel that the same conclusion can be reached for our 2022 enforcement data.

To add perspective, the City of South Portland is the fourth largest municipality in the State of Maine and, bordered by the City of Portland, the state's largest municipality (pop. 68,329), is part of the state's largest urban service center. The black population of our neighbor, the City of Portland, is approximately 9% of the community's demographics. South Portland is home to the Maine Mall, the region's largest retail shopping district, and has significant technical, industrial and post-secondary education facilities. It also has a working waterfront and is considered the second largest oil port on the eastern seaboard. There are several major thoroughfares running through the city, including portions of US Route 1, Interstate 95 (Maine Turnpike), Interstate 295, and Maine Routes 9 and 77. The city also houses one of the largest concentrations of hotel rooms in Southern Maine. Although home to a residential population of approximately 26,993 the city's daytime population expands significantly due to an increasingly large transient population, represented primarily by the business, industrial, retail, and educational sectors of our community, all of which require varying levels of police service. Prior studies have indicated that there are approximately 55,500 employees in the area of the Maine Mall alone. Visitors to just the west end of the city are estimated to range from 46,000 to 102,000 per day, resulting in the additional daily-traffic flow of between 65,000 and 71,000 vehicles.

In comparison to 2021, the department's relevant enforcement activities involving the black demographic decreased for adult arrests and summonses and juvenile citations, but increased relative to adult citations and juvenile arrests and summonses.



While considering the apparent disproportionality in the department's contacts with the black population, with the highest disproportionate rate appearing to be related to juvenile crimes, the crime types in that category were reviewed in order to determine if the resultant charges appeared to be based upon officer-initiated versus officer-responsive calls and contacts. Not surprisingly, the largest single charge type was made up of theft / shoplifting offenses, the majority of which occurred at or around the Maine Mall. This is significant in that SOP and current practice leave the discretion in these types

of cases up to the individual stores (victims), not the officers. Our officers simply respond to the store's call for service and then facilitate the process by issuing the requisite Court paperwork. Beyond that, South Portland School Department records indicate that approximately 38.83% of the student population in the city's schools are non-white, not of Hispanic origin. The same data indicates that approximately 22% of the student population is black

Although the percentages outlined above allow for a comparative overview, the actual number of enforcement actions add additional context. The Department responds to calls as they are received and appropriate law enforcement actions are taken. When viewed in their totality, the department's enforcement actions offer no patterns or trends that would indicate bias-based policing exists within the department.

The Training Officer and Field Training Supervisor are reminded that SOP and CALEA standards require "initial and annual training in proactive enforcement tactics and biased - based policing concepts, including conducting lawful field contacts, traffic stops, search, seizure and forfeiture issues, courtesy, diversity, discrimination, interviewing and interpersonal communications skills, community support and the need to

respect the rights of all citizens.” This requirement was most recently addressed in 2022 Dirigo Safety Implicit Bias training disseminated to all sworn personnel via PowerDMS.

No revisions are recommended to SOP #1-4, *Bias-Based Policing / Profiling*, at this time.

Early Intervention System (EIS) Evaluation (35.1.9):

I reviewed the EIS reporting criteria outlined in SOP #3-35-B, *Early Intervention System*, and have identified two officers who triggered early intervention protocols for 2022.

Two officers had ten (10) or more use of force incidents, excluding the mere pointing or threatened use of a firearm or less lethal weapon.

Per SOP, this information has been provided to you under separate cover for referral to the appropriate command officer for review and follow up.

In its sixth year, the EIS seems to be meeting our needs. We purchased new use of force reporting software Pro-Standards Tracker to log all of our use of force reports. This module allows for analysis and has a feature that you can set to notify supervisors if an officer is on track to trigger EIS. Beyond the triggering criteria, and associated reviews and follow up, the EIS has not yielded the need for additional action beyond the proactive conversation between command staff and the involved member. Training recommendations were also made to the supervisors of the involved officers if they thought it warranted it.

In terms of SOP recommendations, it had been suggested that we also consider incorporating some number in excess of the median level of annual sick time incident usage, and preventable, lost-time worker’s comp related incidents as EIS triggering events. This has been done and this information is considered when an EIS report is completed. Mentioned in the training report, we also will be targeting handcuffing training to hopefully prevent injuries during struggles as we attempt handcuffing.

Recruitment / Staffing Analysis:

Pursuant to SOP #3-31, *Recruitment and Selection*, the following is the annual analysis of staffing and the department’s recruitment plan.

With the promotion of Deputy Chief Gerrish in late 2021 and the hiring of Chief Daniel Ahern in early 2022, the South Portland Police Department was able to enter a new era of leadership after a challenging transitory period following the retirement of longtime Police Chief Edward Googins in January of 2020. With an unprecedented number of job openings in Maine Law Enforcement (at the beginning of 2022, there were over 300 job vacancies statewide according to the Maine Criminal Justice Academy) the South Portland Police Department implemented a series of changes to make our agency a more desirable place to begin and maintain a career in Law Enforcement. The most notable events include, as listed below:

- In the Summer of 2022, with the support of City administration and of Police Leadership, the South Portland Police Patrolmen’s Association voted by a large margin to change the current schedule structure of the patrol unit. As a result, many SPPD officers are now working a “4-10” patrol schedule. This structure, which allows for 3 days off per week, took a lot of administration time to implement and is the first major schedule update in decades. With patrol officers having the option for 3 full days off (in contrast to many other departments, these days off cannot be cancelled except due to emergency situations) it is hoped that officers will better be able to cope with the at-times large amount of forced overtime currently worked by our officers. As of March of 2023, this schedule has been well-received and raised the morale of the department significantly.

- The selection and placement of Sgt. Jake Hall as Cadre at the Maine Criminal Justice Academy (MCJA) for the basic Law Enforcement Training Program (BLETP) 42 and 43. In return for this investment, MCJA granted our department additional training slots for both academies. Competition for a limited number of academy slots resulted in our agency not being able to send any cadets to the 41st BLETP in spring of 2022. The placement of Sgt. Hall was a strategic decision made by SPPD administration in order to safeguard academy slots that will help rebuild our patrol staffing levels.
- The hiring of Behavior Health Liaison Amelia Smith (with the full support of the city council) to full-time. BHL Smith, who had been working in a part-time capacity, accompanies SPPD officers on mental-health related calls, conducts outreach to community members suffering from mental illness and/or substance use disorder, and conducts follow-up with individuals involved in behavioral health-related incidents. SPPD's continued investment in alternatives to police response reduces call volume for patrol officers, can successfully resolve incidents without police intervention and more efficiently connects community members with resources.
- The implementation of incentive pay for signing up for overtime shifts. With our current staffing shortage, a large number of patrol shifts get filled by overtime shifts. This is a necessity to maintain our minimum staffing level. By providing additional financial incentive for officers to sign up for a shift, the number of "force filled" overtime shifts dropped significantly after implementation of the program in fall of 2022.
- Temporary staffing adjustments to maintain patrol coverage. The SPPD, at the direction of Chief Ahern, made additional staffing changes to maintain adequate police coverage during our busiest call-volume hours. This involved reassigning some overnight officers to second shift hours. Additionally, to fill in gaps as needed, Chief Ahern tapped officers from our Community Response Unit, our Criminal Investigative Division, and other special police services (Traffic Division, School Resources Officers, etc.) to fill patrol officer slots as needed. This reduced the amount of forced overtime patrol officers were assigned.
- Signed a Collective Bargaining Agreement with the South Portland Patrol Association that runs through June of 2025. The signing of this agreement increased the wages and benefits of the patrol officers and detectives that have been working diligently through these challenging times.

Results – The Bad

Unfortunately, despite the above listed efforts, 2022 resulted in a significant number (10+) of officer separations from the SPPD. While the separations were for combination of reasons (retirements, resignations, etc) from January of 2022 to February of 2023, we lost 5 officers to other agencies in the state (Maine State Police, Westbrook, Gorham, Kennebunk and Biddeford). Additionally, of the 9 officers we sent to the academy for the 42nd BLETP, only 5 graduated. The SPPD has unfortunately had over 40 separations since 2018. Additionally, the SPPD received only 60 applications in 2022, with many of these applicants being immediately dismissed due to a variety disqualifying factors. Currently, we have one officer, Jaznel Burns, in the 43rd BLETP. Another officer, unfortunately, already resigned from the 43rd BLETP. As of March of 2023, the SPPD has 8 vacancies.

Results – The Good

While 2022 was certainly another challenging year in terms of recruitment and retention, there were certainly positives to be drawn upon. The 5 officers who graduated from the 42nd BLETP have all passed Field Training and are performing very well. The SPPD was also successful in hiring lateral candidates as well. Officer Ryan

Lathrop joined the department after 5 years of service with the Saco Police Department, and Officer Sidney Stewart joined the department after 5 years of service with the Maine State Police. Both Officer Lathrop and Officer Stewart have already joined the Southern Maine Special Response Team. Additionally, in early 2023, Officer Dan Huntington joined our department after 5 years of law enforcement experience in Virginia. Officer Huntington has extensive experience in working with police K-9's and is excited to work towards his career goal of becoming a K-9 officer in the State of Maine.

In 2022, a number of important internal promotions were made at the SPPD. Officer Alfred Giusto was promoted to the rank of Sergeant, as was Officer Michael Armstrong. Sergeant Kevin Theriault was promoted to the rank of Lieutenant, as was Detective Christopher Todd. All four of these promotions were well earned and all four of these accomplished individuals are performing well in their new roles.

A Brighter 2023 And Beyond

With stiff competition for police officers in the state of Maine (Belfast and Brewer, for example, are offering \$20,000 sign on bonuses, with many other agencies offering lesser amounts) City Manager Scott Morelli has requested an additional 3% COLA for SPPD officers in his annual budget request. This request, which is an additional increase outside the scope of the collective bargaining agreement, is aimed at improving officer recruitment and retention. In other encouraging news, Officer Ezekiel Collins is currently in K-9 training at the MCJA with *Sauer*, the departments newest K-9 Officer. With the SPPD's 2 other dogs *Trigger* and *Zak*, nearing retirement. *Sauer* and future investments in the K-9 program are exciting developments.

With the City of South Portland currently hosting hundreds of New Mainers (asylum seekers from different countries, primarily in Africa) in area hotels, the city is rapidly diversifying. According to the most recent U.S Census, the city of South Portland is approximately 88% white. However, according to the South Portland School District, approximately 38% of its students are nonwhite. This suggests that in coming years, the city will continue its trajectory of becoming a more diverse place. The SPPD prides itself on diversity, and will continue its efforts to recruit a diverse group of officers in 2023. The SPPD currently employs officers of different religions, races and countries of origins, sexual orientations and, importantly, officers who can speak multiple languages (Hungarian, Vietnamese, Portuguese and French – just to name a few). Additionally, 17% of our current officers are women, with 30% of our patrol division consisting of female officers.

It is our belief that here at the SPPD that a combination of leadership stability, the end of the Covid-19 pandemic, community support and strong organizational changes implemented in 2022 will lead to a brighter 2023 and beyond.

1. The recruitment team is responsible for the following:

- Attend traditional jobs fairs.
- Receive training and practice answering perspective candidates' questions.
- Create an updated presentation that would be displayed at recruitment events. This would include photos, video, and swag.
- Brainstorm on how technology may be used to benefit our recruitment efforts.
- Use social media. For example, create a closed Facebook account to stay in contact with prospective candidates.
- Create a recruitment database and continuously follow-up with candidates to keep them active in the hiring process.
- Think outside the box and use new and effective strategies to achieve our goal of recruiting the best possible candidate for the position of police officer.
- Examine concepts to increase overall department morale.
- Attend regular recruitment team meetings.

2. Department Recruitment video was produced. Link to video:

<https://www.youtube.com/watch?v=zi5prdgr5tA>

3. On-going recruitment efforts as outlined in last year's annual report:

- To continue to work towards an easier and streamlined online application process, as opposed to the current paper process.
- The Civil Service Commission revised the ordinance has increased our ability to interact much more quickly and will improve our ability to get the first look at some of the quality candidates. The Commission and department have also merged what were previously two separate oral boards run by each into a single consolidated interview.
- To seek qualified minority personnel in approximate proportion to the makeup of the available work force in the community.
- Part of the revisions to the Civil Service ordinance include recognition and consideration for applicants demonstrating fluency in a foreign language.
- The department revised its application forms based upon input of items that may generate confusion or unintended barriers to minority applicants.
- The department communicated these efforts using social media and local media coverage.
- Based upon anti-discrimination laws, the department does not collect applicant data or base employment decisions directly or related solely on gender, race, ethnicity or other protected classes.
- The department should retain its high hiring standards and continue taking steps to attract female and minority applicants who will successfully make it through the rigorous hiring and training process.
- The department continues to have the goal of mirroring community demographics, and will continue to seek and hire excellent and well qualified officers without regard to gender, race or ethnic background.
- To ensure that all individuals be given equal opportunity to apply for and obtain employment regardless of race, creed, color, age, gender, sex, sexual orientation, gender expression, gender identity, national origin or ancestry, religion, genetic information, physical or mental disability (except where such disability manifestly disqualifies an individual for the particular position), workers' compensation history, whistleblower status, veteran status, use of tobacco products outside the course of employment, previous or present union activities, union membership, or any other legally protected category.
- Consistent with the Civil Service ordinance, all job announcements use the phrase "Equal Opportunity Employer."
- The department continued recruiting efforts, with members attending job fairs, MCJA testing days, providing ride-a-longs, and posting information on various social media, websites and electronic mail lists (aimed at college and military). The recruitment team continues to engage people and encourage employment opportunities and additional action items, to include enhanced job fair presentations, and a more robust social media presence.

With much being accomplished in this arena over the past two years, I would recommend that the recruitment plan be revised and updated to reflect and incorporate the work currently being conducted by the recruitment team.