

TO: Chief Daniel Ahern
FM: Lt. Todd Bernard
DT: April 4, 2024
RE: Office of Professional Standards - Annual Report

Please accept this as the Office of Professional Standard's 2023 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.

Table of Contents

Overview.....	3
Trends	5
Opioid Crisis	5
Reports & Analyses	7
Training Report	7
Command / Administrative Review Analyses	8
Use of force Analysis.....	9
Pursuit / FT Stop Analysis & Review (41.2.2)	14
Collisions Report	16
Internal Affairs Report & Analysis	16
Bias-Based Policing (1.2.9)	17
Early Intervention System (EIS) Evaluation (35.1.9)	20
Recruitment / Staffing Analysis	21

Appendix.

A. Use of Force Summary

Overview:

In 2022 the department purchased and began using Pro-Phoenix Public Safety Reporting Software.

During 2023, the department responded to approximately 28,300 calls for service up from 26,785 in 2022.

Here is a breakdown of our calls for service:

Officers investigated 2829 formal crimes incidents.

Responded to 1556 crash reports.

Officers arrested or summonsed 884 down from 1079 in 2022.

Officers conducted 4885 up from 4273 traffic stops in 2022.

Officers responded to 411 calls for people in mental health crisis and 232 additional calls for people either suicidal or having attempted suicide. We assisted the Fire Department with 872 CFS.

Responded to 238 unknown medical calls including 67 OD calls

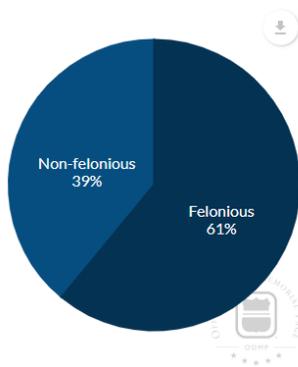
Our ACO responded to 1086 animal calls

We responded to 370 DV incidents

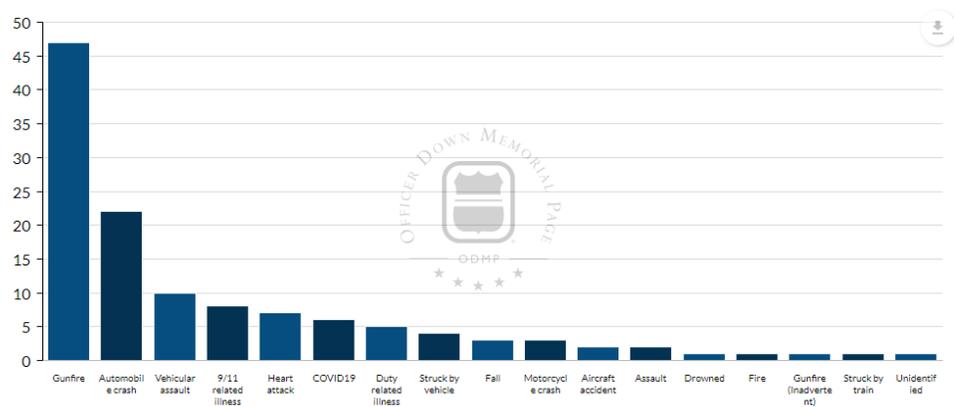
We issued 1356 up from 1231 traffic citations in 2022

Law enforcement continues to be an unpredictable and dangerous profession. In 2023 line of duty deaths were down 53% after a 65 percent decrease the previous year. 2021 had really skewed the line of duty deaths with 501 officers dying from COVID-19. During 2023, 124 officers died in the line of duty down from 231 the previous year. The leading cause of 2023 line of duty deaths was gunfire. 47 Officers were shot and killed down from 61 last year. Nationally, 26 officers died of a job-related heart attack or illness, 6 from COVID-19. Ninety-two percent (115) of the officers that died were male; 8% (9) were female. The graph below shows the 2023 causes of officer deaths. www.odmp.org

Incident Type



All Causes of Death



Suicide continues to be a concern for Law Enforcement. 118 officers died of suicide in 2023, compared to 169 in 2022. 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: 92% Male, 8% female with an average length of service of 14 years. It is veteran officers who are more prone to suicide. In 2022 President Biden signed a bill into law extending disability and death benefits to families of officers who suffer from post-traumatic stress disorder or die by suicide in the line of duty. The Public Safety Officer Support Act of 2022 is part of a larger effort to recognize the emotional impacts of traumatic events on first responders nationwide. FMI: www.bluehelp.org and CBS News.

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. In the current CBA, the city instituted an incentive for officers to get a mental health check-up and an Annual Physical. The city is offering day off with pay for each officer who gets these two check-ups. This will be the second year of this and is being enthusiastically used by department personnel. Finally, the department benefits from an early intervention system, employee assistance program, peer support, and critical incident stress protocols overseen or coordinated by our two full time internal Behavioral Health Liaison Officers. In 2023 we hired a second Behavioral Health Liaison Officer to work full time. In 2023, our Behavioral Health Liaison Officers have co-responded with officers on numerous calls. Additionally completed individual follow-ups with community members, both with calls they were on and calls for service from offers when off duty. BHL officers have raised awareness amongst community members on how to best utilize their services. BHL Officers continue to foster a well-established relationship with both South Portland High School and South Portland Middle School. They continue to build relationships with service providers, non-profits, and various organizations to better serve the community. They place various linkages to care referrals for community members regularly. When other departments need additional support, our BHL officers are always willing to assist. More recently, the BHL Officers have worked collaboratively with the JCCOs in Cumberland County on mutual cases.

The BHL Officers have planned several in-house events for the members of the SPPD to create a stronger sense of community and a space to bond outside of calls for service. Both of our BHL Officers participate in our internal wellness committee monthly. In these meetings, they come up with strategies to support morale and overall officer wellness. This year the wellness committee was allotted retention funds for officer wellness. The BHL Officers played a big role in getting the entire department customized Christmas gifts that were very well received. They will continue to use this money for officer wellness events and items that best serve the SPPD.

In 2023, our BHL Officers have engaged in training to support officer wellness. For example, BHL Amelia Fosler went to ASAP training. ASAP stands for Acute Stress Adaptive Protocol, it is a newly developed EMDRY early intervention specific to emergency responders to help mitigate and manage the mental stress that accompanies first responder work. It helps officers stay mentally resilient on the job. Both Laurie and Amelia will continue to seek out trainings that benefit both the officers and the community. Lastly, our BHL officers educate the officers at SPPD about best practices for interacting with vulnerable populations.

The department continues its CALEA certification process. The South Portland Police Department is one of five Maine agencies awarded this certification. The department will receive its annual remote assessment for year 2 in March of 2024. Our 2023 On-line assessment was conducted and the department showed continued compliance as required by CALEA. 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.

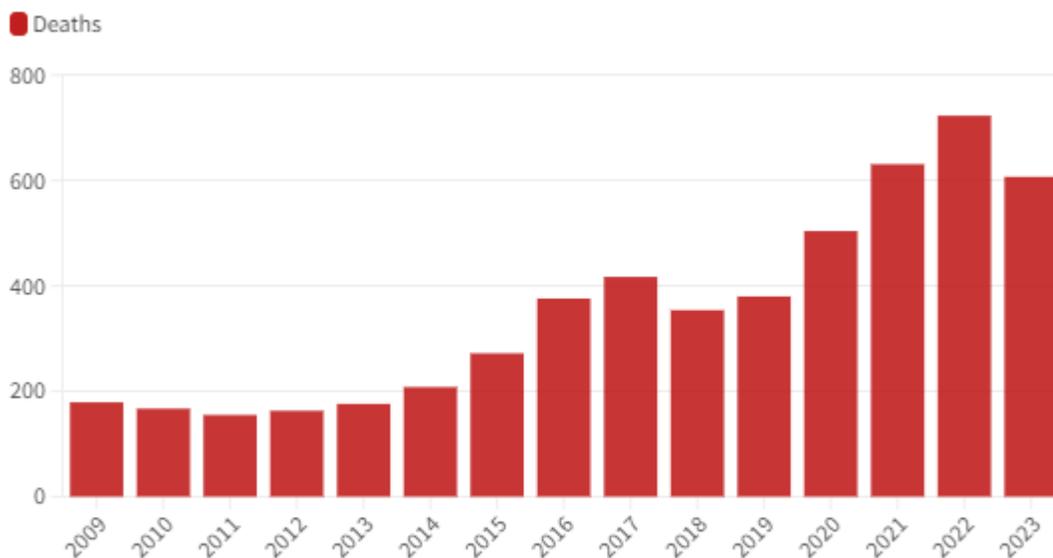
Notwithstanding the current national climate, and the threats officers face every day, our agency is held in high esteem in the South Portland community and the Maine law enforcement profession. Our officers continue to balance the department's mission of working cooperatively with all citizens to protect 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:

While data is still being finalized, Maine's December monthly overdose report (which is compiled by researchers from the Margaret Chase Smith Policy Center at the University of Maine in Orono) stated that Maine saw 607 confirmed or suspected fatal drug overdose deaths in 2023. This statistic, while alarming, shows a fairly substantial decline over 2022, which saw 723 deaths, a decline of 16%. In addition to fatal overdoses, the state saw a 7.3% decline in the overall number of overdoses reported, for a total of 9,047. While state-level analysis is still being conducted, the widespread availability of Naloxone, the increasing availability of addiction-related resources and a return to more regular social patterns as we continue to bounce back from the Covid-19 pandemic all appear to have contributed to Maine's first year-over-year reduction in overdose fatalities since 2018. The number of Naloxone reversals increased from about 1500 per year in 2020 to 2500 per year in 2023. Naloxone, which is sometimes referred to as Narcan, is a nasal spray that can quickly reverse the effects of an opioid overdose under certain conditions. While all South Portland Police Officers have been carrying Naloxone in their patrol kits for many years, as of January 1st, 2024 all police officers statewide are required by law to carry Naloxone.

Drug overdose deaths in Maine since 2009
2023 is on track to see 16 percent decline in overdose deaths.



Source: Maine attorney general's office Maine attorney general's office, Maine Office of Behavioral Health •
Chart by Christopher Burns

The widespread availability of Naloxone in the Portland – South Portland area (Naloxone is available without a prescription and is distributed in the South Portland area by multiple advocacy groups) is in large part why in 2023 nearly 94% of reported overdoses were nonfatal, a slight increase from 2022. Maine’s “savior rate” is substantially higher than in other areas of the country.

In the fall of 2022, the South Portland City Council approved the hiring of Amelia Smith as a full-time behavioral health liaison (BHL). In 2023 the South Portland City Council, with strong recommendation from the Police Department approved funding for an additional full-time BHL. In fall of 2023, the South Portland Police Department hired Laurie Swan as its second BHL. Swan joined the South Portland Police Department with over a decade of experience in the Mental Health and Substance Use Disorder fields. BHL Swan holds a Master’s degree in Mental Health Counseling from Cambridge College and a Bachelor’s degree in Social Work from Bridgewater State University. BHL Smith and/or BHL Swan frequently respond with officers to drug related or mental health related incidents. When not responding to calls, the BHLs routinely follow up with individuals and conduct outreach to individuals in our community suffering from behavioral health, substance use or housing related issues. The South Portland Police views its BHL program as a resounding success and is appreciative of the city’s focus on developing appropriate alternatives to police response for behavioral health and/or substance use related calls for service.

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.
In 2023, SPPD officers responded to 68 overdoses. Of these, 7 were fatal.

The numbers above provide an approximate number as some of these calls can be coded differently in our records management system. For example, we receive calls for unknown medical problem or assist the fire department. However, the number of fatalities was confirmed by the Medical Examiner’s Office. It does seem promising that 2023 showed the fewest deaths from overdose in the last five years.

By the early summer of 2023, pandemic-area programs relating to the sheltering of unhoused individuals in South Portland hotels had ended. At times in previous years, the city was housing over 800 individuals nightly. Unhoused individuals suffer from substance use disorder at far higher rates than other population groups. The opening of the long-planned Homeless Services Center in Portland in March of 2023 has helped tremendously in serving the area’s unhoused population. These developments, along with the widespread availability of drug testing kits and other initiatives are a few of the reasons for the decline in overdose calls and overdose fatalities in the City of South Portland in 2023. The South Portland Police Dept. are appreciative of the city’s continuing interest in exploring alternatives to police response for certain calls for service.

A Glimpse of 2024

In regards to the opioid epidemic, 2024 by some measures has started off on a positive note. In Portland (a service-center city about 3 times the size of South Portland), January marked the first month in two and a half years where the city did not record an overdose death. Additionally, overdoses in Portland were down 21% compared with January of 2023. South Portland has yet to record an overdose death as well, nearly 2 months into the year.

One additional information point deduced from 2023’s opioid statistics is that while Fentanyl is present in 78% of fatal overdoses, it is almost always found in combination with other drugs. Of particular note is the finding that 9% of all fatal overdoses in Maine, Fentanyl was found to be combined with Xylazine, also referred to as Tranq. Xylazine first become known to Maine authorities in 2021, with its prevalence in fatal overdoses steadily increasing each subsequent year. Xylazine use has expanded rapidly in recent years in large urban centers of the Northeastern United States, with Philadelphia being an area of particular concern.

A number of officers from the South Portland Police Department are scheduled to attend a Drug Trends of the Future training at the Cape Elizabeth Police Department on March 7th and March 8th, 2024 where Xylazine, Liquid Fentanyl, and other drugs will be a topic of discussion.

In 2023, 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 April 22 alone, the South Portland Police (along with the help of VIP volunteers) collected **13 boxes** of prescription drugs that were unused, expired, or unwanted. The October Drug Take back event was cancelled due to the Lewiston mass shooting as the suspect had not been apprehended. Since 2018, over 4000 pounds (over 2 tons!) of drugs have been safely disposed of by the South Portland Police Department. It should also be noted that the volunteers take the extra step that many communities do not do of redacting the names on the prescription bottles so they can be recycled instead of going to a land fill.

Reports & Analyses

Training Report:

Training continues to be difficult as our staffing levels and mandatory minimum patrol deployments make training hard to schedule. 2023 training included MCJA mandated training e.g., firearms, new law and case updates, Law Enforcement Response to Mental Health Calls, managing encounters with the mentally ill 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 Implicit Human Bias and ethics training. We continue to partner 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. The community Response Unit attended a three day conference on human trafficking. Patrol Evidence technicians received evidence and crime scene training and the new Evidence Technician also received training in evidence room management and crime scene photography. The department logged more than 5058 hours of combined training in 2023, up from 3600 in 2022.

All personnel also received requisite firearms, less lethal, constitutional policing, and crisis intervention team (CIT) training. CIT training is required for all department officers. We have several of the newer officers that have not received CIT training, which they will attend as our staffing levels improve. 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.

Based on last year's recommendation, the department increased MARC training. All officers attended a 6-hour defensive tactics training class that focused on proper use of force and policy and law as it relates to uses of force. This hands on MARC training also covered proper takedowns, strikes, handcuffing, and situational

use of force. Also covered in 2023 related to use of force was training in less lethal, e.g. Pepperball Taser, OC Spray and Expandable baton training.

During 2023 the department conducted an 8 hour day on patrol tactics taught by the department's firearms instructor team. This training focused on shooting in and around motor vehicles and tactical movement around cars. We also did active threat scenario training with the U.S. Coast Guard and the Maine Mall during the year.

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 MARC training as this is a skill that is used more frequently.
2. Emergency vehicle operations / pursuit training.
3. Based on our participation in the Lewiston Active shooter incident, we should conduct active shooter training with all officers.
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.

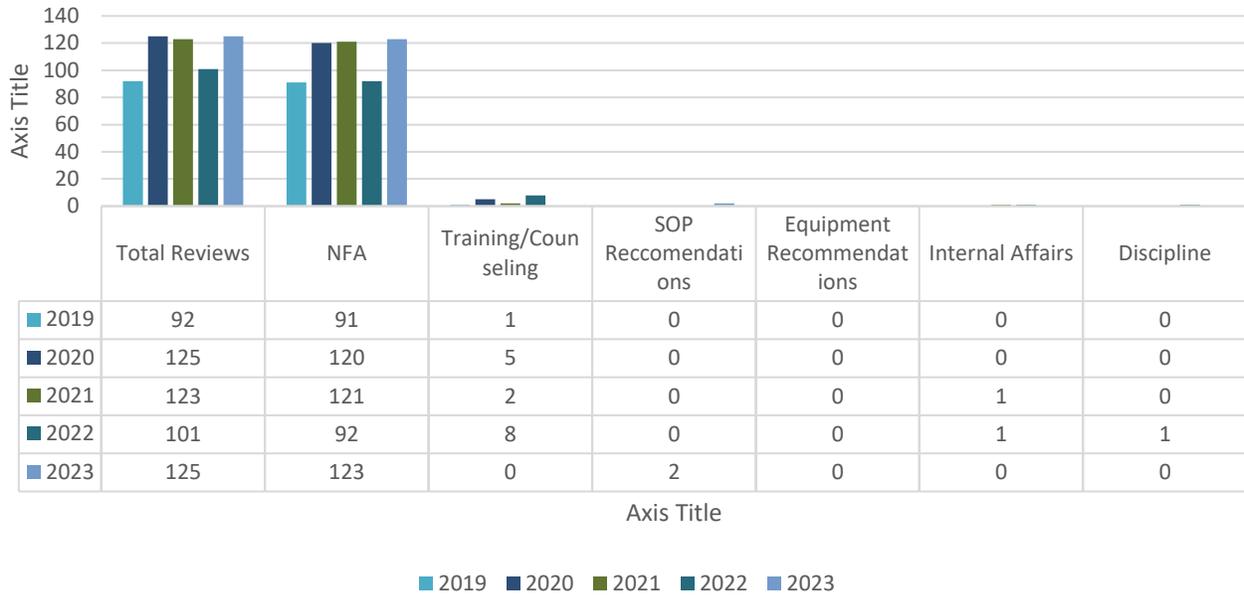
The review that was conducted by CALEA staff during our 2023 assessment indicated that we exceeded training in the area of use of force. We should still remain vigilant in regards to our contacts and interactions with persons with domestic violence histories, as well as our mental health related training and collaboration between sworn staff, the behavioral health liaisons, and PRCC personnel.

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

Command / Administrative Review Analyses:

During 2023, 125 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 an increase up from 101 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. Additionally the Chief, Deputy Chief, and the Professional Standards Lieutenant review and approve all use of force incidents and other command reviewed incidents.

2023 Command / Administrative Review Summary

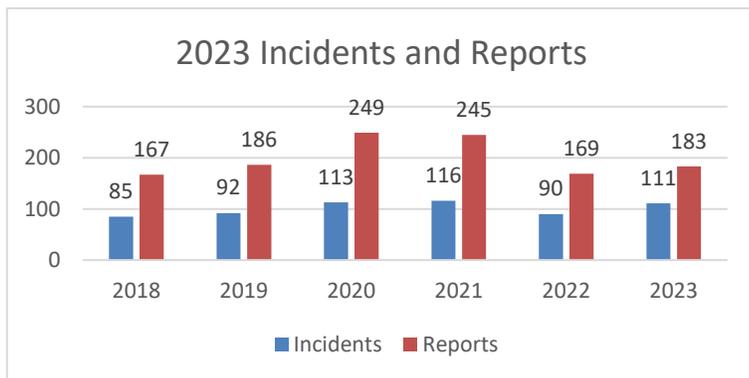


Recommendations from and actions taken during the command and administrative reviews are compiled and all are referred to the Chief of Police for final review. The chart above notes the dispositions and 5-year historical trend of these reviews, the vast majority of which comport with policy, procedure 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.

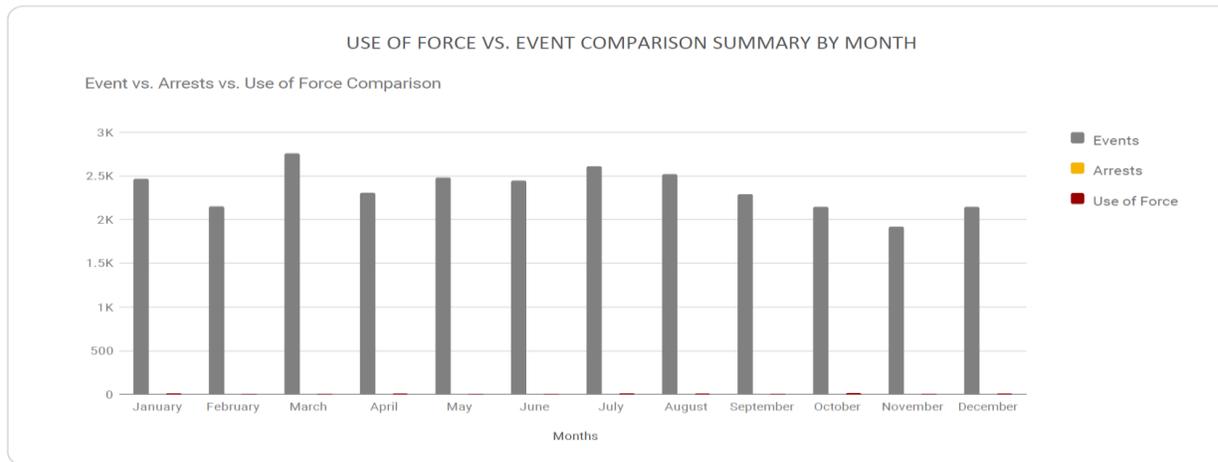


During 2023, South Portland police officers filed 182 separate use of force and control reports, up from 169 in 2022, with 110 recorded use of force and control incidents, again up from 90 the previous year. This also includes 17 incidents of the mere display of a firearm and no other force was used. 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 6-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 (RESULT FOR YEAR 2023)



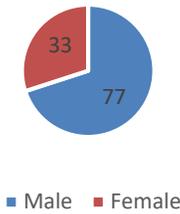
The chart above shows the number of calls for service monthly compared to how often Officers use force at these calls. We average around 2000-2500 monthly. This represents a tiny fraction of how often we use force compared to contact with the public. This table also does not represent our overall interactions with the public. It doesn't account for multiple people at calls and calls that are not associated with a call for service.

In terms of the age of those involved in use of force incidents, upwards of 90% of all incidents involved adults. The ages ranged from 72 years old to 12 years old. Of the 11 incidents involving juveniles, 8 were for CIT incidents.

In terms of race, approximately 65% of all incidents involved a person who was white (percentages may not sum due to rounding). There were 28 uses of force for the black population. Of the 28 incidents, there were 10 CIT or protective custody calls. Five of the 28 incidents that involved a person who was black involved a firearm display and not an actual physical use of force. Three of the 28 also involved non-criminal related interactions. Five of these 28 incidents involved juveniles.

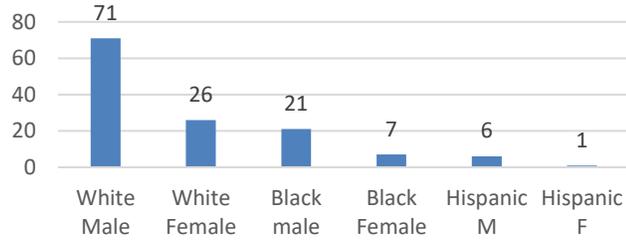
Males continue to be the subjects involved in the majority of use of force incidents, with 77% of all incidents involving men.

2023 UOF by Gender



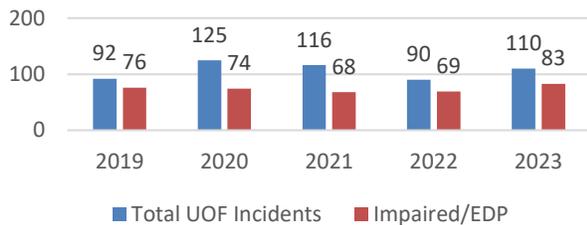
Approximately 62% of all use of force incidents stemmed from criminal / arrest situations, while the remaining percentage involved non-criminal (i.e., primarily protective custody and behavioral health) situations. The chart below depicts the 5 year trend in the need for and use of non-criminal use of force applications.

2023 UOF by Race/Ethnicity

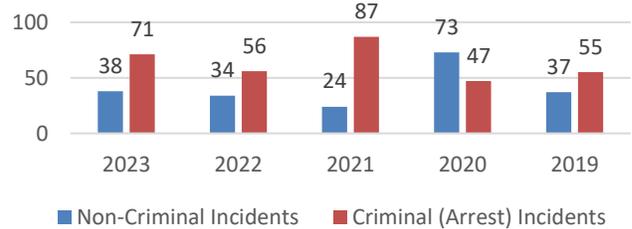


2023 remained consistent at 75 percent, the number of subjects involved in use of force incidents whom officers reported to be emotionally disturbed and / or using alcohol and / or drugs from approximately 76%

2023 Use of Force - Impaired/EDP and Total UOF

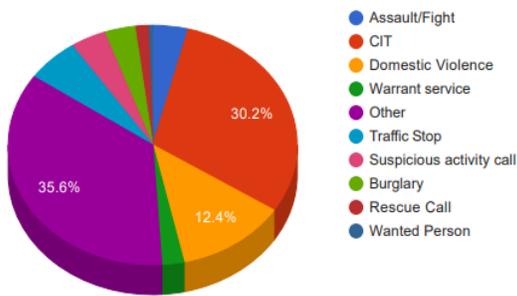


2023 Criminal VS. Non-Criminal UOF

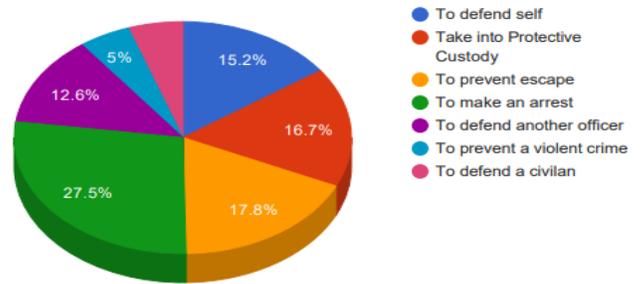


of all incidents in 2022. Officers were injured in 2 of these non-criminal use of force interactions vs 5 while applying force making a physical arrest.

INCIDENT TYPE

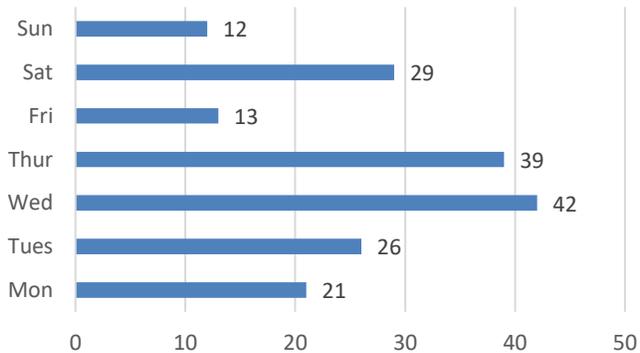


REASON FOR DEFENSIVE ACTION



Additional data points related to 2023’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 January, July and October. There did not appear to be any factors that contributed to any patterns or trends for day of the week or incidents by month.

2023 UOF by day of the week



2023 UOF by Month data



The days with the greatest frequency of incidents were Wednesday 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 38 incidents, Day Shift had 29 incidents and Second Shift had 53 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. 2023 also was the first partial year that second and third shift went to 10 hour shifts with a four hour overlap of officers from 2100-0100.

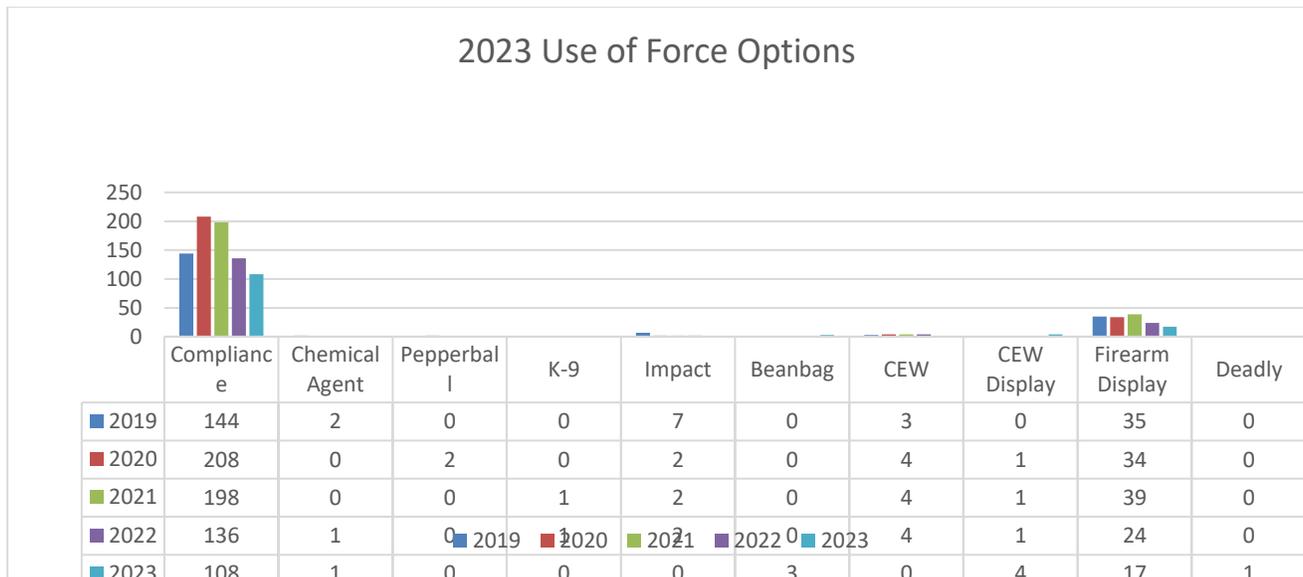
Use of force frequency by all personnel, along with a breakdown and trend of overall officer response options, is contained in **APPENDICES B** and **C**, respectively.

The range of individual officer use of force report filings ranged from zero to fourteen.

In comparison to 2022, subject injuries increased to 16 up from 11. It should be noted that 3 of the incidents, the officers reported injuries that were existing prior to LE contact. Officer Injuries remained the same in comparison to 2022 at seven. The injuries were all minor and consisted of abrasions, lacerations, cuts, bloody lip, and complaint of pain; the officer injuries consisted of abrasions, lacerations, sprains and back pain. Two of the officers injured were from blood or OPIM exposure.



Our numbers for injuries are usually pretty consistent with minor injuries being reported and are a reflection of better officer safety tactics, proper backup and the professionalism, training, and preparation of agency personnel.



The chart to the above represents the type of force used during the 110 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. Most of these are very minor use force reinforcing our low reporting threshold for reporting. 2023 saw our first officer involved shooting incident in 15 years. The officer was placed on paid administrative leave until a preliminary investigation was completed and he returned to work. As per Maine Statutes, the Attorney General’s Office conducted an investigation which showed that the officers acted appropriately. The shooting review board was also conducted per SOP and Maine law. The review also found that the officer was justified in his use of deadly force. 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, training or equipment needs with an overall goal of reducing both subject and officer injuries.

SOP #1-1-A, Use of Force & Control, was reviewed during July 2023. There were no revisions made during the year. The policy was disseminated via PowerDMS, with all sworn personnel trained on its content via a training session taught by Department trainers including the MCJA mandatory use of force MARC training.

All personnel also received requisite firearms, less lethal, training relevant to 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. Eight of the newer officers need CIT training, which will take place once staffing improves. The MCJA required all officers to receive 4 hours of practical MARC training and a two hour block on use of force (MARC) classroom training which was taught by our department use of force expert.

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 and 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.

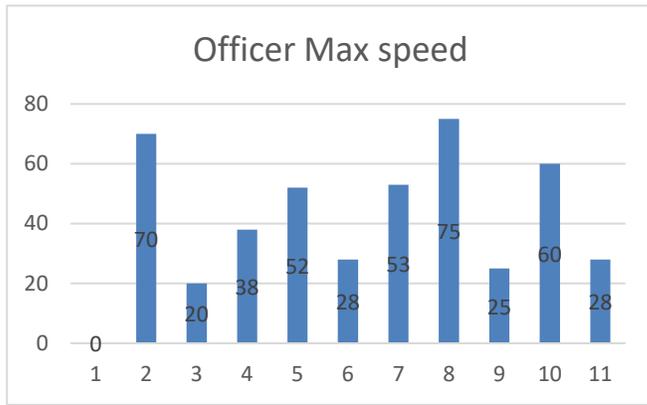
During 2023, the agency engaged one pursuit equaling the number from 2022. Officers engaged in ten (10) *failure to stop* incidents, up from three (3) in 2022. The one pursuit was conducted out of policy and after the review, it was determined that the pursuit policy would go back out for review and possible revision. 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:

The one pursuit involved 2 supervisors in un-marked cruisers. The pursuit was for a robbery and shooting suspect, who stopped his car and fled on foot. He was arrested by containment officers shortly after fleeing.

Failure to stop incidents:

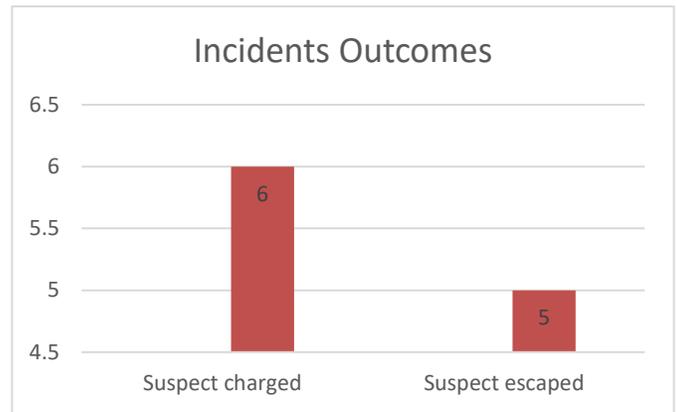
- All incidents involved *marked* South Portland police vehicles;
- All but two incidents occurred during the third shift;



- 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 to 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 22 years of service;
- There were no Stinger Spike attempts or deployments, or contact between any police and suspect vehicle during any of these events.
- There 3 incidents of slow speed failure to stop incidents with suspects whose primary language was not English.
- 4 failure to stop incidents, officers terminated the pursuit consistent with departmental SOP.



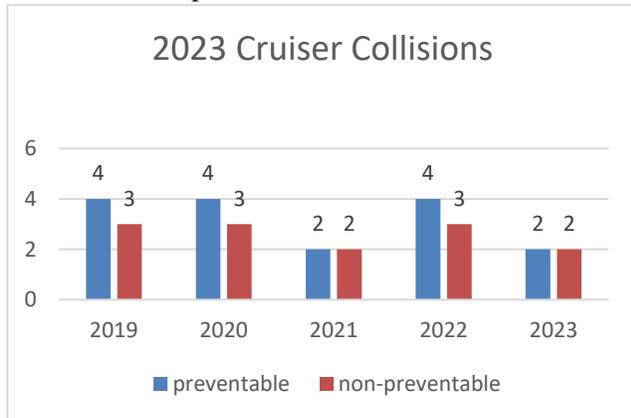
Additional information and an overview of data regarding these incidents, to include date, time, officers and shift commanders involved, as well as initiating and terminating events, and charges, if any, are contained in **APPENDIX A.** of this report.

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. While there was a rise in failure to stop incidents in 2023, officers exhibited good judgement in engaging in all of the incidents. 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. All officers received pursuit policy training in January 2023.

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 4 police vehicle involved collisions during 2023 down from 6; as compared to 2022. The Command / Administrative review process deemed only two (2) of those collisions to be preventable. All incidents involved minor damage.



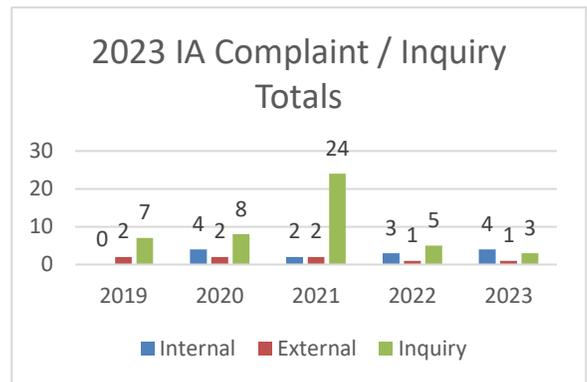
Given the number of hours spent driving under routine and non-routine situations, and adverse weather and circumstances, this data would seem to indicate that officers are driving with due regard for safety, and that collisions and cruiser damage, regardless of extent, are being consistently reported, 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 2023, the department conducted five Internal Affairs investigations; Four were based upon internal complaints, and one external complaint involving three officers. The last complaint was not made to the department, but to an outside agency, but was investigated internally.

One of the three internal complaints were investigated by the Attorney General’s Office and a companion, parallel internal investigation. Both these determined that the officer was justified in his use of deadly force. Two others 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 three (3) 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 five in 2022. 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.

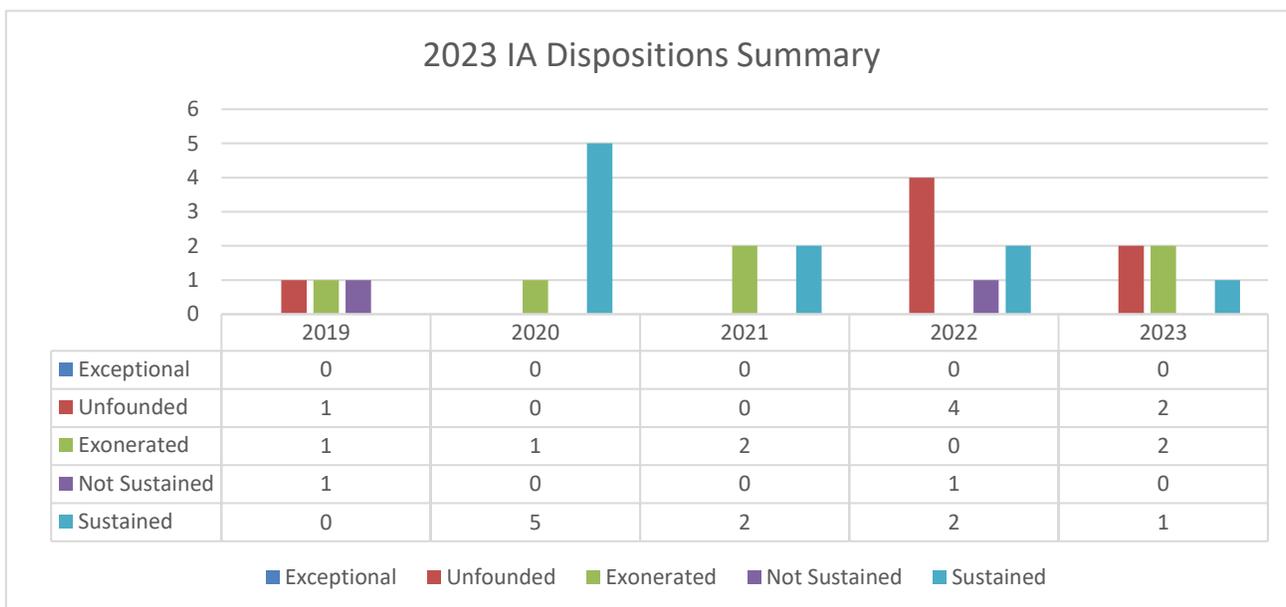
Given the thousands of interactions that our officers have with the public, the investigative results and findings this past year and related to the vast majority of complaints continue to demonstrate that our officers are professionally interacting with the public in accordance with the law, their training 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.

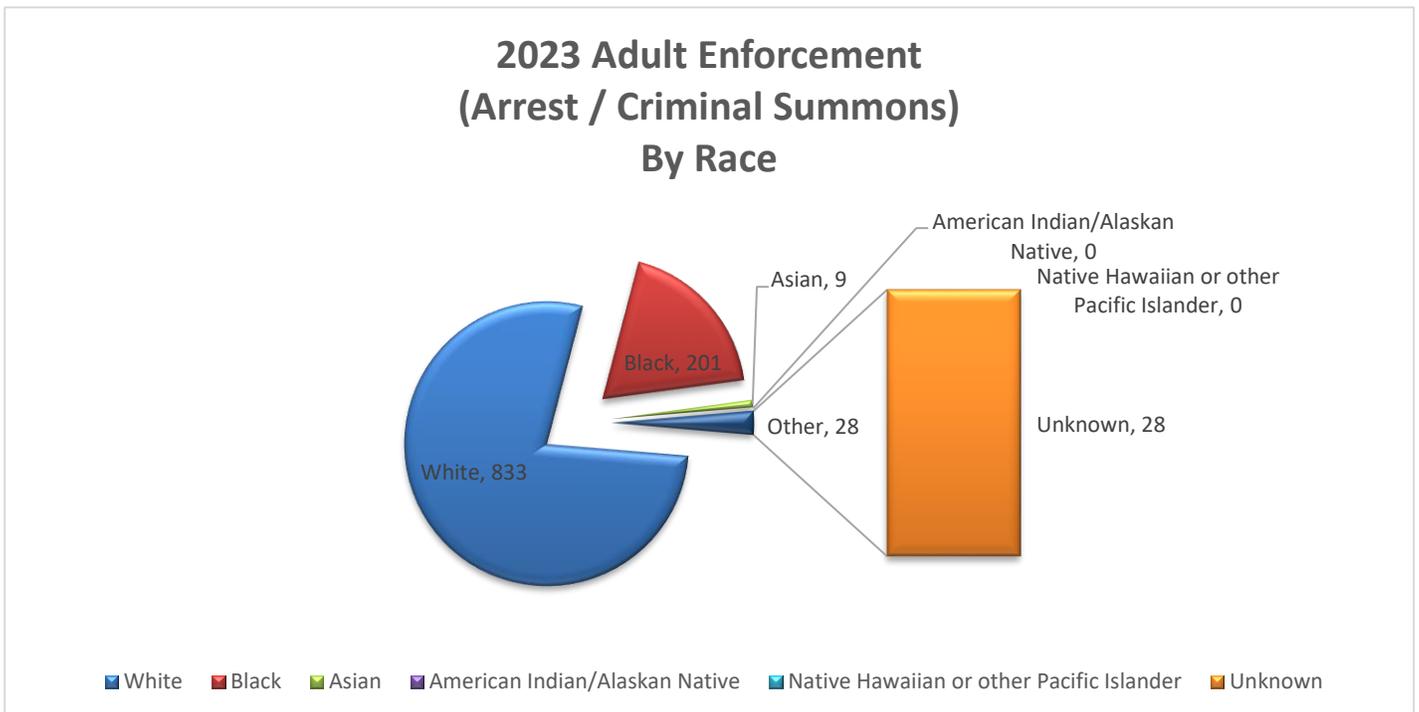
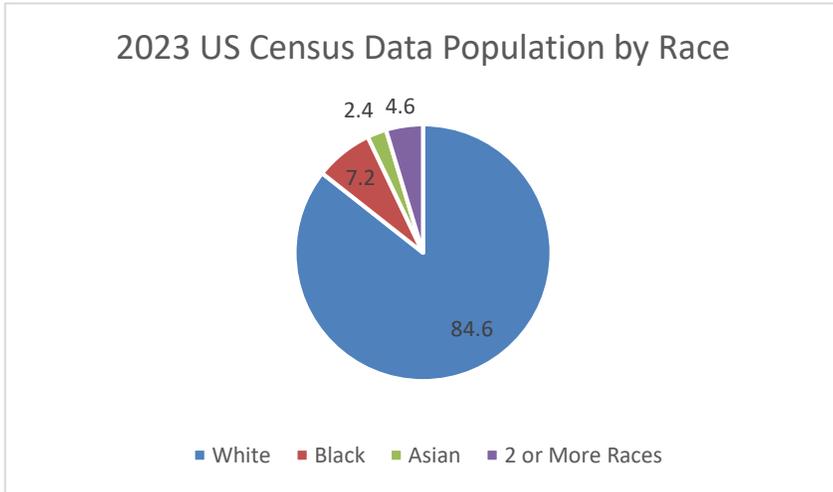
Bias-Based Policing (1.2.9):

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. The department also requires annual training in this area.

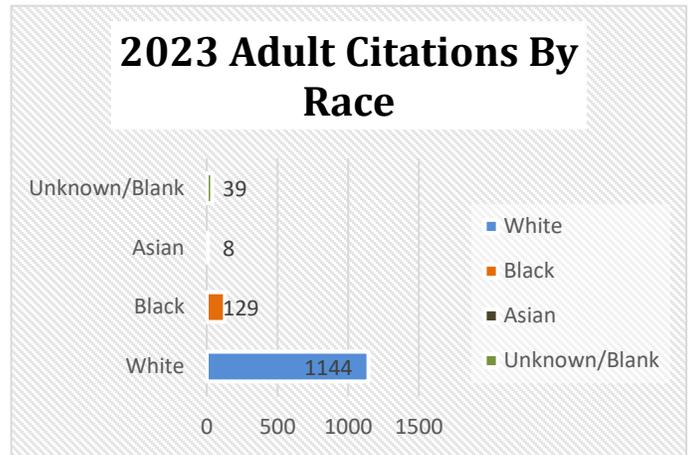
Bias-based policing generally includes the targeting, detention, interdiction or other enforcement or disparate treatment of any person based solely upon on the basis of characteristics or traits common to a group, including but not limited to race, ethnic background, age, gender, economic status, cultural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



First, there were no internal complaints, inquiries or investigations during 2023 involving allegations of bias-based policing or profiling by department personnel. The department was made aware of an external complaint to another agency about a biased-based incident that is pending.

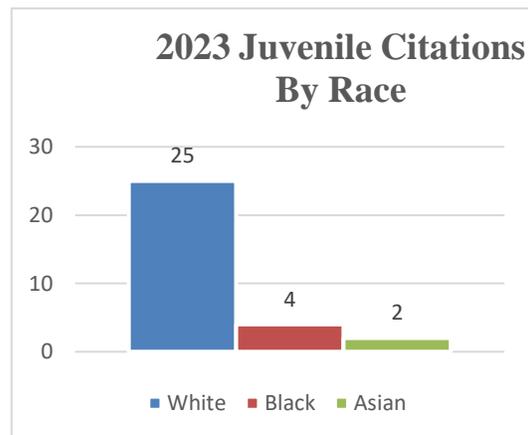


In terms of analysis, datasets related to the department’s law enforcement activities, specifically including adult and juvenile arrests and criminal summonses and traffic citations (“VSACs”), were reviewed in relation to available information on race. Data related to use of force application, by race, 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 2024 this data will be required by state statute. The department is currently working with IT and have purchased E-Citation which will collect this data in compliance with Maine law.



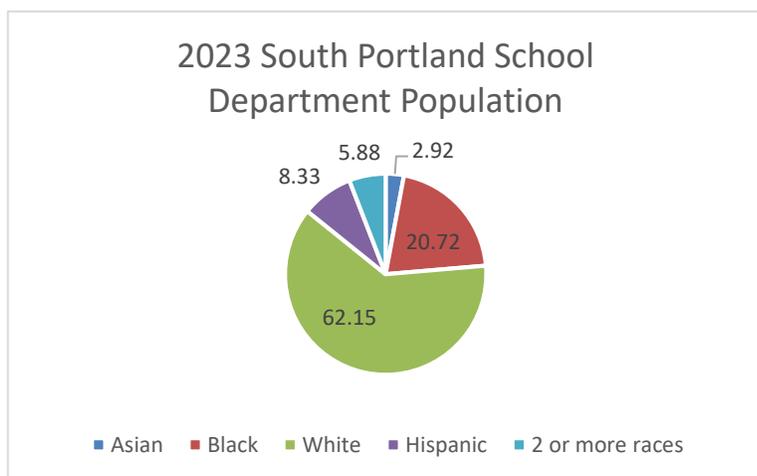
The data from these enforcement activities was then compared against relevant city demographic levels (2020 Census and subsequent estimates). When viewed on its face, the raw data, as outlined in the above charts, would reflect that enforcement actions were not directly proportional to the black demographic in the city. Although 7.2% 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 in last year’s annual report, 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 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 2023 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. 68,424), 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 27,026 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 2022, the department’s relevant enforcement activities involving the black demographic remained consistent with 2022 numbers. In 2023, 129 citations were issued to black adults (9.77 percent) while 1144 were issued to white violators. This is up from 646 white citations and 142 to black violators (12.23 percent). Citations for juveniles were relatively the same as last year. 25 white citations vs. 4 black citations. In 2022, it was 17 white citations and 2 black citations. Adult arrests and summonses were up from 2022. White arrests or criminal summons were 833 (white) 201 (black) 56 (other) in 2022 it was 646 (white) 142 (black) and 30 (other). Juvenile numbers are as follows: 2023 65 (white) and 27 (black) up from 2022 43 (white) and 27 (black). Enforcement action increased in all areas. It should also be noted that these are citations and summons data that is charge related and not necessarily separate persons. One person could have been charged multiple times throughout the year.



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. Also there were driving and possession of alcohol by a minor that made up a lot of these charges. Almost all of the juvenile charges were call driven and not initiated by 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 37.85% of the student population in the city’s schools are non-white, not of Hispanic origin. The same data indicates that approximately 21% 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 2023 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.

Three 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 in 2022 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 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) This number is down to 250 open police jobs in the state in 2023. 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:

- 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 December 2023, this schedule has been well-received and raised the morale of the department significantly.
- The hiring of Behavior Health Liaison Laurie Swan (with the full support of the city council) to full-time. BHL Swan, who works closely with BHL Fosler and they accompany 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 and is continuing in 2023 to reduce the number of jobs being filled by forcing officers.

- Enacted in 2022 and continuing in 2023 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.
- In March of 2023 the City Manager gave both unions an additional 4 percent COLA increase beginning in January 2024 to assist with recruiting and retention efforts.

While 2023 continued to be another challenging year in terms of recruitment and retention, there were certainly positives to be drawn upon. In the fall of 2023 we hired 4 more officers all are to attend the January 2024 academy.

In 2023, one Officer was promoted to the rank of Sergeant. This promotion was well earned and this accomplished individual is performing well in his new roles.

A Brighter 2024 And Beyond

With stiff competition for police officers in the state of Maine, 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 Jordan Peters is currently in K-9 training at the MCJA with K-9 Mel, the department’s newest K-9 Officer. K-9 Mel and K-9 *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 2024 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.

Appendix. A

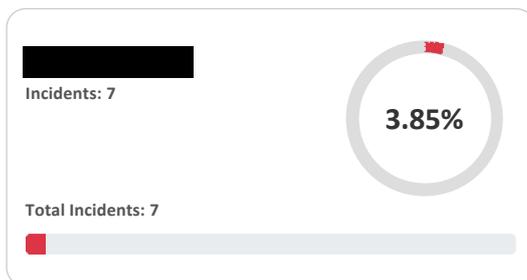
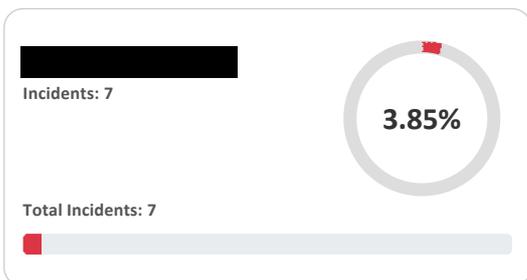
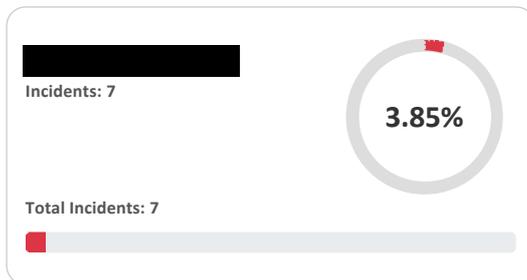
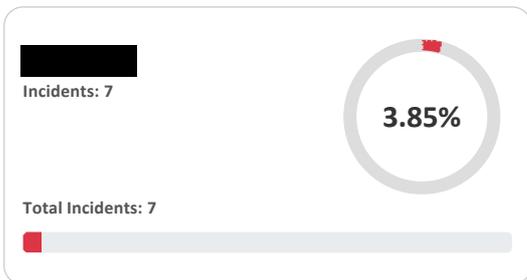
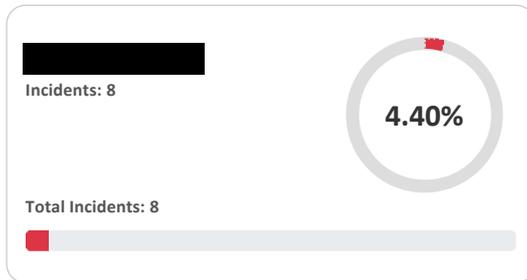
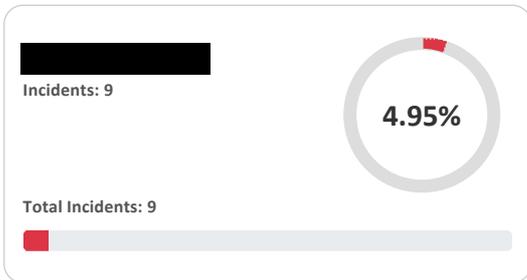
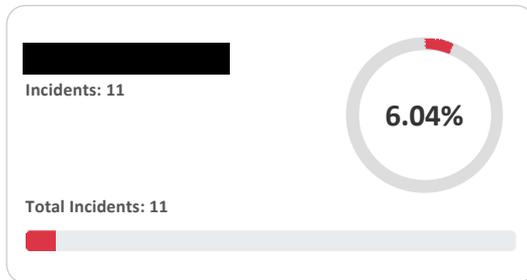
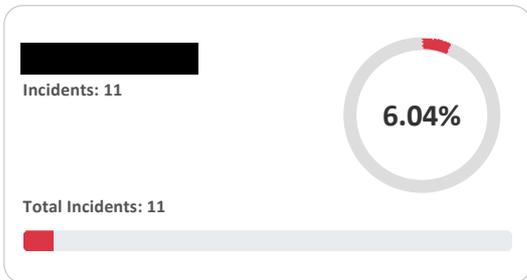
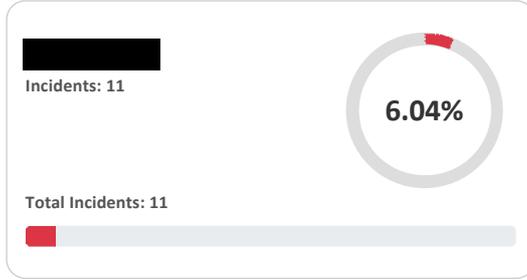
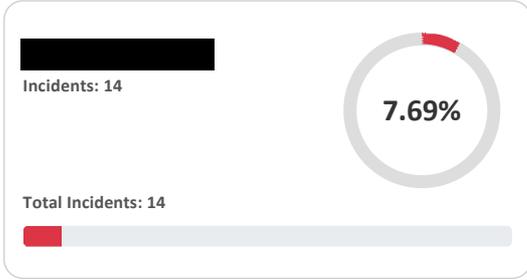


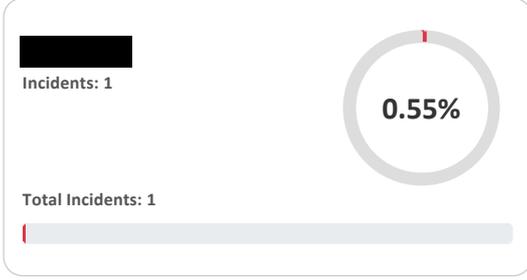
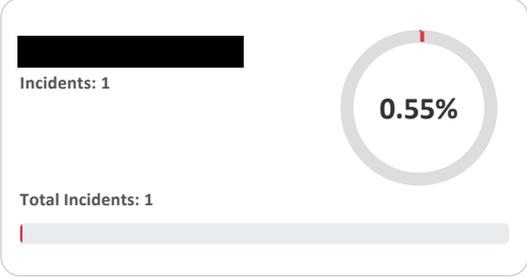
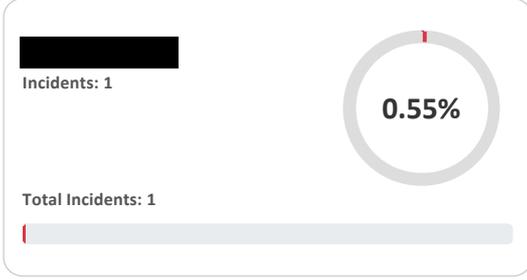
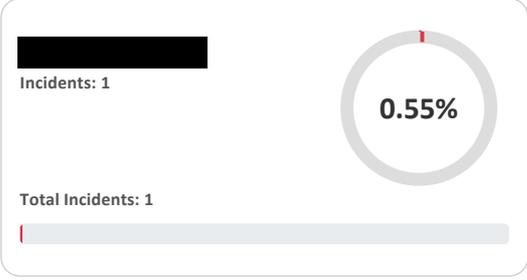
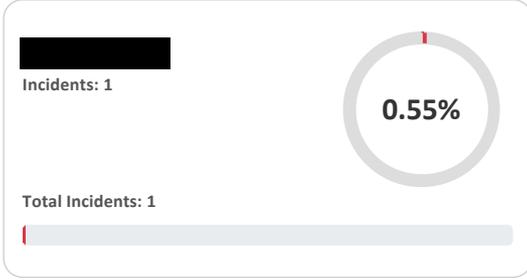
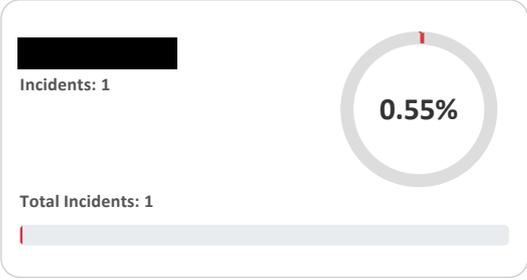
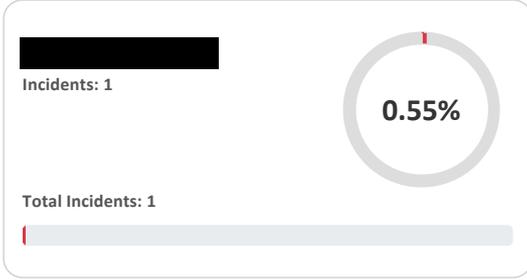
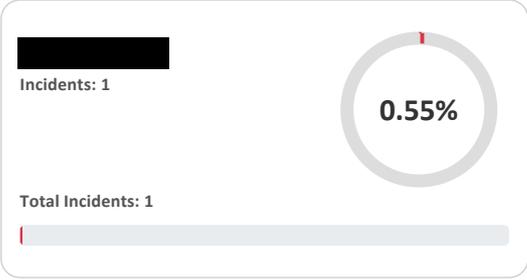
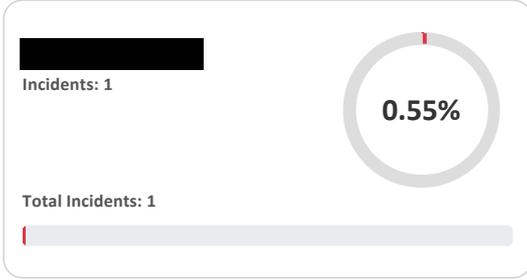
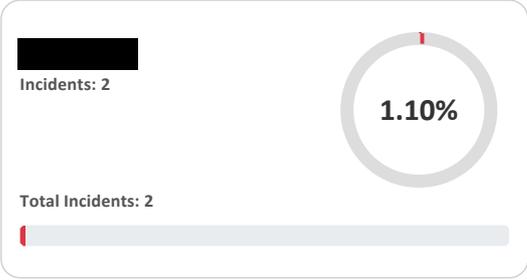
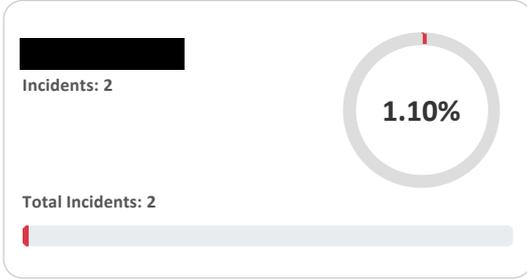
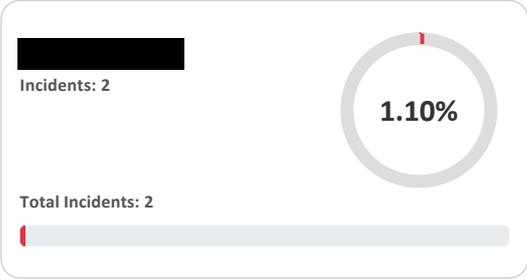
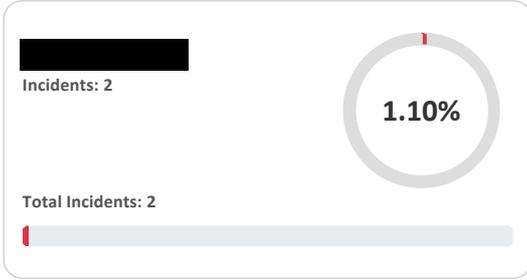
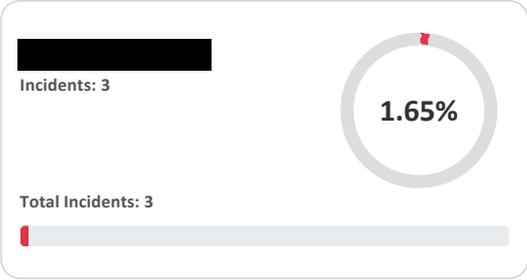
City of South Portland Police

INCIDENTS BY OFFICER (182)

HIDE OFFICERS WITH 0 INCIDENTS

INCIDENT TYPE

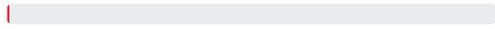




Incidents: 1



Total Incidents: 1



Incidents: 1



Total Incidents: 1

