Human Rights Commission (HRC)
Meeting Minutes
January 28, 2021 via Zoom

Attending: Ravi Koil; Colleen Jones-Turner; Pedro Vazquez; Erick Giles; Margaret Brownlee; Adele Edelman; Jill Barkley Roy; Amy Berry; Stephanie Weaver; Jodi Mezzanotte
Absent: Alma Ogweta; Milan Nevajda; JadeRose SanGiovanni

Meeting called to order at 7:03 pm. Chair Pedro Vazquez facilitated the meeting.

- The meeting rules were read.
- Informal check-ins with members followed.
- Minutes of the Jan 14, 2021, meeting were approved with Ravi moving for approval and Jill seconding.
- FAIR CHANCE HIRING. Recommendation is removing check box relating to criminal history/record. Adele and Jill support. How do we bring it forward? Continue balancing safety w background checks. Pedro recognizes it is a good idea to balance safety and fairness. Ravi indicates it is clear hiring decisions remain with the city. Pedro recommends recommendation to city council and clarified this is related to city hiring and not the police department. Stephanie shared her screen and displayed the city employment application and noted the PD has a separate and different hiring process. Amy identifies that the state governs through laws who can attend the Maine Criminal Justice Academy. If someone has a criminal history or other concern there is a waiver process. Margaret asked for clarification about what fair chance hiring is. Pedro provided clarification as to fair chance/ban the box and how the question can be a barrier to applying. Adele noted that a decision tree might be a good approach when reviewing a background check. Stephanie indicated this is currently in use and things that are considered include recency, age, frequency and seriousness of offense. Margaret asked about the role of the HRC in this instance and suggested the formation of a subcommittee to have a comprehensive recommendation. Erick noted that in legal settings, criminal records beyond 10 years would be considered rehabilitated. Perhaps reformating the application question is a way forward. There are certain issues we need to know about. When looking at this, we know criminal offenders are not a protected class legally but that doesn’t mean there isn’t an impact. Stephanie noted that the value of having the question is in part related to whether an applicant has lied on their application. The City doesn’t object to removal of the question since a background check is performed and on the understanding that the question on the application may be a barrier to completing an application. Stephanie noted the City does not require an application initially to apply for a position – the application is only required after a candidate has been offered an interview or has already had an interview. Pedro asked for votes on the ideas on the table. Informal vote for removing question: 6 in support. Informal vote for creating a subcommittee: 3 in support. Informal vote for changing the question: 2 in support. This decision would be an operational issue not a city council matter. Pedro indicated that it matters what entity
performs a credit check and the background check. There are mass tort lawsuits that seem to indicate faulty background checks and unauthorized credit checks and consumer reports are generated by some providers of background check services. Stephanie indicated a service offered through the State of Maine performs the background checks for in state applicants. For recent relocations or out of state applicants, an entity known as Backgrounds Online performs the checks. They can’t access credit histories without express authorization of the applicant.

- EO STATEMENT Pedro indicated that Federal regulations require an Equal Opportunity statement but does not require the inclusion of the last sentence on the city’s current statement which includes the words “undue hardship”. Adele asked if the words undue hardship are part of the law. Stephanie noted that this is how the law asks us to consider what are reasonable accommodations. Colleen indicated the “undue hardship” is offensive to people with disabilities. Margaret supports removing the word. She reviewed the language used by other model towns; can share Arlington’s sample language. Erick stated that he is not giving legal advice but it seemed a state law issue. What does Maine Human Rights Act or the ADA require? He supports removing the language but it could be a legal issue. Adele suggests adding language defining an undue hardship. Jill liked the samples which omit the “undue hardship” language and included specific information related to individuals to contact for accommodations. Pedro indicated we should consult with legal for guidance.

- LOGO & PROMOTION Pedro introduced and suggested joining the current branding and marketing plan the city has undertaken. Reach out to artists in the community. Perhaps having 2 logos.; one for letterhead and one for other official use. Margaret asked about social media channels. Pedro indicated we are waiting for guidance from city leadership and legal. Pedro has reached out to local papers regarding rotating monthly columns. Ravi indicated a need to ID local companies or artists for our marketing. Indicated it is important for all commission members to be publicized. Outreach outlets could be buses, library, grocery stores. Adele would like to hear from people in the community. Stephanie suggested a subcommittee to develop a communications strategy, plan and protocols. Ravi, Pedro, Adele volunteered to serve. Adele indicated we should work on reporting, press releases, articles, related to what the HRC is and is working on and important issues. Jill requested a list of subcommittees and membership and suggested the subcommittees meet on our off-weeks. Pedro mentioned the Google Drive and collaboration on the vision statement. Offered to help anyone with issues accessing the Drive. Encouraged membership to email with any issues.

- PUBLIC COMMENT Councilor Jocelyn Leighton indicated ban the box/fair chance hiring is a good idea. Will email City Manager in support of this and the EO statement modifications if needed.

- Kathleen Babeau Social Services Director spoke about the General Assistance program she manages out of her office. Explained process, eligibility requirements. Indicated we take care of our residents who are deemed eligible and in need, as well as providing other resources as possible. Her office is very busy with asylum seekers and particularly in COVID times. Adele thanked Kathleen and related her work with the Age Friendly South Portland Committee. Ravi indicated he was not familiar with Kathleen’s
department asked where her office was located and about staffing. Kathleen responded her office is in City Hall, and she has one full-time administrative assistant and one part-time Support Specialist assistant. She also added some other resources available from her department including heat assistance for residents. Sascha Braunig asked Kathleen about funding for her department and the need for an after-hours staff member for social services. Also asked Kathleen for her vision of the department if funding was endless. Kathleen indicated she can exceed her budget based on eligibility. The state reimburses 70% of General Assistance expenses. Help for the homeless is an area of need. The efforts of the Congregational Church especially in instances were someone seeking assistance in ineligible was noted. Sascha asked about the need for a late night staff member. Kathleen indicated that there are not a great number of late night calls. After hours calls are routed from police dispatch to Social Services and those often involve cases she is already aware of. The majority of after hours calls go to PD as the individual is in some kind of crisis, sometimes involving someone in emotional crisis. Erick expressed gratitude to Kathleen. Margaret encouraged Chris O’Connor to speak and he indicated he would wait for the agenda item related to his visit.

- **POLICE DIVERSITY IN HIRING** Ravi indicated that during last meeting there was a discussion about the PD trying to hire candidates of diverse backgrounds. Amy indicated that we are not seeing diverse applicants despite competitive pay rates and benefits. They are casting a wide net to get qualified applicants. Ravi asked about a Black officer who was recently with the department. Amy noted he has resigned and moved on. Pedro indicated he would share Civil Service Commission perspective of PD hiring. Colleen indicated she reviewed the South Portland recruiting video on Youtube which depicted toxic masculinity and wondered if that is what we want in our PD. Amy indicated this criticism has been highlighted by others and that a second video is being produced which highlights their community policing approach and a guardian as opposed to a warrior perspective. Pedro shared that the Civil Service Commission has the opportunity to interview PD candidates. Applications are accepted year-round and PD advertises at job fairs, online, and the city website. Civil Service Commission is part of a hiring panel that interviews the candidates and scores them and weighs in on hiring recommendation. Amy shared that intensive comprehensive background checks are performed and sometimes we lose candidates in that process. They also have to undergo psych exam and polygraph testing. Candidates whose primary language is not English have a hard time at the Maine Criminal Justice Academy. Ravi indicated he would search for the Youtube video mentioned earlier and felt that a militaristic characterization of our PD has no place in our city. It should be all about community policing. Chris O’Connor shared that the video is traumatizing and depicts our city as a warzone; he was stunned when he viewed it. Margaret stated that with 6 minutes left we should get an update on our Pride flag initiative and move other agenda items. She indicated that hiring diversity is a goal of the city council not the HRC. Pedro shared that the ordinance indicates the HRC is to assist in reaching that goal by making recommendations.

- **BUDGET** Due February 1, 2021. Must be discussed at this meeting. Stephanie shared screen and displayed proposed HRC FY22 budget. The HRC recognizes this will be a
tough budget cycle so this proposal seeks a modest increase. Margaret recalled that Mayor Lewis wondered if we had put too many things in the previous budget and we would need to identify specific line items in later budget. Pedro indicated we would need to identify line items although it was not set in stone. Margaret asked about the scholarship line item. Pedro identified the idea of awarding a scholarship to a graduating SPHS senior seeking a degree in the social sciences. Jocelyn asked for a line item related to the logo in this budget and Pedro clarified we have a line item for the logo in this year’s budget. Pedro called for a roll call vote on the budget and all voted unanimously to approve submitting the proposed FY22 budget to the City Manager for inclusion in his budget proposal.

- PRIDE FLAG UPDATE Chris O’Connor from Equality Maine provided some history about the idea to respond to recent instances of hate mail sent targeting LGBTQIA community. Expressed gratitude to Portland and South Portland City Council for supporting the community. Many flags have been ordered and delivered. Equality Maine is committed to educating the public in ways to work together. Councilor Leighton shared the news that the South Portland City Council had approved the idea of flying the Pride flag at municipal facilities. Jill expressed gratitude to Chris and offered to follow up on educational opportunities. Sascha indicated she had planned to deliver public comment and felt it was lengthy so would email it instead. (Content of email is incorporated into record and follows.) Jill moved to adjourn and Margaret seconded

Meeting adjourned at 9:15pm.

NEXT MEETING: 2/11, 7pm, via Zoom

Email from Sascha Braunig follows:

To the members of the Human Rights Committee,

This (long, sorry) text is what I was going to say during public comment at the last meeting - please accept this written substitute. I'm happy to discuss this with any of you.

Greater Portland and South Portland are seeing a housing and food security crisis that has only been deepening since the onset of Covid. This is not just Portland’s problem - we are interdependent cities that share overstretched community resources. I wanted to speak to the ways this might relate to the HRC’s goals especially given the amazing news that the HRC will have a budget advisory role!

To talk about this, I’d like to make some observations about another committee whose meetings I observed, the Police Service Review Working Group (PSRWG). I want to preface my remarks by acknowledging that this is my subjective perspective on those meetings.

Part of the PSRWG’s aim is to assess South Portland’s need for a crisis-intervention team consisting of unarmed specialists. Pedro has presented research to the group about one potential model called CAHOOTs that has been operating in Eugene Oregon. CAHOOTS has been shown to save tens of thousands of city dollars and to avoid many, many arrests by intervening in ways that are based around delivering healthcare, supplies, de-escalation, or
transportation to citizens rather than legal/criminal responses. (I want to be as respectful as possible - I know that police officers are called on and do deliver those things too, but that is not necessarily their area of focus or primary training.) There are several response groups in Portland, such as the Home Team, that are more specifically geared towards helping unhoused community members, and this seems to be the model that law enforcement in Sopo can get behind at this moment. Chief Sheehan supports bringing this group to Sopo because his officers, as well as medics in the fire department, are responding to many calls that would better be served by social workers and/or medical and mental health specialists. Another proposal has been to simply add more social workers to the Police Department, but I would question that logic. Incidents related to food and housing security, mental health and substance dependence should not be criminalized, and I’m concerned that by putting those resources under law enforcement management, no matter how progressive they and their employees are, those resources are simply in the wrong category.

To get into finances, the Home Team costs $250k/year to run, which includes a few staff and one vehicle, but unfortunately does not cover 24/7 staff members which is something we need. (For example, last meeting, Officer Berry shared that the calls not picked up by our Social Services department after hours do go to police dispatch. Many service calls were referenced in the PSRWG’s meetings that involved people with nowhere to sleep after hours.) The Home Team has estimated that, if we collaborate with Falmouth, they could extend their coverage to us in South Portland for $190k. To put this cost in perspective, the PD currently is getting over $5 million/year. Social Services gets less than $1 million (about $750 k) and they frequently rely on the Food Pantry to supplement food assistance. In the policing meetings, we’ve heard from the city finance director that, due to the budget crisis and the property tax increases coming up, the city can't afford to respond by allocating more funds to social services and/or a crisis-response team. My understanding is that Chief Sheehan is not in favor of volunteering any of his current budget towards this team, even though he strongly supports it, and wants to look to other potential funding sources. I would argue that the money does exist within our current budget if you look at the amount currently being spent in law enforcement - equipment, cars, and weapons add up to a lot, without touching salaries at all. In last year’s police budget, $190k was for police vehicles, $60k was for clothing/uniforms for officers (which includes taser holsters, body armor and SWAT gear) and $18k was for ammunition. In other words, re-allocating these line items alone could cover a bare-bones response team such as Home Team.

My opinion is that spending at least this initial amount to fund a crisis-response team in Sopo would be the right thing to do to help support people who are truly in crisis this winter and beyond. We can’t afford NOT to do this, if you look at it from a human rights perspective.

Thank you all for reading all the way through these thoughts, and for your commitment to our community.

Sincerely yours,

Sascha Braunig