

**The Maine Chiefs of Police Association
Review of the
Topsham Police Department**



February 2020

Table of Contents

Acknowledgements	3
Introduction	4
Report Objectives	6
Review Panel Mission Statement	7
Community Overview	8
Police Department Overview	9
Department Mission, Goals, Objectives	10
Administration	12
Budget	12
Community Relations	14
Crime Analysis	16
Record Keeping and Information Technology	18
Department Communications	20
Dispatch	23
Patrol Services	24
Workload	24
Staffing and Deployment	25
Supervision	27
Arrests: Processing and Transport	28
Use of Force	28
School Resource Officer	29
Investigations	32
Property and Evidence Management	33
Facilities	35
Equipment	44
Personnel	49
Recruitment / Selection / Retention	49
Promotions	51
Morale	52
Labor Relations / Collective Bargaining	52
Internal Affairs	54
Policies and Procedures	56
Training	58
Summary and Conclusions	60

ACKNOWLEDGEMENTS

**The Review Panel
and the
Maine Chiefs of Police Association
wish to thank:**

Topsham Town Manager Derek Scrapchansky

Topsham Department Heads

Mt. Ararat High School Principal Donna Brunette

Chief Christopher Lewis and Lieutenant Frederick Dunn

Staff and Officers of the Topsham Police Department

and

Community members of the Town of Topsham and partnering law enforcement and communications professionals for their essential input and cooperation.

Introduction

In early 2020, the *Maine Chiefs of Police Association* received a request for an evaluation of the Topsham Police Department. The Topsham Town Manager requested a comprehensive study of the Topsham Police Department and for a report containing recommendations based on the review's findings. Acting upon this request, the Board of Directors of the *Maine Chiefs of Police Association* agreed to undertake such a study. Recognizing the need for objectivity in the assessment of the operation of the Topsham Police Department, the Association selected a Review Panel comprised of three police chiefs who were not acquainted with the operations of the department or the history of the town and its residents. Members of the Panel were:

Chief Charles J. Rumsey, IV, Panel Chair

Cumberland Police Department

25 years Law Enforcement experience, 9 years as Deputy Chief, 3 years as Chief of Police
Master's Degree in Public Administration, University of Maine
Bachelor of Science Degree in Criminal Justice Studies, University of North Dakota
Graduate of the FBI National Academy, Session 242
Sergeant at Arms, Maine Chiefs of Police Association
Trustee, Maine Criminal Justice Academy
Member: Maine Chiefs of Police Association, New England Chiefs of Police Association, International Association of Chiefs of Police, FBI National Academy Associates

Chief Richard E. Caton, IV

Jay Police Department

16 years Law Enforcement experience, 6 years as Chief of Police
Bachelor of Arts Degree in Criminal Justice, University of Maine at Presque Isle
District 3 Representative, Maine Chiefs of Police Association
Member: Maine Chiefs of Police Association

Chief John F. Kilbride

Falmouth Police Department

30 years Law Enforcement experience, 10 years as Lieutenant, 2 years as Chief of Police
Bachelor of Science Degree in Criminal Justice, Husson University
Associates Degree in Fire Science, Southern Maine Community College
Graduate of the FBI National Academy, Session 244
Treasurer, Maine Chiefs of Police Association
Board Member: Milestone Recovery Foundation, Maine Gun Safety Coalition
Member: Maine Chiefs of Police Association, New England Association of Chiefs of Police, International Association of Chiefs of Police, FBI National Academy Associates

As requested, the Review Panel initiated a study of operational and management practices within the Topsham Police Department in February of 2020. The review was conducted in three general phases. They were:

Phase 1: Review of Materials

In conjunction with the on-site evaluation, the panel members individually and collectively reviewed pertinent materials supplied by the Town of Topsham and the Topsham Police Department. These materials included, but were not limited to:

Town of Topsham Annual Report
Topsham Police Department Budget
TPD Policies and Procedures
Collective Bargaining Agreement Between the Police Union and the Town
Call for Service Data and Crime Statistics
Maine Chiefs of Police Association's 2003 Review of the Topsham Police Department

Phase 2: On-Site Evaluation

From February 18th through February 20th, the Review Panel conducted an on-site evaluation. The on-site evaluation included personal observations of the Topsham Police Department by Panel members, as well as interviews that were conducted with individuals from within and outside of the town government who possessed relevant information regarding the activities of TPD. Those interviewed included, but were not limited to:

Town Manager Derek Scrapchansky
Chief of Police Christopher Lewis
Police Lieutenant Frederick Dunn
Sagadahoc County Sheriff Joel Merry
Topsham Public Works Director Dennis Cox
Town Clerk Linda Dumont
Finance Director Debbie Fischer
Fire Chief / Emergency Management Director Christopher McLaughlin
Mt. Ararat High School Principal Donna Brunette
Sagadahoc County Communications Center Director Michael Carter
Multiple Community Members
Each Topsham Police Department Supervisor, Officer, and Civilian Staff
Neighboring Police Chiefs
Sagadahoc County District Attorney Natasha Irving (Attempted Contact)

Additionally, the on-site evaluation included the inspection, analysis, and review of:

- Department Equipment
- Facilities
- Training Records
- Records and Data Management Systems
- Sagadahoc County Communications Center
- Department Policies
- Collective Bargaining Agreement

Phase 3: Analysis and Report

Following the completion of the on-site evaluation, the Review Panel met on multiple occasions to analyze gathered information and materials, and to generate this report. The following is the work product of the Topsham Police Department Review Panel. The focus areas of this report are arranged so that the reader is provided with a general explanation and/or philosophy regarding the focus area, the findings of the Review Panel, and any recommendations for modification or improvement.

The delivery of this report was significantly delayed by the unforeseen pandemic outbreak of COVID-19. The Panel does not believe this delay in any way negatively impacts our findings.

Report Objectives

The intent of this report is not to criticize the present police department, its practices, or those responsible for them. Rather, the Review Panel's goal is to present, in an objective fashion, a comprehensive set of recommendations which, if adopted, should result in improvements of the effectiveness and efficiency of the Topsham Police Department.

The report should not be considered as an indictment of the past, but rather as a blueprint for the future. This report is not to be construed as a "report card" of the Topsham Police Department, since it does not fully explore the many positive activities which are undoubtedly presently undertaken by the department.

Finally, the Review Panel sincerely hopes that its efforts serve as a catalyst for positive change within the Topsham Police Department and urges all those interested – town officials, department members, and concerned citizens – to seize this opportunity to bolster the professional status and effectiveness of the Topsham Police Department. The brave women and men of the agency who watch over the community deserve no less.

Review Panel Mission Statement

To provide, through application of law enforcement best practices and through diligent effort, care, and research, a navigable pathway to elevated delivery of police services. To recognize the noble efforts of the professional police officers of the Topsham Police Department and through our work, to enhance their safety and wellness.

One never hears that a police department is doing **too good** a job, or that the officers and administrators are **too dedicated** or **too well-trained**. Frequently, all we hear are complaints of real or perceived shortcoming, frequently by those with little or no basis of knowledge to level that criticism. However, as self-critical professionals constantly striving for the betterment of ourselves and those in our charge, we acknowledge that no department is perfect and that as humans we are fallible. Consequently, to better ensure a reasonable and realistic perspective, the Review Panel has striven to identify positive areas in this department as well as those that would benefit the organization and the town by change and improvement.

It is becoming an accepted event for the leaders of a community to request that an outside group of experienced and qualified professionals conduct an audit of the management and practices within their police department. These requests are often preceded by some organizational change, such as a new Town Manager or Police Chief taking the helm. Occasionally these requests are preceded by an extended period of conflict in the agency.

Faulty perceptions, rumors, unreasonable expectations and poor communication can easily become destructive components in the organizational equation which must be identified and excised in order to allow accurate findings, and to make good and viable recommendations.

Problems and issues in most law enforcement agencies are generally complicated and involved, with many people influencing and being influenced by them. Law enforcement officers are selected for personal attributes including assertiveness and the ability to make quick decisions and take decisive action. These same attributes can create challenges in convincing every employee to form up and march in the same direction. Police administrators stand on a slippery rock in the middle of a stream with far too many people willing to give them a nudge in the wrong direction, so they fall into that stream. In no other municipal profession is one expected to govern individuals who possess the power, authority and autonomy of police officers, and to do so willingly, with a caring and compassionate attitude, where every move and decision is a matter of public record.

Society rightfully demands the best from its police. Overwhelmingly, police officers serve with the selfless desire to protect their community from humanity's worst. We hope this report helps them to achieve their admirable goal.

Community Overview

The Town of Topsham is a community of approximately 8,852 residents (2018 US Census figures) with a total area of just over 32 square miles of land. This population figure is slightly lower than the 2000 census figure of 9,100 (likely a result of the closing of NAS Brunswick, which included an annex in Topsham). Topsham is situated in Sagadahoc County on the Androscoggin River. They share a border with Brunswick, Bowdoinham, Bowdoin, and Lisbon.

Topsham has a Town Meeting – Select Person – Manager form of government, with the annual Town Meeting taking place in May for residents to vote on expenditures. The Police Chief reports to the Town Manager.

According to the 2010 Census, Topsham’s population is slightly more diverse than the State of Maine, and is broken down as follows:

Race	Percentage
White	92.8
Black or African American	0.6
American Indian or Alaska Native	1.0
Asian	2.0
Native Hawaiian and Other Pacific Islander	0.0
Two or More Races	3.7
Hispanic or Latino	3.3

The population density of Topsham is 272.8 people per square mile (2010 Census), much denser than Maine’s average of 43.1.

Median household income for Topsham (in 2018 dollars) is \$74,653, much higher than the state’s \$55,425. Average travel time to work for a Topsham resident is 21.5 minutes.

The Topsham Fair draws tens of thousands of people to town every August. The town is an attractive place to live, in part due to its position on one of Maine’s major rivers, proximity to the coast, convenient access to the interstate and location in the bustling southern Maine area.

Police Department Overview

The Topsham Police Department has an authorized compliment of fifteen full-time officers, a full-time hybrid Animal Control / Traffic Control Officer, two part-time reserve officers, and two administrative staff. Currently, the organizational makeup is as follows:

- (1) Chief
- (1) Lieutenant
- (2) Sergeants
- (1) Detective
- (1) School Resource Officer
- (9) Patrol Officers
- (1) Animal Control / Traffic Control Officer
- (2) Reserve Patrol Officers
- (2) Administrative Staff

The Topsham Police Department provides 24-hour police protection for the community. In the 17 years since a 2003 review of the department by the *Maine Chiefs of Police Association*, the department has added 1.5 full-time sworn positions (an additional patrol officer and a hybrid position devoted to both traffic control and animal control). The department has also added a full-time administrative position.

TPD provides patrol coverage with two patrol officers, every hour of the week. Supervisory coverage is achieved by the Lieutenant during the weekday and by the two Sergeants on weekends / evenings / nights.

The department employs two administrative staff (one full-time, one part-time) who handle walk-in business in the lobby during the weekday. Dispatching is handled 24/7 by the Sagadahoc County Communications Center. This system appears to work acceptably for the department and community.

In 2003, the Review Panel noted concerns expressed by the community over police patrol practices, the recent investigation and termination of an officer, and a perceived poor reputation. Further, personnel from the Sagadahoc County District Attorney's Office expressed concerns about the professionalism and leadership of the department and officers told the Review Panel that they had concerns with an internal lack of a chain-of-command and leadership. Our Review Panel was happy to note that we did not encounter any negative sentiment from the community in 2020. There were concerns raised by internal and external sources, however, regarding similar chain-of-command and leadership issues that will be explored further in this report, along with recommendations to improve those current perceived, or real, issues.

DEPARTMENT MISSION, GOALS AND OBJECTIVES

Department Mission

A mission statement is a formal summary of the aims and values of an organization. Its effectiveness is determined by how well it is constructed, communicated to - and internalized by - members of the organization, and whether it is used to inform agency goals and objectives. A mission statement should clearly communicate what the agency does. Many mission statements succumb to an overuse of words in general, but especially jargon. A good mission statement should be clear, concise, and useful. If it can be inspiring, so much the better.

Department Goals

Goals are broad, over-arching destinations that an organization intends to reach. A generic example of a police department goal (not necessarily relevant for TPD) might be “a 25% reduction in shoplifting.”

Department Objectives

Objectives are the specific steps an organization intends to take in order to achieve established goals. In order to achieve the desired goal of a reduction in shoplifting, a department might establish an objective to “impart theft detection training to 10 retail stores,” or “initiate a social media campaign to discourage shoplifting,” or “target shoplifting through a combination of uniformed and plainclothes patrols through retail stores for 2 hours per day, 5 days per week.”

Department missions, goals, and objectives should all complement each other, and must never be in conflict.

Department Mission / Goals / Objectives - Findings:

The Topsham Police Department mission statement reads:

“As members of the Topsham Police Department, we will practice a policing philosophy that promotes community, government and police partnerships, using proactive problem-solving and community involvement to address the causes of crime, fear of crime, and other community issues. As a community, develop strategies to address those problems, and take responsibility for the implementation of solutions using all available resources.”

The department also has established values of Integrity, Respect, Service and Equality. The department mission and values are published in the department's policy manual, and on the department's website.

Topsham Police Department does not have any established goals.

Topsham Police Department does not have any established objectives.

Department Mission / Goals / Objectives - Recommendations:

The department mission statement should be reviewed by the department on a regular basis, to ensure it continues to accomplish its intent. Input from a cross-section of the department should be sought in any update or replacement of the mission statement. This will improve the acceptance and internalization of the mission by both administrative and line personnel.

The mission statement should be a prominent part of the department. It should be published or posted in areas likely to be seen on a regular basis by department members, or else it risks becoming nothing more than a checkmark in a box.

Many small police departments do not engage in structured goal and objective setting. However, if possible, the department should work to establish annual goals and objectives. Objectives should be sanctioned by the municipal government, because there may be a fiscal component, and communicated clearly and regularly to all members of TPD, since their efforts will be necessary for success. Goals and objectives should be reviewed regularly to determine whether they are still relevant, and how well the department is meeting them.

If mission, goal, and objective establishment cannot be accomplished internally, there are professional facilitators readily available to assist with the process.

ADMINISTRATION

The administration of any police agency should not be undertaken by anyone who is not willing to sacrifice a significant amount of time and effort. Police chiefs are entrusted with millions of taxpayer dollars. In turn, they are expected to spend those dollars wisely.

To be perceived as (and be) effective, a Chief must become a proficient personnel and resource manager, financial planner, labor negotiator, mentor and visionary. He or she must be engaged not only in the department and community, but also with professional peers and organizations. The Chief must remain aware of developments in law, professional best practices and norms in order to maintain credibility with staff and the public, but most importantly to ensure the safety of the officers in his or her care and minimize the risks inherent in policing.

As with any organization, the administration is the key to organizational efficiency and effectiveness. The Police Chief must be a leader and must set the example for the members of the department to follow.

In the Topsham Police Department, the administration consists of the Police Chief and Lieutenant. Direct supervision of line staff is performed mainly by the Lieutenant during the weekday, and by the Sergeants in the evenings and on weekends. The department has an organizational chart which clearly delineates each staff member's position in the agency and the person to whom the employee reports. In a paramilitary organization like a police department, this organizational chart is often referred to as the "chain of command," due to the necessity of clear lines of communication and responsibility.

Budget and Cost of Police Services

The budget should be based on a plan, accepted by the local unit of government, to determine the department's course of action during the fiscal year. The budget becomes a document that guides the agency's operations. During the budgeting process certain principles should be observed:

1. The focus should be on future as well as present problems.
2. Budgeting should be considered as one aspect of the overall planning process.
3. Budgets should be created to meet the goals and objectives of the agency. Specific attainable and measurable objectives need to be set if overall goals are to be met.

Even in times of static or decreasing funding, department goals and objectives must be reviewed and revised within the framework of the budget process. Failure to do so results in stagnation.

Police work is a 24-hour, 365-day business. Overtime costs can skyrocket due to unforeseen absences and circumstances. The Fair Labor Standards Act and the Garcia decision combine to require the payment of overtime for required training and extended workdays after 40 hours in

a week. In short, the “meter is running” anytime a police employee is performing a professional duty.

Every community makes decisions about the appropriate level of funding for their law enforcement services. While this Review Panel will make suggestions that we believe to be appropriate and fiscally responsible, only the leaders of the Town of Topsham, armed with knowledge of the needs of the entire town, can decide whether they will accept or are willing to finance these suggestions.

Budget and Cost of Police Services - Findings:

In most public safety agency budgets, personnel expenses account for the greatest portion of the budget. Topsham PD’s Fiscal Year 2019-2020 budget appears to bear this out, with approximately 92% in salary and benefits and 8% for department operations.

After reviewing the current budget, the Panel finds no issues and observes that allocations and expenditures appear to be consistent with our professional experience.

Per capita cost for police protection was figured using a population of 8,852 in 2018 (Source: US Census). Topsham’s cost for police services during the current budget year with an approved budget of \$1,805,522 equals \$203.97 per capita. Comparative analysis with other town police departments is difficult, due to a lack of consistency in budgeting processes. For example, some towns budget for all employee benefit costs in an HR or similar budget instead of tracking those expenses in the PD budget. **Keeping in mind that the comparison may be flawed due to these variables, we offer the following:**

TOWN	POPULATION (2018 US CENSUS DATA)	POLICE BUDGET	POLICE COSTS PER RESIDENT
Topsham	8,852	\$1,805,522	\$203.97
Falmouth	12,240	\$2,258,483	\$184.51
Cape Elizabeth	9,313	\$1,769,045	\$189.95
Freeport	8,510	\$1,408,335	\$165.49
Yarmouth	8,518	\$1,388,739	\$163.04
Cumberland	8,165	\$1,272,648	\$155.87

The department’s current capital budget includes \$65,000 for a cruiser, \$25,000 for Mobile Data Terminals (cruiser computers) and \$20,000 for renovations to the women’s locker room.

During interviews of staff, the Panel learned that Chief Lewis does solicit input from employees during the budget planning process.

Budget and Cost of Police Services - Recommendations:

During the preparation of the budget the police chief should continue to encourage the input of all employees to help in the determination of department needs and goals.

It does not appear that in the past, regularly scheduled meetings have been held with members of the leadership team (Chief, Lieutenant, Sergeants). This should change moving forward, as will be discussed elsewhere in this report. During these regularly scheduled meetings, a review of the year-to-date budget should be conducted, with shortages noted and a plan devised to operate the department within budget. When armed with this budgetary information, team members are better able to explain to line staff why mid-stream modifications are being made to staffing, gasoline consumption, training, etc.

Community Relations

No law enforcement agency can be effective without community support. This can be particularly true in a community like Topsham: the police department is perhaps the most visible embodiment of town government and the only one that is consistently present in the community, 365 days per year.

Gone are the days when Chiefs could make decisions affecting the communities they serve without seeking input from those same communities. Citizens have greater expectations than ever before and demand a voice regarding the provision of police services. Developing a positive relationship with the community is the responsibility of every professional law enforcement officer. Developing favorable relationships and working collaboratively with the members of a community can cultivate the support necessary to succeed.

Enlightened law enforcement administrators accept, as a basic tenet of their profession, the statement that “the police should be a part of the community, not apart from it.” While many police agencies profess to be community oriented, a large number are program driven and do not philosophically embrace a true partnership between the police and their customers.

What is a community? When defined as a group of people living in the same place (the residents of Topsham), or having a particular characteristic in common (other department heads, neighboring police departments, non-profits, etc.) it quickly becomes obvious that much of what police departments do – and police administrators specifically - must be considered as community relations.

The Review Panel realizes that it is difficult to assess a department’s relationship with its community, based upon the very limited amount of time allotted for this evaluation. We do believe, however, that underlying trends can be identified while keeping in mind that the most vocal respondents do not necessarily represent the majority view.

Community Relations - Findings:

A community event was publicly advertised for February 11th, 2020 from 7PM to 9PM. The event was organized by the Town Manager to provide a forum for residents to provide any feedback regarding their police department. A phone was also set up so that residents could call in and give input. There was no one in attendance, nor did anyone call in. Anyone wishing

to offer written comments about TPD was requested to write the Town Manager. Town Manager Derek Scrapchansky did receive one written submission, from a former PD employee who was critical about the level of community engagement by Chief Lewis. During our time in Topsham, the Panel was able to speak with several community members in passing, to ask their general views of the Police Department. They reported having a positive opinion of the agency. Between the beginning of the Panel's review and through the date of completion of this report in early June, Chief Lewis forwarded approximately 6 emails he had received from residents, praising the police department for their compassionate, caring response to a variety of calls. This volume of positive feedback is encouraging, especially considering that Chief Lewis reports no complaints against his personnel during the same period. Overall, the fact that the Panel was not flooded with complaints in person, by phone, email or in writing leads us to believe that the community's perception of TPD is neutral or positive.

The Review Panel interviewed all Town of Topsham department heads in order to get a sense of the level of communication, responsiveness and effectiveness of the PD. Fellow department heads had positive reviews for TPD and felt that the department generally - and Chief Lewis in particular - are responsive to their needs and are professional in the performance of their duties. One department head reported that the admin staff of the PD are frequently late filing necessary paperwork, that errors are also frequent, and that communication is difficult.

Neighboring law enforcement agencies report a collegial relationship with TPD and especially report that the agencies' line officers work very well together. However, a commonly expressed observation was that communication and collaboration between TPD and other departments at the administrative level was frequently absent, that phone calls and emails often go unanswered, and that there is very little engagement by Chief Lewis and Lt. Dunn with the District 6 Maine Chiefs of Police (comprised of Sagadahoc, Lincoln, Waldo, and Knox counties).

Chief Lewis told the Panel that his department is involved with the community through initiatives such as: TRIAD (a partnership between law enforcement, older adults, and community groups), Village Clubhouse, ALICE (a program for response to an active shooter) training for businesses and churches, the Midcoast Children's Advocacy Center, Sexual Assault Support Services of Midcoast Maine, and Camp POSTCARD (Police Officers Striving To Create And Reinforce Dreams).

Social media is an unstoppable force and has changed both the way humans communicate, and our expectations about how we receive vital information and connect to business and government. The Review Panel surveyed the Topsham Police Department's social media presence, noting that the department has posted 13 times on its Facebook page in the past 90 days. It appears that the department's Twitter account has been inactive for over 2 years, and its Instagram page has been idle for well over a year. The department's detective and a patrol officer are tasked with managing the Facebook page, and their posts appear appropriate and professional.

During our on-site work, Chief Lewis reported having a good relationship with local news media, explaining that reporters for two local newspapers have his cellphone number and are comfortable calling him directly for information. He also explained that when necessary, he drafts press releases and sends them to an email list of media outlets. In support of his assertion, a survey of online news reporting reveals a level of media engagement regarding criminal matters and community interest pieces which appear to be reasonable for the town.

Community Relations - Recommendations:

TPD should enhance its image in the community and seek additional opportunities to be visible to citizens. Public events of nearly every type represent avenues for the police department to increase contact with citizens. The panel recommends that a comprehensive review of all community policing activities be undertaken and a concerted effort be made to involve as many officers as possible in them.

Chief Lewis and Lieutenant Dunn should continue to seek out opportunities to interact and collaborate with fellow department heads. If, in fact, there is a pattern of inefficiency or inaccuracy of PD reporting to Finance, we recommend that a review be undertaken of the department's financial management processes, to determine whether the tasks relative to payroll, billing and expense processing are being handled a lower level of the agency. With an administrative staff of 4 (Chief, Lieutenant, 1.5 administrative assistants) these tasks may largely be accomplished by admin assistants with the Chief or Lieutenant verifying accuracy.

It is promising that neighboring agencies report healthy relationships among line staff, however, it is imperative that Chief Lewis and Lt. Dunn work to ensure responsiveness and collaboration with their peers. These relationships not only help to facilitate cooperation during times of crisis, but they also form a professional network which ultimately results in the elevation of policing for all agencies involved. Attendance by one or both administrators at District 6 meetings should be mandatory when possible.

While the choice of social media platforms and the relative level of engagement is a decision specific to each department, this is low-hanging fruit for Topsham PD. Posts which not only inform but entertain the public and help them see your officers as the dedicated, funny human beings they are will pay serious dividends.

Crime Analysis

Every citizen needs to feel safe within their community and rising crime rates are always cause for alarm. The Review Panel was charged with comparing the Topsham Police Department's crime rates, crime clearance rates, patterns and trends with other departments of similar makeup. In most cases, it is relatively easy to find departments of similar size, population, and demographics for comparative purposes. The Panel compared the statistics which are compiled through agency reporting to the Maine Department of Public Safety's Uniform Crime Report (UCR) Division.

The Offenses of murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson are used to establish an index in the Uniform Crime Reporting Program. They measure trends and distribution of crime in the United States and more significantly, within the geographic regions of contributing states such as Maine. These crimes are counted by law enforcement agencies as they become known and are reported on a monthly basis. These “index offenses” were selected as a measuring device because as a group, they represent the most common crime problems. They are all serious crimes either by their very nature or due to the volume and frequency with which they occur. We feel that using the data compiled by UCR is a useful tool for this report. **Note:** These are only 8 crimes out of several hundred crimes that a police department may investigate annually and are in no way inclusive of the services a police department provides.

Crime Analysis - Findings:

A review of the statistical data indicates that the Topsham Police Department is a moderately active community regarding demand for police services. It appears the Town of Topsham does an excellent job in reporting its crime statistics for the purposes of UCR. It is worth mention that as the crime rate increased in 2017, the clearance rate increased as well.

Crime Statistics for Topsham Police Department:

Year	2012	2013	2014	2015	2016	2017
Population	8770	8728	8690	8703	8748	8790
Crime Rate	25.77	18.22	16	13.67	11.66	15.02
Murder / manslaughter	0	0	0	0	0	0
Rape	3	1	1	0	0	0
Robbery	2	1	1	0	0	0
Aggravated Assault	1	2	1	2	1	2
Burglary	33	27	26	18	18	21
Larceny / Theft	182	117	106	95	82	104
Motor Vehicle Theft	4	10	4	4	1	5
Arson	1	1	0	0	0	0
Total Index Crimes	226	159	139	119	102	132
Clearance Rate	22.6	19.5	27.3	18.5	13.7	28.0
Sworn Officers	12	13	13	13	13	14
Officers Per 1000	1.4	1.5	1.5	1.5	1.5	1.6

For the purposes of this review, we looked at the UCR data submitted by the police department for the calendar years 2012-2017. This information was gathered from www.maine.gov/dps/cim/crime_in_maine. Statistics show that the crime rate dropped consistently from 2012 to 2016 and started to increase in 2017. 2017 is the most recent year for which crime data has been published.

A table offering comparative analysis of crime rates, clearance rates, and staffing of Topsham and similar municipalities is provided later in this report under *Staffing and Deployment*.

Note: Effective in 2021, there is a federal mandate that all law enforcement agencies must start reporting crime data to the National Incident-Based Reporting System (NIBRS). The Topsham Police Department currently reports to NIBRS. As such, they are early adopters of this reporting system in Maine.

Crime Analysis - Recommendations:

The crime analysis data must be shared with officers, most importantly the sergeants. The sharing of crime data and current crime trends are important for efficient and effective law enforcement and crime prevention.

While there are many factors involved in a successful clearance rate, a careful and continual analysis of crimes committed can provide useful information and have a positive impact.

Record Keeping and Information Technology

The ability to compile, retrieve, analyze and manipulate information is invaluable to a police department. Information storage and retrieval is paramount to a department being able to set short and long-term goals, assess its effectiveness and provide a professional level of service.

There is a direct relationship between a department's efficiency and the quality of its records and record keeping procedures. Every police administrator is called upon to make decisions relating to the distribution of his/her work force, the expenditure of funds for one purpose or another and the revision of plans of operations in response to changing crime conditions. Much of the information necessary to arrive at sound decisions may be gleaned from administrative records or reports that give a picture of present conditions and problems faced by the department.

In addition to paper records, police departments everywhere rely heavily on information technology (the use of computers and telecommunications systems for storing, retrieving, and sending information) to perform their jobs. The hardware, software and policies and procedures relative to their use are crucial to ensure the security of sensitive information where it is entered, stored, and transmitted beyond the department's walls. Malicious penetration of these systems for the theft of information or to hold the municipality's information for ransom can cripple operations, result in huge monetary loss to the town, professionally embarrass the organization, and expose those whose records are compromised to identity theft.

Record Keeping and Information Technology - Findings:

TPD generates about 8,136 calls for service annually. This number includes all calls requiring a police response, as well as officer-initiated actions such as traffic stops, field interviews, property checks, etc. Each of these calls requires documentation at some level.

Topsham PD uses a record management system called Spillman Flex to enter, store and access all police records. This database is also used by and interfaces with the Sagadahoc County Sheriff's Department and the Sagadahoc Regional Communications Center. A full-time Records Clerk maintains the department's records and ensures that case reports (documentation of crimes and arrests) are complete prior to their transmission to court for prosecution or storage for later reference. Paper records are kept in locked file cabinets.

A 2019 audit of the Topsham Police Department's security of Criminal Justice Information by the Maine State Police's Access Integrity Unit showed that the department was in compliance with all required training, physical and virtual access security, and procedures.

The department utilizes in-house Information Technology support, provided by Officer Mark McDonald. During his interview with the Review Panel, Officer McDonald reported a high degree of personal pride and satisfaction in his role. He reported being self-taught and estimated that he spends approximately 20% of his work time maintaining the computer systems of the department. In interviews with multiple other members of TPD, we heard that until recently, the department's MDTs (Mobile Data Terminals, or in-car computers) had been slow to operate and were problematic. A recent replacement of those computers had made things much better, but multiple officers also reported that the workstations in the department were old and slow, and that one (the booking room computer) was so slow it was nearly unusable.

Record Keeping and Information Technology - Recommendations:

The Panel makes no recommendations regarding record keeping - best practices appear to be met and maintained.

Regarding Information Technology, the Review Panel understands that the Town of Topsham has recently contracted with an outside vendor for Information Technology support. This is becoming much more common for small municipalities, and in many cases these vendors provide IT support to police departments as well. We recommend that so long as the town's vendor can assure the Town Manager and Police Chief that they are properly background checked and trained for access to the department's CJIS (Criminal Justice Information Systems) records, the department accept this support. An IT provider should be able to ensure security of systems to penetration, and plan for regular upgrades and replacement of security software and computer hardware. To the extent it is possible, the vendor should work to ensure that Officer McDonald provide support to their work and act as a liaison with them, due to his interest and ability to "speak their language," so long as his involvement does not detract from his primary role as a patrol officer.

Department Communications

Ensuring effective communications within a police department is one of the most critical – and can be one of the most difficult – tasks for an administrator. The sheer volume of incoming information, the multiple avenues available for transmission, a 24-hour work cycle, and the distinct work groups within the agency (administration, supervisory, line officers, sworn staff, civilians) all add up to one thing – the unarguable fact that we spend most of our time communicating. The stakes are high, because inefficient communications can lead to vital information being missed, to rumors and inaccurate information flourishing, and to blind spots where information doesn't find its way.

As if these factors weren't enough, we must keep in mind that frequently, the information we communicate up, down, and sideways in a police agency can have serious safety and legal implications if the messages are not properly sent, received and acknowledged.

Department Communications - Findings:

Department members identified the following routes for internal department communication: email (heavily used), Spillman Flex (the record management system), memos posted on a common bulletin board, word-of-mouth, and through direct communication during meetings.

Department personnel reported that meetings of the entire department had never happened historically, but that very recently, there had been several, which were viewed as a good development and as being helpful.

Supervisory staff reported that meetings of their group (Chief, Lieutenant, Sergeants) had also never happened historically, but that there had been a few recently. Chief Lewis reported that he meets with the Sergeants daily, and that if he is unable to meet with one of the Sergeants he sends an email with necessary information. Typically, this daily meeting and pass-on would occur between the Sergeants and their immediate supervisor, however, Lt. Dunn works earlier in the day (7:00AM-3:00PM) and therefore has little contact with them.

Line staff reported the overuse of "shotgun emails," which they defined as emails from PD administration intended to address an internal issue. The problems identified by the officers with this method included the frequency, the fact that the emails were usually aimed at one officer or a small group of employees but were instead addressed to the entire department, and a lack of supervisory and administrative follow-through if the emails had no effect in changing behavior.

Many employees reported that the chain-of-command is not reliably observed. The Panel heard from employees who felt that officers "supervisor shop" by selecting which superior officer they believed would be most likely to give them an answer they wanted. We heard from officers who felt that anyone could take a concern directly to the Chief, and that he would entertain their complaint rather than referring it to the proper level of the leadership team.

Officers professed confusion regarding how to request training and stated that such requests are routed through a Sergeant, the Detective, or the Lieutenant rather than having a clearly defined training manager.

A rumor is defined as a currently circulating story or report of uncertain or doubtful truth. Although the Review Panel did not investigate particular rumors, we did hear from a majority of line officers who felt that there was a high level of gossip and rumor regularly circulating in the PD.

Department Communications - Recommendations:

During our short exposure to the women and men of the Topsham Police Department, we found every one of them to be engaged, dedicated and desirous of working to ensure their agency functions as well as possible. To this end, an upgrade to department communications must be prioritized. The foundations of this upgrade can be laid by following the steps below:

Department meetings should be scheduled on a regular basis – we recommend no less frequently than quarterly. These meetings should be organized with a published agenda after soliciting input from all staff members. PD administration can consider the inclusion of a training component to these meetings so that the time together can be used even more efficiently. These meetings will open the lines of communication and will allow the Chief to clearly express and operationalize the department’s mission, goals, and objectives.

Supervisory or “leadership team” meetings consisting of the Chief, Lieutenant and both Sergeants should be scheduled and held regularly, as often as possible but at least every other month. If the Sergeants’ work schedules do not allow for this while everyone is on duty, overtime should be expended for this purpose, or their schedules should be modified. These meetings will allow for the regular transmission of information from patrol to the Chief, from the Chief to patrol (through the Lieutenant and Sergeants) and will help ensure a consistent message about department procedure and other developments.

Within reason, the chain-of-command must be followed. We say “within reason,” because in a small department, every member from the Chief to the newest employee should interact on a regular basis. However, regarding official matters such as training or equipment requests, questions about work functions, etc., as often as possible, those communications must be routed to an employee’s direct supervisor or the appropriate identified staff member.

All official communication should be transmitted using the smallest number of routes possible to reduce blind spots. In the digital age and in a 24/7 operation, the use of email will never cease, but to the extent it can be minimized, it should. A weekly newsletter for non-time-sensitive information could help with this goal.

A return to direct, face-to-face supervisory intervention in order to address counterproductive behavior should be utilized rather than email. Written communication should be reserved for matters of concern to most of the department.

Opening the channels of communication as recommended above should result in reduced levels of gossip and rumor. However, each member of the department should empower themselves to not only avoid spreading unhelpful gossip and rumor, but also to professionally confront such behavior in fellow officers.

DISPATCH

The communications center is the hub of the police department, and in order to remain efficient both in productivity and officer safety it must be able to accomplish routine tasks with ease. Most importantly, dispatchers must communicate with on-duty police officials and the public in a professional, informative, calm, and understanding manner.

Dispatch - Findings:

The Sagadahoc Regional Communications Center (SRCC) has provided dispatch services for Topsham PD since 2005 and they cover both Topsham's police and fire channels. SRCC dispatches for a total of five law enforcement agencies and 10 fire and EMS (Emergency Medical Services) agencies. Topsham PD has their own radio frequency and allows other agencies to use their channel when needed.

Topsham maintains their own radio equipment at the SRCC.

SRCC generates Calls for Service for law enforcement complaints. Officers are responsible for verifying information and making sure all information is complete. The department's MDT's (Mobile Data Terminals, or cruiser computers) have recently been replaced through a County Emergency Management Agency grant, which has improved the communications between dispatch and officers in their cruisers.

SRCC has a minimum of 2 dispatchers and a maximum of 4 dispatchers working at any given time in a 24-hour period.

SRCC staff indicated, and Chief Lewis has confirmed, that there are certain places in Topsham where police portable radios cannot communicate with dispatch.

Dispatch - Recommendations:

A person should be assigned as the liaison with the SRCC so there can be a clear line of communication between the two departments to meet each other's needs.

When possible, an engineering study should be considered, to determine how best to fill the gaps in portable radio coverage – the inability of police and fire personnel to communicate with dispatch when outside their vehicles is a personnel safety issue as well as a public safety issue.

PATROL SERVICES

Patrol is the backbone of any police agency. Every other law enforcement function (administration, records, etc.) exist to support patrol and the work they do every day, all day. The defining characteristic of an American law enforcement agency is its ability to dispatch an officer to a scene to stop a crime, mediate a dispute, take a report, or one of the other nearly infinite tasks expected of them. Many years ago – when law enforcement officers were still routinely referred to as “policemen,” radio broadcaster Paul Harvey partially described the police officer as “such a diplomat that he can settle differences between individuals so each will think he won. He must make instant decisions which would require months for a lawyer to make. He must be first to an accident and infallible with his diagnosis. He must be able to start breathing, stop bleeding, tie splints and, above all, be sure the victim goes home without a limp. Or expect to be sued.” With great appreciation for Mr. Harvey’s observations, and with great respect for all the brave, dedicated women in modern law enforcement (Topsham has 4 female officers – an admirable number), we note that the description wasn’t far off. We expect a great deal from our brave Patrol Officers, and therefore a thorough examination of their working conditions is entirely justified.

WORKLOAD

Workload for the Patrol Division can be a difficult metric to define. Optimally, officers would devote nearly 100% of their work time to a productive pursuit: handling calls, stopping cars, completing reports, etc. One of those productive pursuits, however, is often referred to as “proactive patrol” and refers to the officer’s travel throughout her patrol sector, on the lookout for crime, motor vehicle infractions, or situations requiring the attention of other municipal departments such as Fire, Public Works, etc. Proactive patrol is a difficult activity to measure. Many of our law enforcement endeavors do result in the generation of a record of the activity, however.

Workload – Findings:

The Police Department handled the following call volume in 2019:

Traffic Stops	3,322
Other Calls for Service	4,042
Arrests and Criminal Summonses	343
Traffic Crashes	429
Total	8,136

Calls for service appear relatively low for a community of nearly 9,000 residents and approximately 32 square miles of land.

Traffic complaints are generally the number one complaint for communities of this size. Enforcement is indicative of both self-initiated contacts by the officers and directives from command. Monthly productivity reports highlighting officers' activity is one way to identify those who are productive and those who are not – Topsham does generate such a report.

The average officer works 17 shifts a month, with 12 officers working in the streets including two patrol supervisors, the average vehicles stopped per officer each shift is .07.

Workload – Recommendations:

We recommend a full review on how calls for service are generated. Is the department receiving credit for proactive measures such as, building/property checks, community events, citizen contacts, vehicle maintenance, background check investigations, follow-up investigations, etc.? All these events require action and should accurately reflect the workload of the department.

STAFFING AND DEPLOYMENT

It is imperative that a department ensures their officers are deployed in a way that is not only fair and complies with any collective bargaining agreement, but in a way that also provides adequate coverage for the Town. Police officers understand when they are hired that by virtue of their profession, they will be required at times to work nights, weekends, and holidays. The very best of us not only tolerate these demanding schedules, we pride ourselves in our role as guardians who watch over our towns while those under our care sleep, recreate, and celebrate. For these reasons, administrators should always keep employee wellness in mind when creating a schedule but should not schedule work around personal preference. The municipality's needs come first.

Staffing and Deployment – Findings:

The Police Department maintains 24-hour coverage of a community of 8,852 citizens. Patrol coverage is as follows:

2 Patrol Officers: 24 hours per day

Supervisory Coverage: 1 Sergeant, daily from 4:00PM-2:00AM

Detective: Monday-Friday, 8:00AM-4:00PM

School Resource Officer (SRO): Monday-Friday, 7:00AM-3:00PM

Traffic Safety / Animal Control Officer: Monday-Friday, 7:00AM-3:00PM

The creation of a hybrid position to provide animal control, traffic enforcement, and utility duties is good "outside the box" staffing for an agency this size. The SRO position folds back

into patrol during the summer to support patrol operations and help reduce overtime. UCR data and numbers of Index Crimes leads us to believe that one detective is appropriate.

The schedule is a combination of 4 /10 hour shifts and 5 /8 hour shifts and is filled by rotation.

The schedule appears to cover operational needs of the department and community. Based on the professional experience of Review Panel members, we believe that staffing deployment for TPD is appropriate.

2017 Comparative Police Staffing and Crime Rate Data

Police Department	Sworn Officers	Population	Officers per 1000	Crime Rate	Total Index Crimes	Clearance Rate
Topsham	14	8790	1.6	15.02	132	28
Lisbon	12	8820	1.4	14.29	126	32.5
Presque Isle	17	9016	1.9	25.07	226	48.7
Freeport	14	8520	1.6	18.66	159	57.9
Yarmouth	13	8594	1.5	7.8	67	23.9
Brewer	18	9048	2.0	29.84	270	61.6
Old Orchard Beach	22	8842	2.5	20.36	180	17.8

According to published UCR reports, the ratio of Officers per 1000 averages 1.9 for urban jurisdictions and 1.4 for rural jurisdictions. Currently the Topsham Police Department has 16 full-time sworn officers. The current officer per 1000 population is 1.8.

Caution should be exercised in using rates for comparative purposes, since a wide variety of factors dictate the number of employees necessary for various law enforcement agencies. The term “full-time sworn” officer does not mean that these personnel are performing regular police enforcement duties in investigations, patrol and deterrent practices. The need for regulatory duties, correction duties, administrative duties and assigned special duties affects the number of personnel available for regular law enforcement duties. Comparing agencies should not be done without considering the “in-house” duties and responsibilities of the agencies involved.

Staffing and Deployment – Recommendations:

We recommend that the department – now and as an occasional practice moving forward - conduct a deep-dive into the distribution of calls for service across days of the week to determine if modifications to current schedules are appropriate to enhance coverage during busier times of the day and days of the week.

Supervision

The Patrol Sergeant occupies a special place in law enforcement lore, in movies and on television – and with good reason. For hundreds of years, our profession’s front-line supervisors have played the role of mother hen, parent, disciplinarian, trainer, clerk, and stalwart back-up. For administrators, having faith in the Patrol Sergeants to reliably execute the properly defined and communicated direction of the Chief is invaluable. As risk managers, a Sergeant’s number one duty is to, without fail, maintain knowledge of the department’s policies and procedures and ensure that the officers in his or her care religiously follow them. Without strong, committed middle managers to facilitate consistent communication up and down the chain-of-command, the chain is weak and bound to break.

Supervision – Findings:

The Patrol Division has two (2) Patrol Sergeants and one (1) Lieutenant overseeing operations. The schedule reflects command coverage all seven days with some variation, but there is a commitment from command to have coverage between 7:00AM and 2:00AM. The Lieutenant and Chief maintain dual duties, covering during day shift and time off requests from the Sergeants. It is normal for a department the size of Topsham’s to have the Lieutenant and Chief cover patrol operations.

During interviews of the patrol force, the Panel heard from several officers who felt that the Sergeants, at times, were inconsistent in their application of department policy. Several felt that preferential treatment was given to certain “favorites.” We heard that at times, officers feel comfortable hanging around in the station “for hours on end.” If true, this points to either a lack of supervisory awareness, or of the tolerance of a practice that is not effective or fair to the Topsham taxpayer. Generally, if there is not a valid reason for officers to be in the station (report writing, meal break, training, etc.), they should be on the road.

The Sergeant’s schedule only overlaps by one hour per week, meaning that there is very little opportunity for them to pass information to each other while on duty.

Supervision – Recommendations:

Regular leadership team meetings will help with improved communication, consistency of treatment of officers by the leadership team, and minimization of gossip. Because the Sergeants only overlap by one hour per week, the use of phone calls and emails will need to supplement communications – we heard that this type of communication does regularly occur (and should continue).

A system for tracking minor supervisory actions will help ensure consistency and fairness. For example, if a Sergeant deals with an officer performance issue and can consult the system to learn that the other Sergeant dealt with the same issue two weeks prior, an informed decision can be made whether the matter should be handled at a higher level through the progressive

steps of discipline. The same system could be used to ensure that if one employee received department discipline for a particular behavior, any other employee is treated the same.

Training will be addressed in a following section of this report, but members of the leadership team should engage in occasional and ongoing professional development. Supervisory training is not a “one and done” affair. We can all become stagnant or complacent, and networking with other supervisors can help recharge our batteries and our enthusiasm to recognize great performance and immediately confront poor behavior.

The department facility will also be addressed in a following section of this report; however, a plan should be formulated so that both Sergeants have their workspace on the main floor of the PD, near the patrol room.

Arrests: Processing and Transport

Regardless of how diplomatic an officer is, or how patient or kind, on occasion an individual’s behavior results in the need for that person to be physically arrested. The act of arresting a person results in our physically removing that person from their location, detaining them against their will, searching them, and restricting their free movement. This law enforcement function, with good reason, carries a tremendous amount of liability along with it. Arrests should be made judiciously, but without hesitation when necessary.

Arrests: Processing and Transport – Findings:

Physical arrests are frequently processed at the department. This is efficient and necessary because it is a 21-minute drive (at least) up Route 1 to the Two Bridges Regional Jail in Wiscasset. The term “processing” means that an officer will bring an arrestee to the station to take that person’s fingerprints, photographs, collect personal identifying information, question them regarding their involvement in crime, issue summonses if appropriate, and arrange for bail. Violent prisoners are transported directly to Two Bridges for safety issues. The task of processing a prisoner with no backup during the evening and late shift hours in the station can be dangerous. Officers don’t want to leave the town unattended, however, the risks inherent in the booking process mean that the safety of the officer could be compromised.

Arrests: Processing and Transport – Recommendations:

To the extent possible, safety of the officers should be a priority, and instances of officers being by themselves while managing an arrestee should be minimized.

Use of Force

We teach new recruits that “law enforcement is under a microscope.” They learn early on what this means: that our every moved is watched, scrutinized, and judged. Nowhere is this more accurate than the rare instances when officers must use physical force against a fellow citizen. While finalizing this report, we note that in scores of cities across America, riots and protests

are occurring at great cost to lives and property. The spark that ignited this inferno was an apparently illegal use of force by law enforcement. The stakes have never been higher.

Law enforcement officers are empowered by statute to use non-deadly force in the defense of themselves or a third person against non-deadly force or to effect the arrest of a criminal suspect. Officers are empowered to use deadly force in defense of themselves or a third person against deadly force, or to effect the arrest of a person when the person has committed a crime involving deadly force and is likely to endanger human life unless apprehended without delay. Luckily, the vast majority of police officers serve their entire career without being required to use deadly force.

A great deal of department resources are focused on the procurement, maintenance and training for proficiency in the tools used to deliver force: pain compliance tools like pepper spray and impact weapons, neuro-muscular incapacitation weapons like electronic control devices (frequently referred to as TASERS) and when all else fails, firearms.

Use of Force reports are instrumental to all agencies in identifying trends.

Use of Force – Findings:

TPD has a policy for the Situational Use of Force, as well as other related policies. Situational Use of Force is a statutorily mandated policy and therefore, the Board of Trustees of the Maine Criminal Justice Academy have established nine individual minimum standards which must be contained in each law enforcement agency's policy. A review of Topsham's policy revealed that it is properly updated and contains the minimum standards.

Any officer who uses physical force is required to complete a use of force report which is separate from other reports. All use of force reports are maintained in the Chief's office and were reviewed by the Panel. All forms appeared to be filled out correctly and appeared to be within reason for an agency of their size and crime volume.

Use of Force – Recommendations:

The Review Panel has no recommendations in this area.

School Resource Officer

According to the US Department of Justice, School Resource Officers (SROs) are sworn law enforcement officers responsible for safety and crime prevention in schools. A local department typically employs SROs who work closely with a school's administrators in an effort to create a safer environment. The responsibilities of SROs are similar to regular police officers in that they have the ability to make arrests, respond to calls for service, and document incidents that occur within their jurisdiction. Beyond law enforcement, SROs also serve as educators, emergency managers, and informal counselors. While an SRO's primary responsibility is law enforcement, whenever possible, SROs should strive to employ non-punitive techniques when interacting with students. Arrests should be used only as a last resort under specified circumstances.

School Resource Officers are instrumental in serving the needs of the students, staff, physical security, threat assessment, mentoring and representing the department in a positive light. These officers should be vetted and selected from the highest standards within the organization.

School Resource Officer – Findings:

The Police Department has one (1) dedicated officer assigned to Mt. Ararat High School. The funding for this position is shared with the school district, with the district contributing 60% of the cost of the position and the town covering the remaining 40%. During the summer months the officer is assigned to patrol duties to cover extra shifts, reduce overtime and supplement coverage.

Mt. Ararat High School is ranked 31st in Maine for academic performance. It maintains a minority enrollment of 9% and 34% of the students are economically disadvantaged.

The Principal at Mt. Ararat praised the School Resource Officer and the department for their efforts in preserving a positive and productive relationship. The Principal would welcome another officer and believes there is an opportunity to improve communication between the police administration and schools regarding training and when the SRO would not be in the schools. There were concerns on the training level of the SRO in regard to established boundaries with sharing information. These are difficult pathways -sharing confidential school information and sensitive police information is restricted by law. The Principal stated several times that Chief Lewis is very responsive to their needs. The Review Panel learned that aside from SRO Cook, it is very unusual for other members of TPD to be present in the schools for any reason.

In recent months, various groups and studies have promoted a narrative recommending the elimination of these critical positions from schools, claiming that SROs are too forceful and that they prematurely introduce students to the criminal justice system with criminal charges for behavioral issues.

School Resource Officer Randy Cook has been with Mt. Ararat High School for seven years, and reports having an excellent relationship with students, faculty, and staff. SRO Cook was proud to share that after a 3-year effort, he was able to work with the school department to achieve full implementation of the ALICE program. ALICE stands for Alert, Lockdown, Inform, Counter, and Evacuate. It is a training program aimed at preparing schools for the eventuality of an active shooter. As an evolution of the conventional “lock down” programs, ALICE aims to arm educators with additional options to help ensure the safety of their students. The enthusiasm and commitment displayed by TPD toward the adoption of ALICE is to be commended.

The department and the school district have a signed MOU detailing the nature of the relationship between the two entities with regard to the SRO.

School Resource Officer – Recommendations:

Police administrators should be aware of the anti-SRO narrative described above, and strive to keep in weekly contact with the SRO and school administrators to reinforce objectives and address concerns.

When it becomes necessary for the SRO to be absent from the school during a regularly scheduled school day, TPD should provide as much notice to the school as possible. When feasible, the scheduling of training and other appointments should be made in consultation with the school to result in minimal disruption to their operation.

Department leadership, working with school administrators and SRO Cook, should seek regular opportunities to engage with students on campus. There are many school events where the simple presence and enthusiasm of officers can amplify the relationships built by the SRO. As an example, any time a planned fire drill or unplanned fire alarm occur, TPD officers should be on site to observe and provide security as large numbers of children move from place to place.

General perception of the SRO program is very positive. The school is receptive and encouraging of efforts to expand the program and work hand-in-hand with the Police Department. Efforts to establish a stronger line of communication would only fill the voids and enhance this impressive program.

INVESTIGATIONS

The Topsham Police Department's response to crime and its success in investigating criminal activity is critical in judging the agency's ability to respond to community demands. Additionally, the professional pride that comes with successfully investigating and suppressing crime is invaluable to everyone affiliated with the law enforcement agency.

The investigation of serious crimes often requires the acquisition of special training. Complex investigations can take long periods of time – often measured in months – to complete. The mobile nature of our society means that in many cases, crimes stretch beyond the boundaries of one law enforcement agency's jurisdiction. Victims, witnesses, and suspects often live beyond town lines and investigators must travel to interview them. Serious criminal investigations generally require a single point of contact. Federal agents, sexual assault advocates, and children forensic interviewers need to know and to form relationships with investigators. For these reasons, when feasible, the delegation of criminal investigations to a Detective (or detectives) makes sense.

Investigation – Findings:

Topsham PD has one individual assigned to the position of Detective. The detective is responsible for investigating all serious crimes and less serious cases that may require significant follow-up. The Detective is responsible for the department's evidence management function. Through our interviews with staff, it became clear that Detective Collins is a well-respected member of the department who is seen as an unofficial leader. Detective Collins appeared to be a knowledgeable, mature and professional investigator.

The department is outfitted with multiple interview rooms which are properly wired for audio and visual recording. There is an ample evidence storage area, which will be discussed later in this report.

The department has a number of policies that address topics relevant to investigations, including but not limited to:

1. Preliminary Investigations
2. Property and Evidence Control
3. Death Investigations
4. Burglary Investigations
5. Interrogation
6. Informants
7. Sexual Assault Investigations
8. Sex Offender Notification

The 2003 review of the Topsham Police Department made a substantial number of recommendations with regard to investigations, and it appears that most or all of these recommendations have been followed.

Investigations – Recommendations:

The Review Panel did not find any policy or other guidance specifying which cases will generally be handled by the Detective, and when the Detective should be notified if a serious crime occurs during his non-work hours. If such guidance does not exist, its inclusion in an existing general order should be considered.

Property and Evidence Management

A department's professionalism could well be measured by how closely its handling of property and evidence meets industry best practices. The care and preservation of physical property – whether it is evidence in a criminal proceeding or not – is a department function which if not executed properly, could expose the department to civil liability, to lost prosecution, and to professional embarrassment. It is easy for a defense attorney to successfully attack shoddy chain-of-custody and evidence storage integrity issues in a criminal case. In addition, some items which are routinely stored by police departments, if not handled properly, can degrade and result in mold which can result in serious health conditions.

Property and Evidence Management – Findings:

The Topsham Police Department is equipped with a modern pass-through evidence system. With this system, officers are able to package seized evidence or property and place it in a small locker. Once the locker is locked, the property is inaccessible to any individual who does not have access to the interior of the evidence room. The Detective manages the property and evidence function. He is responsible for entering the evidence room, removing items from temporary storage, and placing them on permanent storage shelves. So long as access to this room is properly restricted, a strong and court-defensible chain-of-custody is established. As documented above, the Department has policies in place to guide officers in this area.

During our tour of the facility, the Review Panel noted that the evidence storage area was very large, and that currently stored evidence took up much less than half of the available space. It appeared that many of the items stored in the property room were old and were potentially candidates for purging from the space. This condition is not uncommon to departments of Topsham's size – it is much easier to collect and store property than it is to legally dispose of it. Likewise, there are a large number of employees whose duties may result in them collecting

property, and a very small number of employees responsible for the ultimate disposition of those items.

Property and Evidence Management – Recommendations:

If and when time allows, the Detective should devote time to purging items from the property room which are no longer required to be stored.

FACILITIES

The Police Department is a multi-use facility, two story brick structure. Built in 2007, the building has approximately 28,000 square feet. The PD is housed with the Fire Department and the departments share common areas, such as the physical fitness area, training room and conference room. There is controlled access limiting unauthorized movement to sensitive areas.

The building lobby is welcoming to the public. A receptionist monitors the entrance Monday through Friday from 7AM until 3PM and there is a phone next to the window connecting the public to the Regional Dispatch Center. The signage and instructions are adequate, guiding the public to assistance after business operating hours. The lobby display is prudent with information for residents needing guidance managing various issues.

The building appearance from the outside is impressive, well-maintained and representative of a progressive, professional and highly trained public safety department.



Facilities - Findings:

During our inspection of the interior of the building we noted the following concerns:

There appears to be inadequate custodial service. Floors were dirty and during our visit we observed the custodian utilizing a broom to sweep carpet instead of a vacuum, thus leaving dirt and loose paper on the floor. Staff indicated the custodian does not wash floors, requiring patrol officers to take it upon themselves because they are “embarrassed” of the condition of the building. This makes it challenging to recruit new officers, is professionally embarrassing and impacts morale, and could result in health issues.

There is no bathroom in the lobby - If the public requires access to a bathroom, they are escorted into the secure area of the PD to use the booking room bathroom.

The firearm cleaning room has no eye wash station, proper ventilation or adequate space. Not enough area is provided to clean and properly secure a weapon. There is no firearm clearing (bullet containment) system, potentially forcing officers to unload their weapon in a populated area.

Photo of firearm cleaning room:



The panel did not observe any interior or exterior cameras capturing common areas.

Command staff are separated from patrol. One Patrol Sergeant maintains an office on the second floor, and the other has an office on the first floor adjacent to the patrol area.

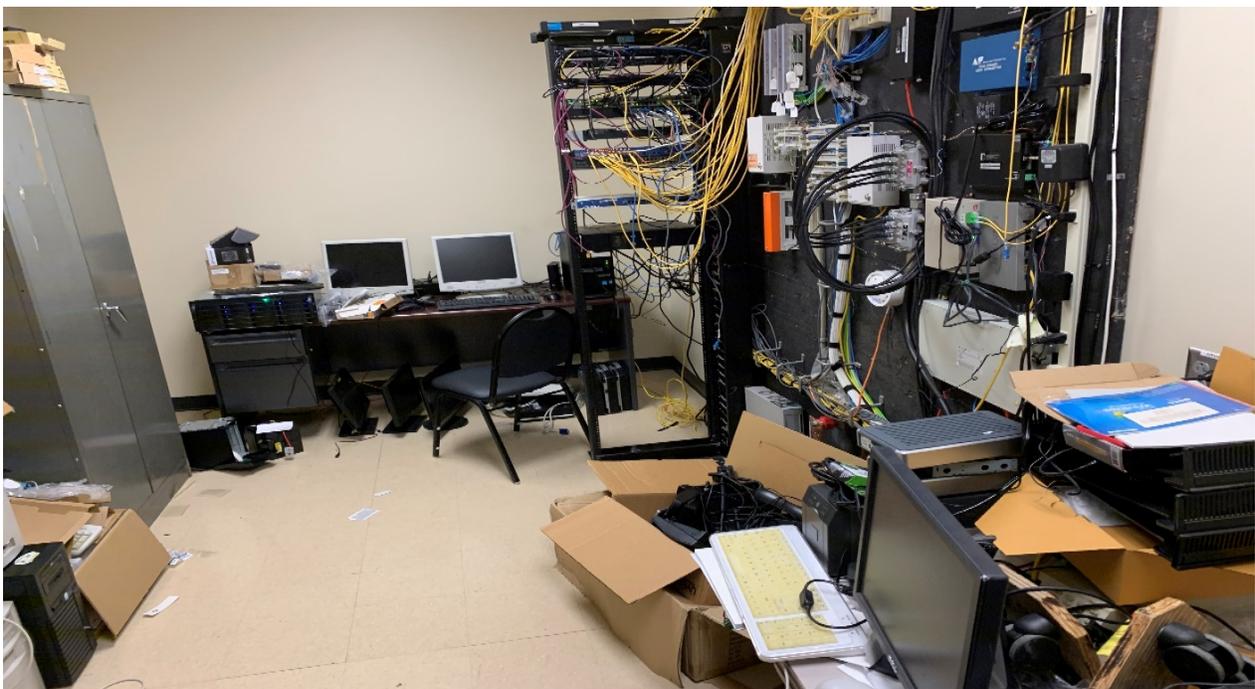
During the Review Panel's visit, we observed that many rooms and offices had doors open or unlocked, potentially providing easy access to personnel with no business being there.

There are no pictures on the walls, hallways and in most offices. This creates a dismal work environment for staff and those visiting. The building looks professional on the outside, but lacks luster, a sense of pride or history within.

Photo of long department hallway showing dim lighting, open doors, no art on walls:



The server room, a sensitive area for the department, is filled with clutter and debris:



The Panel noted an open room on the second floor containing sensitive information including personnel files (locked) and criminal case files. The room is cluttered and is also used to store ammunition. Ammunition should be secured separately and labeled accordingly as a fire and explosive hazard. Two pictures of the storage room are below:



The evidence processing room is well organized, neat and within the standards of a progressive police department. The storage area is excessively large for this size department and case load.

3 pictures of the evidence storage area are below:



Officers generally felt that the department's sally port (garage bay) is too small and therefore is not used when bringing an arrestee into the building. The entire building lacks room for storage, could be cleaner and organized.

2 pictures of sally port storage area are below:



Furniture in the booking room is not appropriate for the area's use. Chairs and tables should be specially sourced for this purpose, and permanently affixed to the floor to avoid utilization as a weapon. Employees reported inadequate sound insulation between the booking room / interview room / reception / hallway.

2 pictures of the booking room are below:



The limited sally port space and one dedicated bay slot for the department's command vehicle on the Fire Department side has caused discord between PD and FD staff. Several officers revealed frustration that during the winter months, they are forced to park their emergency vehicles in the snow while private vehicles belonging to the Fire Department members are taking spots in the 14-bay FD which could be utilized to store police vehicles.

A rain gutter has been leaking over the employee entrance into the department for quite some time. Most of the officers commented on this being a frustration and hazard in the winter with a slippery walkway.

The Police Department bathrooms, adjacent to the locker rooms, are open to town employees who come in to use the fitness room. This results in cross traffic between officers who may be showering before or after their shift, removing or putting on their gun belts to use the bathroom, and civilian employees of the town. This is highly unusual for a police department and deprives officers of a feeling of safety and security as they are preparing themselves to begin their shift. Female officers reported that there is no place for them to put their gun belts when using the bathroom – a safety concern in a mixed-use area.

The Panel noted that the department’s “patrol room,” used by officers to complete reports, is in the same space as the department break room. This leads to officers taking their breaks and engaging in idle conversation while other officers are attempting to complete workflow documentation.

Facilities – Recommendations:

The least costly effort for maximum impact is surely in the re-organization of existing spaces, reviewing workflows, staff movement and improving cleanliness. There is adequate space to enhance productivity, encourage organizational standards and plan for future challenges. With existing opportunities to expand some department functions and consolidate others, minimal financial investments could improve the department’s productivity and internal safety operations.

According to the majority of department members we interviewed, the current custodian is a good employee who tries her best but is responsible for cleaning and maintaining multiple large municipal buildings. As the only Topsham department that actively works 24-hours per day, the amount of time devoted to cleaning the PD and prioritization of that task in comparison with other buildings should be reviewed. It may prove beneficial to establish an internal committee of officers and command staff to discuss methods of improving the cleanliness, storage, space management, safety and vehicle storage opportunities.

With limited space in the gun cleaning room, an ultrasonic cleaning system and more table space could improve the cleaning process while enhancing safety standards. A firearm clearing station should be established immediately.

Web-based cameras, which would provide for the review of operations, enhance security and address safety concerns for the Chief and command staff should be considered if not in operation.

Keeping supervisory staff within or near each other is crucial to maintain communication and pass-on of department information. Efforts should be made to keep the two patrol sergeants together.

A clean and organized interior with pictures, a visible mission statement, and / or motivational messaging provides an easy and low-cost opportunity for management to improve morale, continually connect with staff and communicate the mission of the department.

The server room is a sensitive area for the department and should be cleared of all clutter and flammable material.

There is opportunity to purge old cases and free up space in the common and ammunition storage area. This area provides opportunity to expand other services and storage capabilities for the department.

If possible, the patrol room and break room should be separated. The breakroom should be an area free of work, to allow for a brief period of relaxation and decompression. Conversely, the patrol room is an office and should remain as free as possible of distractions.

EQUIPMENT

The patrol division is the most important component of any police agency, and the equipment that the agency provides to the officers is indicative of the municipality's commitment and is vital to the officers' ability to perform their jobs. Today's police cruisers are instruments of technology which contain advanced weapon systems, cameras, radar units and mobile computers, providing maximum safety for the officers. These vehicles and the equipment maintained within them are one of the first indicators of a professional workforce that the public observes every day. Cruisers are mobile billboards, acting as recruitment tools. They are essential in maintaining morale for the officers, as they must feel confident with current technology and trends compared with other local law enforcement agencies and national standards. And they must be comfortable!

Although it may appear that law enforcement equipment has a relatively short useful life, it is important to remember that much of the equipment is often used in a difficult or even hostile environment. Additionally, multiple officers during a workweek use much of the equipment. Regardless, the Town must consider those capital items which support their officers as emergency equipment that must be replaced or repaired on schedule.

In addition to cruisers and the myriad of technology and equipment mounted within, a typical department's equipment also includes station computers, firearms, less-lethal (pepper spray, TASER, batons), body worn cameras and more.

Equipment - Findings:

Presently, the Topsham Police Department has eleven (11) vehicles in their inventory.

YEAR	MAKE	MODEL	MILEAGE	ASSIGNMENT
2016	Ford	Explorer	73,000	Chief
2016	Ford	Explorer	102,000	Lieutenant
2017	Ford	Explorer	25,000	ACO/TSO
2017	Ford	Explorer	47,000	Patrol
2017	Ford	Explorer	100,000	Patrol/SRO
2017	Ford	Explorer	28,000	Sergeants
2017	Ford	Explorer	45,000	K-9
2017	Ford	Explorer	62,000	Detective
2019	Ford	Explorer	25,000	Patrol
2020	Ford	Explorer	0	Patrol
2020	Ford	Explorer	0	Patrol

The Police Department appears to have a large inventory of cruisers for the size of the department, most of which are within suggested lifespan. Some of the officers indicated that the administration has mentioned expanding the fleet for take home cruisers for each member of the department. The Review Panel noted no indication or policy regarding this plan. Vehicle

replacement is assigned to the Capital Improvement Plan and there are generally two cruisers replaced each year, maintaining a healthy rotation.

Patrol Rifles: Each cruiser is outfitted with a patrol rifle, located next to the driver with quick and easy access. The weapon system appeared new, containing the latest in magazine capacity and optics.

Mobile Data Terminals (cruiser computers): The laptops are new to the fleet and according to several officers, are in good working order.

Cruiser Equipment: The vehicles appear to be carrying all prudent equipment required for front-line officers to perform various duties.

Cruiser Set-up: We were told during our review that some of the officers install various components for a new vehicle. This includes emergency lights, cages, and other elements. Some of the vehicles have exterior lightbars while others are covert. The Review Panel did not inquire about the rationale for maintaining two styles of emergency light packages within the fleet for primary patrol functions.

3 pictures of cruiser interiors are below:





Radios: Portable radios (the units that officers wear on their belts) and mobile radios (the larger, more powerful units that are installed in cruisers) are modern and in good working order. It appears each officer is assigned their own portable radio and reception is within the standard of the current technology.

Body Armor: Some of the body armor currently utilized by officers is older than 5 years, which is the longest service life recommended by manufacturers and the federal government. This could compromise the Kevlar or void any coverage if these vests are subject to ballistics.

Office Computers: Several officers complained that the department's desk top computers are slow and in need of updates or replacement, and that the computer in the booking room is so slow as to be unusable.

First Floor Windows: Officers expressed concern that at night while working inside the station, they are visible from outside the building, illuminated to those with ill intent. We didn't observe this concern but can clearly understand their exposure. Officers are subjected to unprovoked attacks daily across the country, and this concern has been heightened with recent national events.

Equipment – Recommendations:

We recommend not operating a fleet vehicle past 100,000 miles for primary patrol operations, because of vehicle fatigue to the frame and various components. If the PD intends to pursue a policy of individually issued cruisers, we would recommend further studies on cost, insurance, policy and public perception before pursuing this objective. We recommend continuing the practice of regular purchase and replacement of cruisers as they reach the end of their law enforcement service life, and that the town attempt to avoid postponing this critical infrastructure investment.

Storage compartments in the rear area of the cruiser would assist in maintaining organization, allowing for quicker access to gear, and minimize damage to the equipment. These storage units can be costly but are a good investment and are transferable when the cruiser is replaced.

Although we applaud the skill set displayed by officers setting up their own cruisers, the teamwork displayed and the effort to save money, we highly recommend contracting through a professional service for complete installations. There are several contractors within and out of state that specialize in installations. These can generally cost between \$2000-\$4000 per vehicle without adding additional equipment but ensures that each vehicle is set-up in the same way with switches, controls and equipment placement. Having the same functionality and placement will assist the officers operating under stressful conditions and maintain an organized, appealing interior. Professional installs may result in less malfunctions to equipment and minimize exposed wires and clutter.

It is crucial that expired body armor be replaced immediately and that the department establish and follow a 5-year vest replacement program for officers.

In order to maximize the safety of officers who work 24-hours per day and occupy a first-floor building adjacent to a public sidewalk and roadway, behind glass windows which are not bullet-resistant, we recommend reviewing safety protocols, attaching shades or installing tint, which may serve to ease the fears and reduce this exposure to the officers.

PERSONNEL

Thus far, our review of the Topsham Police Department has focused on the agency's organization, the building that houses it, the cars that officers drive around, and the work that TPD officers do. This section of the review will drill down into the most important agency ingredient of all – the people who answer the previously mentioned calls, who drive the cruisers, and who occupy the building. This report is dedicated to them and the important work they do.

Recruitment / Selection / Retention

The activities undertaken by an agency to encourage applicants for open positions, and how one or more of those applicants are then chosen to receive job offers is likely to vary little from one Maine department to the next. Once employees are hired, the ways in which they are retained likely fall into fairly predictable categories as well.

Small agencies typically have difficulty in committing many assets toward recruitment due to the infrequency of hiring – as an example, large agencies are always hiring, so it makes sense to stand-up a recruiting unit, invest in recruiting materials and media, and pay for targeted advertising.

When an agency advertises for an open position, they are faced with a choice of how to conduct the hiring process. Traditionally, departments “opened” the process for applications for a period of time and when that time expired, they would review the applications, select those that were qualified, and begin with testing, interviews, etc. The current trend of minimal applicants, however, requires more aggressive hiring. This can be achieved by screening each application for an open position as soon as it is received so that a qualified applicant can immediately be contacted and put through the hiring process. Once an individual is made a conditional job offer, the process everywhere in Maine is fairly standard: a thorough background investigation, psychological exam, polygraph examination, and physical examination (or in the case of an individual with prior law enforcement, review of those documents from their former employer) are all important steps.

Finally, retention in most law enforcement agencies can be summarized as follows: employees who feel that they are paid well, provided with reasonable opportunities for professional development through training and specialization, equipped with adequate gear to safely do their jobs, and are valued and treated well by their employer are much more likely to stay put. When an officer resigns, an exit interview may provide insight into whether there are any internal conditions which contributed to their decision to move along. Turnover is not always an indication of an unhealthy organization; Maine officers are fairly portable due to a transferrable retirement plan, and today's workforce is generally much more mobile than that of 20 years ago.

Recruitment / Selection / Retention – Findings:

Topsham has hired a substantial number of employees in the past few years. The new employees are a good mixture of officers with prior law enforcement experience those who are new to the profession. All agencies are experiencing lower numbers of applicants and difficulty in recruiting and hiring qualified candidates – TPD’s success in finding applicants to fill their ranks is likely a combination of several factors including the desirable location of town, competitive wages, and a good reputation in the community and amongst law enforcement peers.

The Panel interviewed Officer Wright, who was hired just prior to our on-site review. Officer Wright reported to us that he was encouraged to apply (recruited) by a TPD employee. He chose to apply because of the encouragement he received from his friend, and because he felt that the department had a good, progressive reputation. As fellow police administrators, we generally consider this type of recruitment by our staff to be a good sign – generally an officer will not recommend that a friend or colleague apply to a place where they are not happy.

Topsham PD’s general hiring practices – advertising for openings on a variety of websites and with area colleges - is standard practice in Maine. Chief Lewis did indicate that his department participates in job fairs.

It is apparent that TPD understands the need for more aggressive hiring practices: Officer Wright told us that when the department received his application, they immediately engaged with him and brought him in for an interview. He indicated that he was not required to take a written test or an essay test prior to being hired.

The employees we interviewed generally felt that they were well equipped, that training opportunities were abundant, that pay was sufficient, and that specialization was encouraged. These are all positive factors contributing to retention. Employees also generally felt there were communication issues, chain-of-command and follow-through issues, and an overabundance of unhelpful rumor and gossip in the workplace – these factors are negative, and if not addressed will likely contribute to employee turnover.

Based on information received during our on-site visit, we understand that employees leaving TPD are given the opportunity to participate in an exit interview.

Recruitment / Selection / Retention – Recommendations:

If possible, the department’s continued involvement in high-school and collegiate job fairs should be encouraged. These venues provide an opportunity to cultivate applicants for open positions, but also allow TPD to make connections with potential future applicants.

There are a number of evidence-based entry-level police officer written exams available. TPD should consider the use of one of these tests. They are especially important when hiring an applicant with no prior LE experience. Also, for an applicant with no prior LE experience, an

essay test of some sort will allow the administration to gauge the person's ability to communicate in writing. For an experienced candidate, this information may be gathered during the background investigation.

Exit interviews from the past few years should be reviewed to determine whether they provide any credible information regarding internal department conditions contributing to turnover.

Promotions

Due to the pyramid shape of the traditional law enforcement organization, promotional opportunities may be uncommon, and statistically most police officers never achieve rank. Due to the huge amount of liability that front line supervisors, seconds-in-command and chiefs are required to minimize and manage, these processes are hugely important and may be among the most momentous decisions made by a unit of government.

Promotions – Findings:

The Agreement Between Town of Topsham and The Fraternal Order of Police Supervisor Unit & Patrol Unit, also known as “the contract,” prescribes a process which allows the Chief to select an employee for promotion from a list. The list is required to be generated “based on personal evaluations which the Chief shall submit to a promotional Board as needed, on seniority or upon competitive promotional examination or on both at the discretion of the Board.”

Chief Lewis explained that the Town no longer utilizes a promotional board.

The four current members of the leadership team have been in place for at least 8 years each, so no promotional processes have taken place for nearly a decade.

Promotions – Recommendations:

The contract language defining the promotional process is confusing and should be examined. Conventional promotional processes range from those requiring a written test, essay test, oral board, personnel evaluation review, and psychological exams to assessment centers which require candidates to complete a series of tasks which test their readiness to lead, manage, supervise, train, encourage and discipline the department's police officers.

Whether the Department is required to utilize a promotional board or simply selects individuals to serve on a panel when necessary, it is important that the panel be carefully selected and that it is comprised of individuals with successful experience in police supervision and with members who represent the community.

Morale

Many years ago, the Review Panel Chair read an article which described a survey given to a large number of police officers, including those in large and dangerous cities. The article asked officers what caused them the most stress at work; it allowed them to pick from among stressors such as being violently attacked, report writing, shift work, etc. Surprisingly, the majority of officers who responded reported that it was internal stress caused by perceived organizational unfairness which caused them the most stress. Keep in mind that police work is a fairly dangerous job – if employees would rather be out on the street arresting a violent felon than dealing with interoffice rumor and drama, we can agree that morale in the workplace is an important and challenging dynamic.

Morale is also a fickle thing. One toxic group member can have an outsized effect on morale. Pay is frequently considered a top contributor to high morale, and recent studies have suggested that this may be true. They also suggest that study respondents generally need to receive \$100,000 or greater per year before the majority report that their pay creates job satisfaction. Lastly, we have to remember that regardless of pay, benefits and work environment, some employees are simply harder to keep happy than others.

Morale – Findings:

The majority of line officers the Panel interviewed identified department morale as “lacking,” or “okay.” The overwhelming reasons given for their level of morale were poor communication, disuse of the chain of command, and gossip. These organizational factors have been addressed elsewhere in this report.

Morale – Recommendations:

Consideration of the recommendations in this report under Communications should greatly assist in improving the department’s morale. Upon zeroing in on this crucial topic, it may be beneficial to anonymously survey department members to gather more detailed information on the causes of low morale, and their recommendations for improvement.

Labor Relations / Collective Bargaining

Labor relations refers to the relationship between department and town management and the union, if one exists. Collective bargaining is the process by which two parties (the town and the union) reach an agreement over numerous facets of the employee / employer relationship including pay, benefits, and processes such as the investigation of complaints and discipline.

It is vital to have good chemistry between union representatives (frequently referred to as shop stewards) and town administration. Frequently, a simple dialogue and willingness to understand each other’s concerns and desires can help avoid grievances, confrontation and mistrust.

Labor Relations / Collective Bargaining – Findings:

The officers and supervisors (Sergeants) of Topsham PD are represented by the Fraternal Order of Police, which is a large national police union. In Maine, a large number of agencies are represented by the FOP, and the organization has a good reputation among police administrators.

In late January, about one month prior to the Panel's on-site evaluation, the town signed a new contract with the FOP. Officers reported that the new contract included large pay increases for new and less-senior employees, which was a calculated effort to improve hiring and retention. Officers who have worked for the department for a larger number of years felt that while the contract was fair overall, their pay did not rise as much as officers junior to them. The contract appears fairly standard with the exception of the inclusion of merit pay, which is unusual in Maine police departments.

Detective William Collins serves as the union's representative or shop steward. He reported that the relationship between the union and the town was good currently. He referenced only one recent grievance, over the use of vacation and sick time.

Town Manager Derek Scrapchansky reported that Chief Lewis was not involved in the recent contract negotiations and did not complete a salary survey.

Labor Relations / Collective Bargaining – Recommendations:

We recommend that Det. Collins, the Chief and the Town Manager remain in close and collegial communication regarding work conditions and any concerns being raised to the shop steward by members of the bargaining unit. It may be beneficial to schedule occasional meetings between the union and the town so that any simmering issues can be discussed and addressed before they reach boiling point.

In future collective bargaining meetings, it is crucial that the Chief do several things. He should conduct a thorough review of the existing contract and then meet with the Town Manager to propose any changes to the contract which would enhance the town's ability to efficiently and effectively administer the department. He should conduct a comparative analysis of the pay, benefits and other notable sections of other benchmark departments so that the Town Manager can know what to expect the union to request, and whether those requests are reasonable. Lastly, the Chief should participate in all collective bargaining meetings. During those meetings, conversation will ensue regarding proposed contract language that, when operationalized, will affect his ability to run the PD. These meetings can and should be a balancing act for the Chief – in matters of pay and benefits, his/her involvement should be minimal, because any Chief will both desire competitive wages for his/her people, and understand the town's need to be conservative with taxpayer money. In matters of management, he or she should be more assertive and (politely) advocate for the town's management rights.

Internal Affairs

The internal affairs function refers to the process by which the department investigates complaints or information otherwise received which, if true, would constitute a violation of a department policy, state or federal law. The objective, fair, and prompt investigation of complaints is absolutely necessary to keep the community's trust that bad actions by the town's police officers will be addressed.

Because investigations into employee misconduct bump up against employee rights as defined by contract and labor law, it is imperative that the person conducting these investigations is properly trained to do so and possesses the temperament to both aggressively root out wrongdoing, and simultaneously convince officers that he/she cares about them individually and the preservation of the department's untarnished reputation as well.

Internal Affairs – Findings:

The union contract briefly defines the different discipline which can be imposed on an employee and explains that the Town can discipline any employee for just cause. The contract also defines the process for members to grieve a decision by the town.

The department has several policies which address internal affairs and employee discipline:

1. General Order 52 – Disciplinary Forms: This order explains how discipline is to be communicated and includes a form for the written issuance of discipline.
2. General Order 53 – Complaints Against Police Officers: This order appears to closely follow the model policy provided by the Maine Chiefs of Police Association, which contains mandatory minimum policy standards set forth by the Maine Criminal Justice Academy.

During his interview with the Review Panel, Lieutenant Dunn reported that as the department's second in command, he is responsible for conducting internal affairs investigations when necessary and also for handling most department discipline. He indicated that it had been several years since the department's last IA, and that there had been minimal write-ups for minor misconduct.

Internal Affairs – Recommendations:

Because of the high stakes involved in these matters, it is crucial that those conducting IA investigations (the Lieutenant) and those responsible for reviewing investigative findings and administering discipline (the Chief) have training in the proper procedure for handling them. This is also a skill that can become stale, so occasionally refreshing this training is important.

Although the lack of any IAs in recent memory can be interpreted as a good sign – and it probably is – administrators should keep in mind that when an IA can be conducted based on department documents and law, it should be. When an administration has a credible allegation of misconduct and does not follow the proper steps to investigate, employees lose faith in the system and worry that good order may not be maintained.

POLICIES AND PROCEDURES

The Policies and Procedures manual is the single most important guide for every member of the police department, from the rookie trainee up to and including the Chief of Police. There is no set of written documents as important to the orderly operation and administration of a law enforcement organization.

It is very important for the policy manual to be organized in a clear and logical fashion, so that users can find what they are looking for. Users should also find it a reasonable task to read through the manual and remember what is in it. No employee should ever be in doubt about what is expected of him or her in terms of job expectations or performance as prescribed.

The Policies and Procedures manual must be thought of by all employees as a current and real working document and resource that is in constant use, not just when an employee is being considered for discipline. This means it should be regularly reviewed so that outdated information, policies, and procedures are either updated or removed. The best manual is one that is so clear and complete that no one is ever surprised about their responsibilities and duties.

In Maine, there are 12 policies which police departments are required to have by law. For those policies, minimum policy standards are developed by the Maine Criminal Justice Academy. The Maine Chiefs of Police Association then uses those minimum standards to craft model policies for departments to use if they so choose. Departments are not required to use the model policies, but they must ensure that they have policies containing the minimum standards.

In addition to the model policies, the Maine Chiefs of Police Association also produces numerous other model policies, most of which are adopted in some form by police departments in the state.

Policies and Procedures – Findings:

TPD has approximately 86 policies, which they call General Orders (the terms policy, procedure, and general orders are all in frequent use, are generally interchangeable, and we make no distinction between them here). The policies appear to have all been recently reviewed, and some have been recently updated.

The Review Panel inspected each of the mandatory policies, with the exception of an Unmanned Aerial Vehicle (UAV, or drone) policy which Topsham does not have. This policy is only required by law for agencies with a drone program – Topsham has none. For each reviewed policy, we checked the document against a random selection of several minimum

standards. All were found to be properly updated. This is good, and indicates that the department administration is staying on top of the required updates. It is also good because the Chief is required to certify to the Academy each year that his / her policies have been updated to include any changes to the minimum standards.

There are multiple policies covering topics which overlap and could be combined. As an example, consider the following policies:

1. Physical Arrest
2. Juvenile Arrest
3. Use of Handcuffs
4. Booking Procedures
5. Detention of Prisoners – Strip and Body Searches
6. In-Custody Transport
7. Strip / Mouth Body Cavity Searches

There are two policies which specifically cover strip and cavity searches. Both indicate they were reviewed in early 2019, but they are duplicative. This will undoubtedly lead to confusion, and there are multiple other subject areas covering low-frequency and high-liability tasks with multiple policies.

The policy manual organization is confusing. Generally, the low-frequency / high-liability policies are grouped together for ease of location and reference.

TPD administration apparently encourages officer involvement in the policy process, and in fact has a policy called Participation in Policy Development describing the process.

Policy and Procedure – Recommendations:

Consider standardizing the policy header with fields for the date the policy was put into place and/or the date it was last updated, and the next review date. All policies should be on a review schedule with high-liability policies being reviewed more frequently.

Consider thoroughly reviewing the policy manual to consolidate policies which overlap. This will simplify the process for officers when they want to research policy as they handle an ongoing issue.

TRAINING

The importance of a robust training program cannot be overstated. A well-trained police officer not only benefits himself or herself, but other fellow officers, their organization and the community they serve.

Although small departments may not have SWAT teams or K-9 units, they must be able to provide basic services to the community.

Society expects the police to know all civil, criminal, and motor vehicle laws, to obtain confessions, fingerprints, and DNA. They also expect the police to be in excellent physical shape, be proficient with firearms, drive with due regard and apprehend all criminals without injury. Most of society knows this is a myth. However, wise police administrators know that well trained police officers do in fact catch criminals, obtain confessions, collect fingerprints, DNA, and other relevant crime scene evidence. They are also able to drive defensively, know the appropriate criminal codes, and answer all calls for service.

These calls for service may be as minor as a barking dog complaint or as serious as a person with a gun. The police must respond to each call professionally and demonstrate their ability to investigate the complaint and reach a final conclusion.

State statutes mandate that all law enforcement officers, either full or part-time, have annual mandatory training. This training includes 20 hours of mandatory topics selected by the Academy, and 10 hours of elective training (approved by the Chief) per year. In 2020, the mandatory topics include 2 hours each in: Firearms qualification, new law and case law updates, Situational Use of Force, Wellness of Law Enforcement Officers, and Law Enforcement Approach to Substance Abuse.

In addition to the provision of training to meet mandatory minimums, departments use training to correct performance deficiencies, to enhance department capabilities, or to provide professional development. For purposes of this report, professional development refers to training that prepares officers to serve an enhanced role in the department. These roles could include an instructor certification so that the officer can teach critical skills to his/her teammates and other area officers. It might include a special skill needed at the PD, such as Civil Rights Officer training, so the department has personnel prepared to respond to and investigate hate crimes. It might also include training that's provided to prepare an interested employee for a future opportunity (promotion to Sergeant, assignment to Detective, etc.).

Training - Findings:

During interviews, training was described as abundant at TPD. Officers can apply for any training that they would like to attend and are seldom denied. In general, officers indicated that the department is proactive in offering training to officers in order to cultivate in-house instructor talent. However, Panel members received complaints regarding expensive training

that officers did not follow through on in order to achieve and maintain certification, specifically crash reconstruction. We heard from several officers who told us that although training is plentiful, it does not appear targeted to satisfy a specific strategic training plan, but rather that training was simply generally approved upon request. An example was provided that two newer female officers were allowed to attend leadership training for female officers, rather than them receiving training to help build their skills as new police officers.

TPD has two Firearms Instructors, three Field Training Officers and three Taser Instructors.

As discussed elsewhere in this report, there is confusion regarding the proper channel to request training – requests are now made to both Sergeants, the Detective, and the Lieutenant.

The required annual mandatory trainings are accessed by officers through an online training platform. This platform and one other like it are used by at least half of the agencies in the state for mandatory training. TPD recently began keeping their training records on the PowerDMS document management site.

Training - Recommendations:

The Panel recommends that department administration form a simple strategic plan for training, in order to help focus the training that is offered to employees. The plan should work to satisfy the mandatory training, satisfy the other safety training (blood borne pathogens, fire extinguisher, etc.), help develop instructor capacity, and meet department priorities. As an example, due to identified concern with drugged driving because of marijuana legalization, some departments are working toward 100% of the department being trained in Advanced Roadside Impaired Driving Enforcement.

The Lieutenant should be assigned as the department's training coordinator, with responsibility to assign mandatory and elective training, maintain training records, and ensure that training is generally supplied fairly and evenly, and benefits the department's goals and objectives.

SUMMARY AND CONCLUSIONS

The Panel members feel confident that each significant issue brought to our attention has been addressed in this report and that this document, when considered in its entirety, provides a comprehensive, fair and independent assessment of the Topsham Police Department. Because of the number of interviews conducted, not every concern raised is specifically addressed in this report – we considered the significance of the concern, the frequency with which it was raised by interviewees, and how the information we gathered dovetailed with our personal observations on site.

We were pleased to find that in general, department operations are in compliance with state law. The facility and the department's equipment is in generally good shape, though we make recommendations for improving both.

Of the concerns we have delineated for you in this report, we recommend you initially focus on the following areas:

1. The need to improve department communication, which is lacking and has been highlighted throughout this report.
2. The need to adhere to a paramilitary chain of command.
3. The need to engage more frequently with the Topsham community, with community partners, and with the law enforcement community.
4. The need to improve cleanliness, orderliness, and efficient use of space inside the department building.

The women and men who make up Topsham PD were intelligent, invested in making their department better, and they appear to be well regarded in the community. In short, none of the issues that we uncovered and documented in this report are beyond the ability of the leadership of the agency and the town to repair. We believe they will find the line officers ready and eager to assist them in these areas.

This Review Panel has made its recommendations based on our collective law enforcement, supervisory and leadership experience. We believe these recommendations to be reasonable and consistent with best practices. We repeatedly and thoroughly reviewed our findings to ensure accuracy and fairness. We hope that you find that our work product is useful to you as you chart a course for the future of the Topsham Police Department, which we believe to be bright.