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LD 1428 An Act to Decriminalize Homelessness

Good morning Senator Deschambault, Representative Warren and distinguished members of the Criminal Justice and Public Safety Committee, my name is Kevin Joyce and I am the Sheriff of Cumberland County.

I offer this testimony of neither for or against LD 1428, An Act to Decriminalize Homelessness

Although not readily apparent outside large cities like Portland, Lewiston, Augusta, and Bangor, homelessness is an issue for Maine. Many of Maine's homeless individuals utilize the services of the already stretched thin public resources such as EMS services, Hospital Emergency Rooms, and jails. They are sometimes referred to as "frequent flyers".

Statistically, some members of the homeless population are arrested for criminal offenses that are considered a public nuisance such as, drinking in public, obstructing a public way, criminal trespass and urinating in public.

I recently was invited by Portland Police Chief, Frank Clark to walk the Bayside area of Portland along with members of the court and District Attorney's Office. During those two hours, I observed numerous individuals hanging out on the street, in front of residences, in front of businesses and walking the sidewalks. When I observed these individuals, I saw mental illness, substance abuse and sometimes both! One individual was passed out behind a building and a Portland Police Officer was attempting to find a detoxification center to bring the individual to, rather than calling EMS or arresting the individual and taking the individual to jail. Later on, I observed an individual who appeared to be passed out on the sidewalk in front of a convenience store but was moved along by another individual who was obviously impaired when he saw us in the area. This was a Tuesday afternoon between 12:00-2:00pm.

As Sheriff, from my law enforcement obligations, this area has some serious quality of life issues impacting the day to day existence of individuals traveling through the area or residing in the area. I also saw Portland Police Officers trying to work with these homeless individuals to keep them moving along and not acting out. Nobody would want the activity that I saw in their neighborhood and this wasn't a bad day. That said, in most cases from what I saw, the continual arrest, incarceration for a few days and release are not effective either. Not all homeless individuals are arrested, but those who are often are arrested numerous times per year, Sometimes 30-50 times per year. If these individuals who are often arrested several times per year, are arrested 30 times per year, what makes anyone think that on the 31st arrest, the individual is all of a sudden going to change?? They aren't! This repeated arrest and release meets the definition of insanity!



From a law enforcement and jail perspective, we know that individuals who enter the criminal justice system, often get caught up in the “revolving door” because they don’t have a home, they don’t have a job and they don’t know how to access the appropriate services necessary to become successful. The three tenets mentioned above play a dramatic impact on an individual’s success.

Additionally, without a job or money, an individual cannot escape homelessness because they have no means to pay. Add to that, finding affordable housing, especially in Southern Maine, it is difficult if not possible.

Although I don’t believe that decriminalizing homelessness is a viable deterrent, neither is the continual arrests without addressing some of the root causes. As the old saying goes, “if we continue to do what we have always done, we will get what we have always gotten”.

It is time to start finding solutions to the homelessness issue as we annually spend a lot of resources on a few people and we accomplish little. We need to start investing in housing and mental health services in an attempt to “break the revolving door” that most if not all of the individuals I saw in Bayside are in.

Although my testimony speaks to a couple of hours that I spent in Bayside recently, these issues occur all of the time and all over the state. There is just a higher frequency in Portland.

Thank you for your time,



Sheriff Kevin J. Joyce

Cumberland County

