

**TESTIMONY by Friends of Deering Oaks on LD 1478**  
**“An Act to Decriminalize Homelessness”**  
**May 14, 2021**

Senator Deschambault, Representative Warren, and Members of the Committee on Criminal Justice and Public Safety, my name is Anne Pringle and I am testifying in Opposition to LD 1478 on behalf of the Friends of Deering Oaks in Portland.

By way of further personal introduction, I have been a Board leader at Spring Harbor Hospital , a psychiatric hospital, and Maine Behavioral Healthcare. I have friends who are living with mental illness, are recovering alcoholics, and who have been homeless.

I submitted written testimony on May 11, with complaints and photos from the public, about what transpired in the park last summer. I will not repeat that testimony, but I offer the following succinct comments:

~**First**, the summary of the bill indicates that the behaviors cited that would prohibit arrest or prosecution for “low-level violations”, if committed by a “person who lacks a home”. All of the behaviors cited (as well as drug-dealing, drug use, overdoses and deaths, public sex, public defecation, assaults, etc.) were evident on a daily basis among the groups of people (50 and more) that congregated in the park last summer. While this bill is perhaps well-intended, we are very concerned it could have serious consequences and lead to even more illegal activity than we are already seeing in Deering Oaks and in the broader community. These violations are not “victimless”. They affect the public use and enjoyment of public spaces.

~**Second**, there are practical problems with this proposal. Ask yourself how the police will determine, if an individual is committing a violation, that the individual "lacks a home". Local police may retain certain enforcement powers, but imagine the push back: "You can't arrest or cite me for engaging in - fill in the blank - fighting, public drug use, etc. because I “lack a home”... Imagine the lawsuits that would follow.

Surprisingly, many of the people who congregated Deering Oaks last summer were not homeless. They choose to congregate in the park with their homeless friends and engage in the behaviors noted. They could have invited their homeless friends back to their homes where they could use bathrooms, drink, use drugs, etc. in private, but they did not. Instead, the behaviors I noted were on in plain view of the public, leading to the more than 100 complaints I cited.

~**Third**, if others gathered in a public place are committing these same violations and they are not determined to be homeless, does that mean they can be charged, but their homeless friends can't? As I think you can see, practical application of this proposed law would be a nightmare.

~**Fourth**, appropriately, we are all increasingly reminded and challenged to treat all people equally. Certainly, the homeless should not be targeted by the police. But nor should they be given immunity for behaviors that qualify as civil and criminal violations that other citizens are expected to avoid, such as: no camping in public places (called "seeking shelter in public places" in the bill), no disorderly conduct, no public urination or defecation, no possession or public use of scheduled drugs, no public drinking. The homeless should be respected as members of the community and should be expected to observe the same standards that all are expected to follow.

~**Fifth**, while "decriminalizing homelessness" has become a popular mantra, please reject the notion of legitimatizing a full range of illegal public behaviors that could be committed without consequence by one class of individuals but not others. Is this "fair and equitable"? No. The Portland Police are already doing what this bill would require, making people aware of resources and giving referrals for services, but the individuals are free to ignore them and continue their repeated violations. Should this be tolerated?

**Perhaps a restorative justice approach would be a better way to prompt engagement of chronic homeless violators to avoid the criminal justice system, not just giving them a free pass.**

~**Finally**, thirty years ago, Deering Oaks was perceived by law-abiding citizens as a dangerous place where illegal behaviors were tolerated. If this bill passes, the Friends of Deering Oaks fears that the park will again become a place to be avoided, except by those who have appropriated it for their use and flaunt the rules that apply to all. We cannot let that happen.

On behalf of the many and diverse users of Deering Oaks park, who follow the rules, we urge you to vote NO on this proposed legislation. **OR table this bill until the Homeless System Redesign process concludes early this summer and a recommendation is made for statewide homeless services. Review of this recommendation and how it is to be implemented may preclude the need for this bill. Hopefully, the concentration of homeless in urban areas, as noted by some today, may be reversed, as people in need stay closer to their home community where services become more available and accessible and where their “natural supports” (friends and family) exist.**