

Testimony of Andrew Robinson, District Attorney for District 3

Neither for nor against LD 1478 An Act To Decriminalize Homelessness
before the Committee On Criminal Justice and Public Safety

Date of Public Hearing: May 14, 2021

Senator Susan Deschambault, Representative Charlotte Warren, and Honorable Members of the Committee On Criminal Justice and Public Safety:

As District Attorney for District 3, I have a unique vantage point on the impact homelessness can have on an individual and the community. A person without the basic foundation and security provided by a home has to struggle daily to secure the essential needs of food, water, and protection from the elements. It is not uncommon for these challenges to be coupled with struggles involving substance use disorder and other mental health challenges. Unfortunately, the struggles associated with homelessness can result in a person affecting other members of the community and coming into contact with law enforcement. We often see reports of a person trespassing in an apartment building or refusing to leave a store owner's shop. I have spoken to business owners and law enforcement officers who are frustrated and upset when a person urinates on their business or defecates in parking garages. I have reviewed reports describing loud and disturbing behavior that causes community members to be fearful and intimidated. When law enforcement responds, they know they cannot allow the behavior to continue, especially if it is impacting another member of the community. Many officers try to find ways to resolve the incidents without the need for an arrest, but there are very few options and most of them are temporary fixes.

I like LD 1478 because it looks to redirect the way the criminal justice system responds to incidents associated with homelessness and related challenges. The requirement that each law enforcement agency adopt a homelessness crisis protocol and looks to include mental health and substance use disorder professionals is a positive step. In my mind, we would ideally be providing statewide services to all Maine citizens who need help with mental health and substance use disorders. There would be residential alternatives or treatment facilities that could provide shelter and services which would be much better than a jail cell. I speak of the services being statewide because placing the burden for providing these services on the individual communities can be overwhelming and have a chilling effect because communities are worried if their services are too supportive, then it will attract more people seeking the support and result in further costs for that one community.

Although I fully support the idea of responding to homelessness with services and treatment, I am worried that prohibiting the arrest and prosecution of a person who engages in behavior that is directly impacting another member of the community could have unintended adverse consequences. If a person is trespassing on another person's property, acting disorderly, and refusing to leave; it would be very frustrating to not be able to provide assistance to the property

or business owner. The priority should be to try to resolve the incident consistent with goals of treatment and services, but the ability to arrest should remain a final option when none of the alternatives will work.

Ultimately, I am enheartened that we are focusing on the issue of homelessness and its impact on individuals and our communities. This proposed legislation moves us in the right direction of rethinking how we can better respond to these issues. I have communicated my concern about completely eliminating arrest and prosecution as an option, but despite this reservation I do believe change is necessary. I also know that the way we are currently handling the homelessness problem in the criminal justice system is not working. We can do better and this legislation is trying to accomplish the necessary change.

Thank you.