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May 14, 2021

Re: LD 1478 An Act To Decriminalize Homelessness

Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee, my name is Cullen Ryan, and I am the Executive Director of Community Housing of Maine or CHOM, the largest supportive housing provider for homeless populations in Maine. Our staff of 11 works collaboratively with more than 50 different service provider organizations to effectively and efficiently house some 1100 of Maine's most vulnerable people. I am also a member of the Statewide Homeless Council, am active in all of the Regional Homeless Councils, and serve as President of the Maine Continuum of Care Board of Directors.

I am testifying today on behalf of CHOM neither for nor against LD 1478, which would require a response other than traditional arrest for a person who lacks a home who commits certain low-level violations of law. This bill also requires the Attorney General to present a homelessness crisis protocol to be adopted by law enforcement agencies. The protocol must provide mental health and substance use disorder professionals who are trained in crisis response to respond to the encounter between the law enforcement officer and the person who lacks a home and provide appropriate information and referrals to resources in the community, including, but not limited to, crisis services, emergency and transitional housing, and case management services.

Many people experiencing homelessness have been stuck in the revolving door of incarceration due to various low-level crimes, law violations that likely would not have occurred had these individuals been stably housed in the community. LD 1478 would help solve for this, by working to decriminalize homelessness while importantly working to address the underlying issues leading to this population's frequent incarcerations. It would redirect the focus to treating the underlying issues surrounding homelessness. That focus is important; mental illness and substance use disorder are medical conditions and best practices across the world have crisis response systems tailoring interventions accordingly.

The criminal justice system is complicated and moves very slowly. While accountability is critical, it can sometimes be misdirected or ill timed. I have seen this redundantly. Just when a person is making headway toward housing, things are derailed by jail. Why is this? When people lack fixed residences, they can spend their days and nights constantly outside in the community. This leads to frequent interactions with police and jail for a series of petty offenses. Often those offenses stem from behaviors related to underlying mental health and/or substance use disorder (SUD) issues. Organizations like CHOM help people secure housing, allowing people the stability they lacked while homeless, along with an environment conducive to healing, treatment, and wellbeing. People do well when they are housed. People do not do well when homeless.

However, this bill presents a quandary. We need everyone to be good neighbors, and some people are doing egregious things while they are outside in public places. This begs the question about what exactly will be considered low-level offenses.

Optimizing the criminal justice system and the homeless system so they work collaboratively towards the same goal is in the best interest of everyone – and this means for people experiencing homelessness with frequent interactions with police and jails, as well as neighbors and community members. For this, structure and accountability are fundamental – none of us want to



see rampant lawlessness. Yet we have seen a form of law enforcement accountability which appears to be less than effective.

We need structure and accountability to help this population attain and maintain housing, treatment, recovery, employment, and overall stability. How do we get there? It is clear to me that accountability will need to focus on housing combined with support services, inclusive of mental health and SUD treatment. This method would balance the needs of all. But along the way, we need to ensure that no one will confuse this with empowered lawlessness.

There are good ideas in this bill. If the end result is that people are treated with dignity and respect and have better access to the proper professional support and tools they need for success in housing, we will have a good outcome. It would take some careful implementation to get us there.

LD 1478 could work to destigmatize and decriminalize homelessness by building a different framework of structure and accountability to minimize frequent interactions with numerous public systems, especially the criminal justice system, while simultaneously improving the lives of people experiencing homelessness and the communities in which they reside. But work needs to be done to identify what is a low-level crime and when and what should occur when someone crosses the line. We need everyone to work together to end homelessness. Neighbors witnessing lawlessness are rightly concerned and it won't help us to leave them, or anyone, feeling disempowered. I hope this bill will lead to a productive discussion about how to help this population toward success, without unintended consequences for neighborhoods continually witnessing egregious behavior. The solution must be a balance that works for both.

Thank you for the opportunity to comment.