



CITY OF PORTLAND

May 19, 2021

Senator Susan Deschambault
Representative Charlotte Warren
Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333

RE: Proposed Amendment for LD 1478 An Act To Decriminalize Homelessness

Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety:

As stated in oral testimony at the public hearing, the Portland City Council's Legislative Committee, writes to reiterate its request that the committee consider amending the language of LD 1478 to exempt municipalities with existing homelessness crisis protocols already in place.

While we understand the intent of the legislation, we feel strongly that a one size fits all crisis protocol requirement will interfere with the City of Portland's ability to continue to develop and follow its own process, which we believe works well. Our process, developed over the course of many years, integrates best practices for the unhoused population, works with community partners and is implemented on a case-by-case basis based on a clinical review of the circumstances on the ground and updated understandings of what is working and not working in our City.

To ensure Portland is able to continue to utilize its own local crisis process, we respectfully request that the bill be amended as follows:

Sec. 1. 17-A MRSA Sec. 18 is enacted to read

Sec. 18. Homeless crisis protocol

Notwithstanding any provision of law or municipal ordinance to the contrary, a person who lacks a home who violates any of the provisions of law listed in subsection 2 because the person lacks a home is **may not be** subject to arrest and prosecution for the offense and must be treated in accordance with a homelessness crisis protocol adopted by the law enforcement agency under subsection 4.

4. Adoption of homelessness crisis protocol. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis protocol, to be adopted by all law enforcement agencies and to be used by a law enforcement officer in responding to a person who lacks a home who is committed or has committed an offense listed in subsection 2. which may also be adopted by a law enforcement agency. Thereafter, on March 1, 2022, all law enforcement agencies shall adopt a homelessness crisis protocol, which may be developed locally or may mirror the model homelessness crisis protocol developed by the Attorney General's Office. The finally adopted local homelessness crisis protocol may be used by a law enforcement agency or officer when responding to a person who lacks a home and is committing or has committed an offense listed in subsection 2. The model homelessness crisis protocol shall, as deemed necessary by the law enforcement agency or officer, provide access to mental health and substance use disorder professionals during a response by a law enforcement officer. Such professionals shall be trained in crisis response and be able to 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.

We thank you for your time and consideration and respectfully request that you amend the proposed legislation to allow municipalities the flexibility and control to develop and follow their own homelessness crisis protocols.

Sincerely,

Mayor Kate Snyder