



## BANGOR POLICE DEPARTMENT

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TO: Members of the City Council

FR: Mark Hathaway

RE: Homelessness Crisis Protocol

DT: March 24, 2022

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The Maine Attorney General distributed guidance, as directed by the Legislature, mandating police agencies develop a protocol outlining methods of addressing persons experiencing homelessness who engage in public behavior that may be a violation of certain laws.

The intent of the Legislature, as explained by the Attorney General, in adopting *An Act to Require the Use of Homelessness Crisis Protocols for Law Enforcement* is to provide a response, other than entry into the criminal justice system, by citation or arrest, for those who are experiencing homelessness and engage in low-level criminal infractions. The preferred approach is to provide referral service options rather than citation or arrest.

The Attorney General guidance identifies the low level criminal behavior that must be considered for the preferred method of referral rather than citation or arrest. That list is included in the new protocol under *listed offenses*.

The police department, through use of the City Homeless Outreach Coordinator, Mental Health Community Liaisons (as part of a partnership with Northern Light Acadia Hospital) and police officers skilled in crisis intervention, currently engages those experiencing homelessness with a general goal of providing an option of services, aid, referral or emergency sheltering alternatives. The required protocol seemingly aligns some of our current practices.

The Attorney General's guidance was posted on March 1. Police agencies must post a protocol, and train all staff, by April 1. It will be our intent to complete all training and have the protocol active as of the mandated date.

The purpose of this memorandum is to: 1) inform members of the City Council; 2) have a discussion on this topic during a public meeting; 3) post the protocol for public review.

The protocol (policy) will be effective as of April 1, 2022.

Thank you

BANGOR POLICE DEPARTMENT  
POLICY  
General Order

**HOMELESSNESS CRISIS PROTOCOL**

This policy is effective April 1, 2022 and amends or supersedes all previous policies on this subject.

**I. PURPOSE:**

The purpose of this policy is to establish procedures that will guide interactions between Bangor Police Department personnel and those who are experiencing homelessness or living without shelter.

**II. POLICY:**

It is the policy of the Bangor Police Department that all personnel provide service to those who are experiencing homelessness or living without shelter while ensuring their rights and dignity as required by 17-A M.R.S. § 18.

**III. DEFINITIONS:**

Homeless Person - A person who is experiencing homelessness that lacks a fixed, regular, and adequate nighttime residence.

Law Enforcement Agency - Any state, county, municipality, or other political unit within the territory belonging to the State or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the function of government that employs law enforcement officers.

Law Enforcement Officer - Any person who is vested by the law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

Listed Offenses - as follows:

The provision of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402 (1)(C) – a person is guilty of a criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with (the law) or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; *or* criminal trespass in violation of 17-A M.R.S. § 402 (1)(F) – a person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between half hour after sunset or half hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned or operated cemetery, as posted.

The provision of the crime of **Disorderly Conduct** that violates 17-A M.R.S. § 501A (1)(A) – a person is guilty of disorderly conduct if, in a public

place, the person intentionally or recklessly annoys others by intentionally (1) making loud and unreasonable noises; (2) activates a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting without being licensed or privileged to do so.

The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.

The provision of the crime of **Possession of a Scheduled Drug** in violation of 17-A M.R.S. c.45 that is based on using the scheduled drug.

The provision of the crime of **Public Drinking** in violation of 17 M.R.S. § 2003-A(2) – a person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a noticed posted conspicuously in the public place by the owner or authorized person that forbids the drinking in the public place or after being forbidden to do so personally by a law enforcement officer unless the person has been permitted to do so by the owner or authorized person.

#### IV. **PROCEDURE:**

##### 1. Law Enforcement Response

a) A police officer who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether that person has a home or lacks a home. If the person lacks a home the police officer will determine the most appropriate course of action, if indeed the person has engaged in any of the listed offenses, as outlined in this policy, based on presented facts.

b) Diversion from the criminal justice system is the desired course of action when encountering a person experiencing homelessness who is engaged in any of the listed offenses.

##### 2. Law Enforcement Action

a) A police officer who encounters a person engaged in behavior outlined in the listed offenses section of this policy will determine the best course of action to maintain public order. It is the policy of this police department that police officers shall consider that a referral to service, even if previously denied, may be the most appropriate and preferred action, based on presented facts, in lieu of citation or arrest.

b) A police officer will connect all persons that identify as lacking a home or shelter, by way of a referral card or via direct connection, to the City of Bangor Homeless Outreach Coordinator or with any agency as listed on the referral card.

c) A police officer will provide the department referral card (gray card) to all persons who present as lacking a home or shelter.

d) A police officer who believes that a person may require mental health intervention will refer that person to the department Mental Health Community Liaison (MHCL) or, when appropriate, transport the person to a facility that can provide mental health care and treatment. *Refer to policy 2-25.*

d) Police officers recognize that each situation presents factors that will inform the level of response required.

e) Any and all actions will be appropriately documented. *Refer to policy 1-5.*

**V. REFERRAL CARD:**

a) An example of the referral card, referenced in section IV, which outlines available crisis, mental health, substance abuse, medical and emergency sheltering services, is attached to this policy.

b) All police officers will have a sufficient number of referral cards available to provide to any person who identifies as lacking a home or shelter.

c) The referral card will be updated as necessary for the purpose of providing relevant and factual information.

**VI. REVIEW:**

This policy requires review, at a minimum, every twenty-four months. The review will include relevant stakeholders for the purpose of determining policy effectiveness.

Approved: March 18, 2022

Effective: April 1, 2022

Mark J. Hathaway  
Chief of Police