



MAINE STATE POLICE GENERAL ORDER

E-147

SUBJECT: MAINE STATE POLICE HOMELESSNESS CRISIS PROTOCOL
PURSUANT TO 17-A M.R.S. §18(2)(B)

EFFECTIVE DATE: 09.20.2023

EXPIRATION DATE: 09.20.2023

RECENT HISTORY: NEW

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: S, Z

MCJA MINIMUM STANDARDS POLICIES: *Officers must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. A violation of these standards may result in action by the Board of Trustees.*

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to be "L. R.", is written over a light gray rectangular background.

I. PURPOSE

The purpose of this General Order is to establish the protocol by which a sworn member of the Maine State Police is required to comply when encountering a homeless person who is committing, has committed, or been reported as committing, a listed offense as required by 17-A MRS §18(2).

II. POLICY

A. A sworn member of the Maine State Police who responds to a call or initiates an encounter with a person committing a listed offense shall inquire whether the person has a home and if the person lacks a home shall respond in compliance with the procedures in this policy.

B. Diversion from the traditional criminal justice system is desired and preferred when encountering a homeless person engaged in a listed offense when public service can best be served through the promotion of referrals to available services. However, every situation presents a unique set of circumstances and will inform the level of response required. Sworn members are to apply discretion in handling the situation based on the totality of the circumstances.

III. DEFINITIONS

A. *Homeless person* means a person who lacks a fixed, regular, and adequate nighttime residence. For purposes of this paragraph a person or family that has a primary nighttime residence that is: (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, congregate shelters and transitional housing for persons with mental illness or substance use disorder; (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings are considered homeless.

B. *Listed offense* means:

1. Criminal trespass in violation of 17-A M.R.S. §402(1)(C) or in violation of §402(1)(F);
2. Disorderly conduct in violation of 17-A M.R.S. §501-A(1)(A);
3. Indecent conduct in violation of 17-A M.R.S. §854 if the violation is based on urinating in public;
4. Possession of a scheduled drug in violation of 17-A M.R.S. chapter 45 if the violation is based on using the scheduled drug; or
5. Public drinking in violation of 17 M.R.S. §2003-A(2).

IV. PROCEDURES

A sworn member who responds to a call or otherwise encounters a situation where a person is committing, may have committed, or has been accused of committing a listed offense shall ask the person whether the person has a home or is experiencing homelessness.

A. If the person is experiencing homelessness, the sworn member should not cite or arrest the person if it is not necessary to stop a crime in progress but instead provide the person with a referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing, case management services and the method or means of accessing such services; as well as making a referral to the Behavioral Health Program Coordinator for the appropriate Troop. The sworn member should exercise discretion with the understanding that the goal is to get the homeless person the services that are available to them. However, nothing in this paragraph should be construed as limiting the authority of the sworn member to effect an arrest or cite a person who is homeless when the circumstances are such that an arrest or a citation is appropriate. The sworn member must balance helping a person who lacks a home to get the necessary services, with the need to protect others from victimization and infringement upon other person's rights.

B. If the person refuses to inform the sworn member of the person's status and if based on the totality of circumstances the sworn member believes the person is homeless, the sworn member may, follow the procedure in the previous paragraph.

V. SUGGESTED REFERRAL FORM

Each Troop Commander shall be responsible for developing and providing a referral form with the services available in the respective troops geographic area of coverage. The form should also include any services in surrounding troops or any statewide services that are available.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.