



Sanford Police Department

Standard Operating Procedures

Providing Excellent Law Enforcement Service

Subject:	Homeless Diversion Response	Policy #	O-21
Effective Date:	03/01/2022	Review Cycle:	2 Year
Distribution:	All Sworn Personnel	# Of pages:	9
MLEAP:	N/A		
	<i>Rescinds All Previous Policies Related to This Current Policy</i>		MCJA Required Policy
Issuing Authority:	Chief of Police Eric H. Small		

I. PURPOSE

This directive establishes the Sanford Police Department's policy regarding interactions with homeless persons.

II. POLICY

It is the policy of the Sanford Police Department to be sensitive to the homeless population by protecting their rights, dignity, and personal property while providing appropriate law enforcement services to the entire community. The agency recognizes that in law enforcement situations involving homeless persons, it is preferable to make referrals to organizations that provide services to the homeless and to refrain from initiating contacts that interrupt the innocent activity and may violate an individual's constitutional rights.

The intent of the Legislature in adopting *An Act to Require the Use of the Homelessness Crisis Protocol (Appendix #1)* by Law Enforcement Agencies is to provide a response other than traditional entry into the criminal justice system for homeless persons whose public behavior constitutes certain low-level violations of law. Citing or arresting homeless persons for these low-level or quality of life infractions or life-sustaining activities are emotionally and physically traumatizing, as well as disruptive to progress toward ending homelessness. Public order may be best served through the promotion of referrals to available services, even when services have been previously declined.

This procedure is the preferred approach, with citation or arrest being the last resort. However, recognizing that each situation is likely to present unique factors that will inform the level of response required, the protocol does not constitute the exclusive means by which relevant situations must be managed nor does it discourage the application of judicious discretion based on the totality of a given situation.

III. DEFINITIONS

1. **Homeless Person:** An individual who lacks a fixed, regular, and adequate nighttime residence, a stable residence, or any residence at all, or has a primary nighttime residency that is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized.
 - c. A private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.
2. **Law Enforcement Agency:** Any state, county, municipality, or another 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 associate carrying out the functions of government that employs law enforcement officers. **Law Enforcement Officer:** Any person who is vested by law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
3. **Listed Offense:**
- a. The provisions of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402(1)(C) – A person is guilty of 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 1/2 hour after sunset and 1/2 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 and operated cemetery, by posting.
 - b. The provision of the crime of **Disorderly Conduct** that violates 17-A M.R.S. § 501-A(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) activating 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.
 - c. The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.
 - d. The provisions 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; or
 - e. **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 notice posted conspicuously in the public place by the owner or authorized person that forbids 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. The primary decision-maker for diverting individuals from the criminal justice system is the officer in the field under the clear criteria outlined in this policy. The Sanford Police Department expects that diversion from the criminal justice system will be practiced for appropriate individuals experiencing homelessness who are accused of having committed crimes such as the listed offense above.

2. Diversion Factors:

- a. Adults who have a known history of alcohol, drug, or mental health-related needs and are a factor in being homeless may be eligible for diversion. Homeless individuals may be referred to community resources when an individual has committed any of the following offense(s) listed above under the following conditions:
 - 1) Any offense under 17-A M.R.S. Chapter 45 where there is no clear evidence beyond quantity/weight of drugs alone that the individual is engaged in trafficking or furnishing of drugs.
 - 2) Non-Violent Crime(s) when the following criteria are present:
 - i. The complainant/victim is willing to decline prosecution, if applicable, to allow the offender to proceed with diversion processes; and
 - ii. The individual committed an offense(s) where there is a nexus to alcohol, drug, homelessness, or mental health-related need, which can be based on, but not limited to, the following:
 - a) Police reports, arrest records, criminal histories, etc., indicating that the individual was engaged in such activity; or
 - b) Direct observation by law enforcement of the individual engaged in such activity; or
 - c) Law enforcement has a reliable basis of information to believe that the individual is engaged in such activity, such as information provided by another first responder, a professional, or a witness.

3. Circumstances and Assistance

A member of the Sanford Police Department who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the member shall assess the situation to determine if diversion is appropriate. The assessment should include, but is not limited to:

- (i) Availability of services;
 - (ii) Willingness of the individual to accept services;
 - (iii) Willingness of the service provider to accept the individual;
 - (iv) Immediate history of police contacts and/or community complaints;
 - (v) Likelihood of continued disruption of public order if law enforcement action is not taken
- a. Assistance - Officers may approach a homeless person to advise of the assistance of shelters and services which are currently available. The officer may call for the assistance community support systems when they are available, to help with appropriate placement. The homeless person may or may not accept the assistance or referral or may even walk away from the area before help arrives. Officers may transport homeless persons to a shelter when they accept such a referral. The homeless individual will be searched for weapons and/or contraband before being transported.
 - b. Homeless Encampments - The removal of illegal encampments of homeless persons is the responsibility of the owner of the property, whether it is public or private. Law enforcement

action may be taken in instances of trespassing, illegal dumping, criminal investigations, etc. When requested, officers may stand by to keep the peace but will not participate in the removal and/or destruction of personal items from such encampments or prevent the homeless from retrieving belongings from the area without a legitimate reason. Whenever possible, officers should encourage property owners to give posted notice of the pending activity prior to the clean-up. Officers may request the assistance of city or county clean-up crews on public property (i.e., rapid response).

- c. Arrest Situations - Diversion from the criminal justice system is desired and preferred when encountering a homeless person engaged in the "listed offenses" or other public disorder crimes. If the officer determines that law enforcement action is necessary given the circumstances at hand, they shall summons or arrest the individual and provide a department Homeless Resource Guide. If an arrest must be made, the arrest of all persons, including those defined as homeless, will comply with appropriate statutes, ordinances, codes, and department policies and procedures. Officer discretion will determine whether a physical arrest is to be made in the same manner as any other person who is not homeless. If the decision is made not to arrest, officers are encouraged to utilize referrals to local community support services, appropriate homeless shelters, or social service providers. It must be recognized that such a referral is contingent on the voluntary agreement of the homeless person to accept the referral.
- d. Personal Property - The personal property of homeless persons will be respected. Officers may allow homeless persons to take a limited number of personal items with them when arrested on a criminal matter. If necessary for an officer to collect such items when a criminal arrest is made, consideration must be given to officer safety in handling the items as well as the health and safety of those who may meet the property in the property room. Items that may be considered personal property and brought with homeless persons include radios, audio, and video equipment, medication, personal papers, photographs, books, and other reading materials, luggage, backpacks or other storage containers, clothing, shoes, toiletries, and cosmetics, clocks and watches, eyeglasses, bedrolls, and blankets and pillows (if not damp or soiled with urine or fecal matter). If necessary to dispose of such items for health and safety reasons, a notation will be made in an Offense Report (or Arrest Report, as appropriate) describing why such property was not allowed.

Refuse or items that represent a health and safety hazard may be disposed of immediately. Wet or damp property (rain, dew, or sprinkler), soiled items (food, urine, or fecal matter), and perishables will not be impounded. Such items include, but are not limited to, paper refuse, food remains, empty glasses, bottles or cans, towels, bedrolls, and blankets and pillows (only if soiled with urine or fecal matter).

V. EXCLUSION CRITERIA FOR DIVERSION:

1. Individuals who are homeless shall be considered *ineligible* for diversion if, at the time of initial contact, the officer has knowledge the individual meets any of the following criteria:
 - a. Active arrest warrant.
 - b. The individual exploits minors or others.
 - c. There is probable cause to believe the individual committed a violent offense.
 - d. There is probable cause to believe the individual violated an order of protection.
 - e. There is probable cause to believe the individual committed a domestic violence offense.
 - f. There is probable cause to believe the individual committed a sex offense.
 - g. The individual is currently under the supervision of probation or parole.
 - h. The individual needs acute emergency care and is taken to a hospital for treatment.

- i. The victim of the crime, if applicable, is opposed to the diversion.
- j. There is probable cause to believe that the individual committed or the individual has been convicted of any felony offense(s) that would fall under the definition of "Violent Offenses" within this policy within the past five years.

VIII. COMMUNITY SUPPORT RESOURCES

Officers should be familiar with local and state resources to assist individuals experiencing homelessness and other factors associated with homelessness. Below are only some of the national and state resources officers should also be familiar with.

1. Maine Housing Authority Emergency Shelters <https://www.mainehousing.org/programs-services/homeless/emergency-shelters>
2. 211 Maine <https://211maine.org/>
3. HUD Exchange <https://www.hudexchange.info/housing-and-homeless-assistance/>
4. Department of Health and Human Services <https://www.maine.gov/dhhs/obh/support-services/housing-services>
5. National Alliance to End Homeless <https://endhomelessness.org/>
6. National Homeless Organization <https://nationalhomeless.org/>

**SANFORD-
SPRINGVALE
QUICK RESOURCE
GUIDE**

**For those
experiencing
homelessness,
substance use
disorder (SUD),
and mental
health crisis.**

Food Pantry-Free Meals

Roger's Super Dollar,
Cottage Street, Sanford
Tuesday & Thursday:
12P-1P. Hot meals to go
provided by the York
County Shelter
Programs.

Curtis Lake Church,
Westview Dr., Sanford
Wednesdays: 5p-5:45 P.
Drive-thru style meals
and meals to go.

New Beginnings
Christian Church,
Grammar Road, Sanford.
Thursday: 5p

York County Food
Pantry, Swetts Bridge
Road, Alfred, Tuesdays
& Fridays 12p-3p

Sanford Food Pantry,
Main Street, Sanford
Monday: 10a-12p

For more information,
more detailed lists, or
to talk about different
options, please call:

OPTIONS Clinician
Lacey Bailey
207-324-9170 ext. 275

Officer Colleen Adams
207-324-9170 ext. 226

HOUSING/SHELTER:

SANFORD GENERAL ASSISTANCE: 207-324-9110, LEAVE A MESSAGE AND YOUR CALL WILL BE RETURNED BY
END OF BUSINESS DAY.

YORK COUNTY SHELTER PROGRAMS: 207-324-1137, CALL AHEAD TO SEE IF THERE IS AVAILABILITY.

SEEDS OF HOPE: 35 SOUTH ST, BIDDEFORD: PH: 207-571-9601, DROP IN DAY SHELTER M-F 9A-1P. WARMING
SHELTER OPEN DAY-NIGHT WHEN WEATHER IS LESS THAN 25 DEGREES. CALL AHEAD TO CONFIRM OPENED
FOR WARMING SHELTER.

CARING UNLIMITED-DOMESTIC VIOLENCE EMERGENCY SHELTER: PH: 1-800-799-7233, MUST CALL AHEAD
FOR PHONE INTAKE.

OXFORD STREET SHELTER, PORTLAND: PH: 207-761-2072- FOR MEN 18 AND OVER.

FLORENCE HOUSE, PORTLAND: PH: #211 MUST BE REFERRED AND CAN CALL 211 TO SEE IF YOU FIT CRITERIA
AND IF THERE IS AVAILABILITY. WOMEN ONLY.

MENTAL HEALTH HELP:

CRISIS HOTLINES:

THE MAINE CRISIS HOTLINE: 1-888-568-1112

WARM LINE: 1-866-771-9276

211 MAINE: DIAL #211

NATIONAL SUICIDE LIFELINE: 1-800-273-8255

LOCAL RESOURCES:

MAINE BEHAVIORAL HEALTHCARE: PH:844-292-0111, LOCATED IN SPRINGVALE. THEY PROVIDE
COMPREHENSIVE BEHAVIORAL HEALTH SERVICES.

SWEETSER: CONTACT THE SWEETSER PROMISE LINE, PH: 1-800-434-3000, MON-FRI 8A-4P.

RECOVERY & HARM REDUCTION:

DROP IN CENTERS:

PEER SUPPORT CENTER: 19 WASHINGTON STREET, SANFORD. PH: 207-490-5253. OPEN TO ANYONE IN
COMMUNITY WITH SELF-IDENTIFIED MENTAL HEALTH OR SUBSTANCE USE CHALLENGES.

SEEDS OF HOPE: 35 SOUTH STREET, BIDDEFORD. PH: 207-571-9601. M-F 9A-1P, BREAKFAST AND LUNCH,
HEALTH PROMOTION, HOMELESS AND VETERAN ADVOCACY, SUD ASSISTANCE.

HARM REDUCTION:

MAINE OPTIONS: 207-468-4015, M-F 9A-4P. NARCAN AND FENTANYL TEST STRIPS AVAILABLE, HARM
REDUCTION OPTIONS, ALSO ASSISTANCE TO RECOVERY.

NEEDLE EXCHANGE: MAINE ACCESS POINTS. LOCATED AT HERITAGE CROSSING NEAR WEAVER DRIVE IN
SANFORD. TUESDAYS 3P-4:30P AND FRIDAYS 1P-2P.

DETOX CENTER:

MILESTONE: STAFF IS AVAILABLE 24 HOURS A DAY. CALL 207-775-4790 EXT. 111

OUTPATIENT/MAT PROVIDERS:

CROSSROADS: (207)773-9931

ENSO RECOVERY: SANFORD. PH: 207-324-4054

GROUPS RECOVER TOGETHER: VARIOUS SITES AND TELE-HEALTH AVAILABLE. PH: (888)512-2328

BETTER LIFE PARTNERS: TELE-HEALTH, MOST INSURANCE ACCEPTED. 866-679-0831

YORK HOSPITAL RECOVERY CENTER- INTENSIVE OUTPATIENT PROGRAM. PH: 207-351-2118

RESIDENTIAL TREATMENT (MAINE CARE ACCEPTED OR FREE-OF-CHARGE):

CROSS ROADS (207)773-9931

ST. FRANCIS HOUSE (207)784-2901

RECOVERY CONNECTIONS OF MAINE (207)440-7922
WWW.SALVATIONARMY.ORG

THE SALVATION ARMY (207)774-7818

MILESTONE RECOVERY -POR & OOB(207)440-7922

TEEN CHALLENGE (FOR ADULTS) (207)377-2801

RESIDENTIAL TREATMENT (PRIVATE/COMMERCIAL INSURANCE):

PINE TREE RECOVERY CENTER (207)671-2877

LIBERTY BAY RECOVERY CENTER (207)671-2877

CASCO BAY RECOVERY CENTER (207)577-5144

PROVIDENCE RETREAT (207)298-9130