

**Remote HHS and Public Safety
Committee Agenda**
May 14, 2024 at 5:30 PM
Remote Meeting



MEMBERS

Councilor April Fournier, At-Large, Chair
Councilor Roberto Rodriguez, At-Large
Councilor Anna Trevorrow, District 1
Councilor Victoria Pelletier, District 2

To submit written public comment on an agenda item, email HHSPS@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Health & Human Services and Public Safety meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

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+1 305 224 1968 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

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+1 360 209 5623 US

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1. Announcements
2. Review and Approval of Minutes from 4.23.24
 - a. Minutes from April 23,2024
3. Repeal of Section 17.5 of City Code (re: Cruising) (Councilor Fournier, Chair)
 - a. City Code attached
4. Staff Updates
 - 1.) *Planning Board application for Homeless Services Center site plan amendment (Dena Libner, Assistant City Manager)*
 - 2.) *Opioid Settlement Fund allocation process update (Dena Libner, Assistant City Manager)*
5. Next Meeting: June 11, 2024

Health & Human Services and Public Safety Committee Minutes

Tuesday, April 23, 2024, 5:30pm, Remote Meeting

Committee Attendance: April Fournier, Chair (At-large), Victoria Pelletier (District 2), Anna Trevorror (District 1), Roberto Rodriguez (At-Large).

Councilors in Attendance: Kate Sykes

Mayor Mark Dion

City Staff:

Adam Harr, Executive Assistant for Social Services; Counsel; Keith Gautreau, Fire Chief; Mark Dubois, Police Chief; Dena Libner, Assistant City Manager/Interim Director of HHS; Greg Jordan, Assistant City Manager.

Announcements

- Review and approval of minutes.

Councilor Rodriguez moved to approve the March meeting minutes; Councilor Trevorror seconded and the minutes were approved unanimously 3 – 0 (Pelletier absent).

Discussion of Community Partners' Recommendation: Permanent Increase to HSC Capacity (Councilor Fournier, Chair)

- CHOM, Preble Street, and Milestone made recommendations for the City to act. Permanently increase the Homeless Services Center (HSC).
 - It would require the planning board to approve an increase from 208 to 258; it would go to the planning board with public comment then go to the full council.
 - Councilor Trevorror asked that outside of this, we would need to continue to approve temporary increases, that expire, on an emergency basis.
 - Next Steps
 - Social Services staff and Planning staff will prepare an application.
 - Review the application here and then submit for planning board approval.
 - Alerting the shelters neighborhood advisory committee and resident
 - Notify this committee as well
 - Timeline:
 - Council will reconsider temporary expansion in June
 - Will try to consider before the first June meeting. Planning board agenda capacity allowing.

For Consideration: Proposal to Repeal Section 17-5 of City Code (Councilor Fournier, Chair)

- This is a bygone law used in an incidental fashion that was largely used to respond to drug activity but is based in harmful stereotypes of the LGBT community. Community members came forward to the Mayor explaining that the queer community has integrated and that this is not needed.

It has been used once/twice a year for people soliciting prostitution in the past ten years.

The mayor brought it to this committee to change the language.

Who is the staff person to work on this?

What is the enforcement mechanism to replace this in terms of how citizens can report activity.

There are no issues among the committee and all agree in removing this antiquated part of our ordinance.

Asst City Manager Jordan - Offering a policy analysis of the ordinance to provide data

Finalize 2024 Work Plan

- Policy Actions and Staff Updates
 - Anti-Cruising Ordinance review
 - Warming Shelters Through the Fall.
 - Opioid Settlement Funds
 - Continuing to look at the Hope Team with updates and needs
 - Encampments?
 - HSC Capacity
 - Family Shelter Capacity
 - Staff memos with updates.
- 3rd Quarter
 - Warming Shelters
 - Opioid Settlement funds and planning
 - Governor passed an Office of New Mainers
 - Motel 6 is ending emergency shelter for families; how will the new office inform caring for asylum seeking families?
 - Updates on the HSC
 - Updates from the Emergency Shelter Assessment Committee
- 4th Quarter
 - Staff work on the ground with community partners and the Council is the policy arm supporting these issues.
 - Councilor Rodriguez is looking forward to staff updates and the update to the ECRT.
 - Councilor Trevorrow said everything she would add is included.
 - Councilor Pelletier would also like to remain in the loop of the ECRT work, with the

committee receiving updates. She would like another listening session or explore ways to receive feedback from the public.

Councilor Sykes said that 3 new recovery homes are in the process of coming online in district 5.

Sober houses are on a spectrum from wet (individuals who use drugs are allowed to stay) to abstinence only shelters.

She is happy to work with the committee on policy analysis.

- Mayor Dion said that syringe litter has become ubiquitous on the peninsula. He would like the efforts of City staff addressing needles on the round reported out at these meetings.
We had discussed getting more sharps containers and monitoring updates on their usage/disposal and pickups.
 - Are there sharps containers in Freshman Alley and near the church?
 - There was an effort but there are no containers there currently.
 - Fire and Public Health to meet and would like input offline on what is needed in the memo to report out at future meetings.

Reminder : City Ordinances Effectively Prohibit Camping on Public Property (Councilor Fournier, Chair)

- No camping on public property has consistently been in effect as there is capacity at the HSC.
- Chief Dubois Police-
We receive complaints daily mostly for people on sidewalks obstructing foot traffic.
No arrests but people are asked to move along as needed.
- Parks Data
34 tents city-wide one week ago; 104 tents one year ago.
13 tents as of their most recent count with 42 beds available at the HSC this morning.
- Are the people currently in tents people that do not have access to the HSC due to Criminal Trespass Order (CTO) or due to refusing to go into shelter?
Chief Dubois - We have anecdotal info but not tracked data.
Many tents are on private property.
Councilor Trevorrow -What do interactions look like?
Chief Dubois- A behavioral health unit goes out with the officers.
Each interaction is unique; Most officers know people by name and will comply, moving along.
Rides are given to the HSC.
- Loss of autonomy is one of the biggest resistances to entering shelter; we expect to see more of that in the warmer weather.
- The committee would like to see updates from Interim Director Libner when available.
Assistant City Manager Libner - The ECRT is activated when there is no shelter capacity.
Outreach team and HOPE housing navigation team will serve the original purpose of the ECRT.
The teams can report out to both the HHS&PS Committee and the full council but on

a quarterly basis, so there is enough time to have a meaningful date.
The outreach team is working with 41 individuals so far. Data to come.

Opioid Settlement Funds Update (Staff)

- \$750,000 as of Jan 1 2024 have been received by the city. Awaiting appropriation/allocation.
- Putting together a list of staff recommendations for the funding based on our work, best practices from other committees, and address gaps identified during covid.
- There will be a dedicated website explaining the funding through the next 15 years.
Lists eligible uses.
- It is going to be a very public process with stakeholder feedback.
The year over year set up is helpful. \$235,000 each year expected funds.
- Councilor Sykes said a member of the recovery community asked her to focus on members of the community with lived experience in this discussion and have input from that comment of how the funds are spent outside of the regular public comment.

Bayside Conditions

- Chief Dubois said there is an increase in activity around Portland Street.
- 1450 officer initiated activities this year, up from 2022 38%, and 2023 20%.
- Arrests are up 69% from 2022 and 19% from 2023.
Getting up to precovid levels of activity.
- Bayside detail will be doubled to 4 officers for 8 hours, 7 day /week.
- PD Contacts Public Works regularly to clean up areas .
- Councilor Fournier asked if the patrols are mostly walking or in cars?
Both to check other locations, including the HSC.
Doubling up will have 2 staying in Bayside with the added 2 moving between bayside and other sites as needed.
- 2013 saw 341 arrests for drinking in public vs 2023 the number was 13.
- 277 Overdoses vs 527 Overdoses in the same years (2013 and 2023).
- Transition from drinking in public to injectable drugs.
- Mobile Medical Outreach is patrolling certain areas with regular stops including at the HSC; they were at the larger encampments when they were active.
- The video was taken over a couple months and it is unknown if the person filmed is CTO'd from the property.
What are the proper channels people should pursue? Would police approach individuals seen on someone's steps?
 - If officers see something, they will stop but CTOs just have people move to the next stoop.If Elena's Way Advisory Committee wanted to request additional detail, how would that happen? Is it a resource question for the City?
Chief Dubois- It would depend on timing; there is very little activity when it rains but it would be hard for a one person detail to address all the issues with today's large amount of activity.

- Councilor Sykes wants to acknowledge that everyone in the community is suffering when people sleep outside and to center peace as we navigate the issue.
- Chair Fournier said it is hard for the public to know about the web of work supporting these individuals and the time it takes to build relationships that make progress.
- Mayor Dion said we have a responsibility to the public's safety and the housed residents' safety; some issues need to be addressed with more than treatment and therapy.

We don't want to lose sight of safety.

Councilor Travarro -We shouldn't set up a dynamic of picking sides with one being the most marginalized with the least resources.

- There is no switch that can be flipped to move people out of Bayside.
- The Jail system cannot accommodate people living outside; what is the plan?
- Councilor Rodrigues reminded the group this is an unagenda'd item and it is on the work plan; perhaps it is the right argument but the wrong court tonight.

Next Meeting: May 14, 2024

The meeting adjourned at approximately 6:57 PM.



Staff Memo To:

Health and Human Services & Public Safety Committee
Councilor April Fournier, Chair

DATE

May 14, 2024

AGENDA ITEM

Agenda Item # 3 – Repeal of Portland City Code Section 17-5

PURPOSE

The committee requested a staff assessment of repealing Section 17-5 of the Portland City Code.

COMMITTEE WORK PLAN ALIGNMENT

This item is identified in the HHS-PS Committee's 2024 work plan as amended on April 23, 2024.

BACKGROUND/ANALYSIS

To ensure a complete discussion about rescinding the Cruising Ordinance, please consider the following information regarding the actual use of the ordinance, and the impact rescinding it will have.

A search for violations of Portland City Code Sec. 17-5 was performed at my request. In the Police Department's current Records Management System (ProPhoenix) of records since 2021, there was one (1) recorded violation in 2023, and that subject went to court and paid the fine. A check of our prior Records Management System documented ten (10) unlawful cruising citations issued. All of these citations were issued for solicitation of prostitution where a female was propositioned by a male in a motor vehicle. Four (4) of the citations were from 1998 and 1999. One (1) citation took place in Bayside at Preble St in 2015 and five (5) more from the Walker St / Congress St area, four (4) between 2015-2017, and most recently, one (1) citation issued in 2021.

I discussed the history of enforcement of this ordinance with Acting Assistant Chief Martin, who has been with the Department for almost 38 years. He recalled that the original intent of the code provision was to address prostitution to deter males soliciting, and that it was not specifically designed to target homosexual males. This ordinance has also been useful for officers in our Crime Reduction Unit (CRU) in investigating illegal drug sales, many of which take place from vehicles. Because it is an ordinance (and not a criminal statute), our

Neighborhood Prosecutor, Richard Bianculli, prosecutes any violations, and the only punishment allowable by law is a fine, not jail.

According to Attorney Bianculli, the ordinance is used very infrequently. In his 8 years as the Neighborhood Prosecutor he has only encountered reports involving males soliciting female prostitutes. His most recent violation involved a male who paid the fine and admitted to soliciting a female prostitute. Additionally, we often receive complaints of women who are not prostitutes being solicited from vehicles while in the Walker Street area, many of whom are Maine Medical Center employees. Most recently, we had a male circling City Hall apparently soliciting people in the area.

There are no practical alternatives to allow us to issue a civil penalty. The only option would be a criminal summons, which would require more aggressive behavior towards a victim before we could enforce.

FISCAL IMPACT

Given the infrequent application of this ordinance, the loss of civil penalty fines is anticipated to be very small and will not materially impact the city's budget.

CONCLUSION(S)

Section 17-5 of the Portland City Code provides a tool for the Police Department to intervene and prevent instances of commercial sexual exploitation, and conduct investigations of illegal drug sales. There are no indications the ordinance is used to target any particular demographic group(s). However, the ordinance is infrequently used and staff do not believe its repeal would adversely impact public safety.

PRIOR COMMITTEE REVIEW

Health and Human Services & Public Safety Committee - April 23, 2024

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ATTACHMENTS

Attachment A - Portland City Code, Section 17-5

Sec. 17-5. Cruising.

(a) No person shall drive or permit a motor vehicle under that person's care, custody, or control to be driven past a traffic-control point three (3) times within a two-hour period in or around a posted "no cruising" area.

(b) Every "no cruising" area shall be posted with signs to provide notice of the prohibition which shall state the following: "No Cruising. No person shall drive or permit a motor vehicle under that person's care, custody, or control to be driven past a traffic-control point three (3) times within a two-hour period in this area."

(c) A traffic-control point as used in this section means a reference point selected by a police officer within or adjacent to a designated "no cruising" area for the purpose of determining cruising.

(d) No area shall be designated or posted as a "no cruising" area except following such a designation upon order of the traffic engineer following a request from the police department.

(e) The following shall be exempted from the provisions of this section:

- (1) Any publicly owned vehicle of any city, county, state or federal, or any governmental unit, while the vehicle is

17-6

City of Portland
Code of Ordinances
Sec. 17-5

Offenses, Miscellaneous Provisions
Chapter 17
Rev. 3-4-1996

being operated for the official purposes of the governmental unit;

- (2) Any authorized emergency vehicle;
- (3) Any taxicabs for hire, public transit buses, livery, or other vehicles being operated for business purposes.

(f) Whoever violates any of the provisions of this section shall be punished by a minimum fine of one hundred dollars (\$100.00) for the first offense; a minimum fine of three hundred dollars (\$300.00) for a second offense; and a minimum fine of five hundred dollars (\$500.00) for each and every offense thereafter. In any action in which the city prevails, it shall be entitled to attorneys' fees and all costs of prosecution.

(g) Subsection (f) notwithstanding, prior to citing the owner or operator of a vehicle for a violation of this section, the police department may give a written notice to the person operating the vehicle in violation of this section at the time of the violation informing that person of the use of the vehicle in violation of this section.