

CALAIS CITY COUNCIL  
JANUARY 13, 2022

The first regular monthly meeting of the Calais City Council was held this date in the Council Chambers of the Calais City Building at 6:00 p.m.

Present was Mayor Howard presiding over Councilors Quinn, Rogers, Beale, Carr, and Macdonald.

On a motion by Councilor Rogers and a second by Councilor Quinn, it was unanimously voted to approve the following consent agenda:

- A. Previous Minutes
- B. Monthly Departmental Reports
- C. Treasurer's Warrants City through January 12, 2022  
\$507,234.71
- D. Treasurer's Warrants School through January 12, 2022  
\$898,670.52
- E. Treasurer's Warrant Water through December 31, 2021  
\$ 39,626.54
- F. Treasurer's Warrant Water through January 12, 2022  
\$121,536.93
- G. Chase Fund for January - \$300.00
- H. Voluntary Road Tolls – 2022

The City Manager then gave his report on the following:

- Report on Covid Testing at Rec Center
- Nash's Lake Pole Licenses for Broadband

The Following Council Committee Reports were submitted:

1. **Finance Committee** - No report
2. **Property Committee** – No report
3. **Public Safety Committee** – No report
4. **Public Works committee** – met prior to Council meeting to discuss school bus maintenance.
5. **School Liaison Committee** – No report
6. **Economic Development Committee** – No report

The next agenda item was a discussion on the allocation of ARPA Funds. Following a brief discussion, it was moved by Councilor Carr, seconded by Councilor Beale, and unanimously voted to

Attendance

Consent Agenda

City Manager Report

Council Committee Reports

ARPA Fund

authorize bonuses for city employees, based on hours worked in 2021.

It was moved by Councilor Carr, seconded by Councilor Quinn, and unanimously voted to authorize the City Clerk to send a final 30-day notice to property owners with 2019 Tax and/or Sewer Liens that automatically foreclosed on December 30, 2021, giving them the chance to redeem their property by paying all Taxes, Water and Sewer owned against the property.

On a motion by Councilor Carr and a second by Councilor Macdonald, it was unanimously voted to discontinue the Revolving Loan Program.

It was moved by Councilor Carr, seconded by Councilor Beale, and unanimously voted to authorize the Calais Skatepark Committee to purchase and have installed a security camera system at the Calais Skatepark.

It was moved by Councilor Quinn, seconded by Councilor Macdonald, and unanimously voted to schedule a Public Hearing on January 27, 2022, to consider an amendment to the Cemetery Ordinance.

Following a brief discussion on inadequate cell phone service in the Calais area, it was moved by Councilor Quinn and seconded by Councilor Rogers to seek out an independent contractor to study and make recommendations on taking care of this problem. Voting in favor of this motion were Councilors Quinn, Rogers, and Mayor Howard. Councilors Beale, Carr, and Macdonald were opposed. Motion failed.

On a motion by Councilor Carr and a second by Councilor Quinn it was unanimously voted to approve the following amended Calais Police Department Policy:

**INSERT POLICY**

It was moved by Councilor Beale, seconded by Councilor Macdonald, and unanimously voted to authorize the Finance Director to release the Mortgage Deed on the property located at 501 South Street to John and Rhonda Chambers.

Other items addressed with no Council action being taken at this time included:

- Possibility of a therapeutic program for Covid patients
- Need for Economic Development meeting for waterfront improvements

Tax Acquired Letter

Revolving Loan  
Discontinuance

Security Camera at skatepark

Schedule PH Cemetery  
Ordinance

Cell Phone Service

Police Dept Policy  
Amendment

Release of Mortgage Deed

Other Items

# Calais Police Department Policy

	Effective Date <b>12/31/2021</b>	Number <b>2-16</b>
Subject <b>Response to Mental Illness, Involuntary Commitment &amp; Protection from Substantial Threats</b>		
Distribution <b>All Sworn Personnel</b>	Amends/Supersedes <b>All</b>	

## I. Purpose

The purpose of this policy is to provide guidance to members of this agency on the options and resources available to assist individuals who appear to be mentally ill or experiencing a mental health crisis. This policy is intended to satisfy the mandatory policy requirements set by the Legislature regarding "Response to Mental Illness and Involuntary Commitment" (25 M.R.S. § 2803(1-L)) "Response to Mental Illness and Involuntary Commitment and Protective Custody" (34-B M.R.S. § 3862), Protection from Substantial Threats (34-B M.R.S. § 3862-A) and Emergency Involuntary Commitment (34-B M.R.S. § 3863)

## II. Policy

It is the policy of this agency to assist individuals who appear to be mentally ill or who are experiencing a mental health crisis. This assistance will include, as appropriate, placing individuals in protective custody and participating in the involuntary commitment or "blue paper process."

This agency requires that 20% of all full-time law enforcement officers receive at least 8 hours of nationally recognized or best practice in-person training in Mental Health Identification Awareness for Law Enforcement Officers by January 1, 2018. This ratio will be maintained and reported annually to the Board of Trustees of the Maine Criminal Justice Academy.

Given this is a statutorily mandated policy; officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

## III. Definitions

Advanced Healthcare Directive: an individual instruction form or a power of attorney for health care by an individual with capacity for use when the person appears to lack capacity.

Crisis Intervention Officer (CIO): An officer specifically trained in the identification, handling, and disposition of individuals exhibiting signs of mental health crisis.

Crisis Intervention Team (CIT): A group of individuals, including officers, specifically trained in the identification, handling, and disposition of individuals exhibiting signs of mental health crisis.

Crisis Service System: A program provided by the Maine Department of Health and Human Services to provide mobile crisis services anywhere in the State on a 24/7 basis. DHHS can provide triage for consumers, immediate responses to consumer needs when in crisis, and assist with a proper disposition of the situation. This may include hospitalization, placement in a "crisis bed," in-home supports, referral for services, or no follow-up if it is not indicated. The statewide crisis system is accessed free by calling **1-888-568-1112 or 211**, and the caller to an appropriate provider in the local area.

Dangerous Weapon: Any device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury to include a firearm defined as any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

Involuntary Commitment (Blue Paper Process): Three-step process by which:

1. Any person (friend, relative, social services worker, officer, etc.) applies for admission of an individual to a hospital qualified to provide mental health services;
2. Clinician evaluates the individual, usually at a local hospital, and;
3. If the clinician certifies that the individual is mentally ill and poses a likelihood of serious harm, a judicial officer reviews and, as appropriate, endorses the documentation reflecting the first 2 steps. These 3 steps are reflected on sections 1, 2, and 3 of the "blue paper," an application for Emergency Involuntary Admission to a Mental Hospital, form MH-100.

Least Restrictive Form of Transportation: The vehicle used for transportation and any restraining devices that may be used during transportation that impose the least amount of restriction, taking into consideration the stigmatizing impact upon the individual being transported.

Likelihood of Foreseeable Harm: For purposes of protection from substantial threats and the issuance of weapons restriction orders, likelihood of foreseeable harm means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

Likelihood of Serious Harm: For purposes of protective custody, likelihood of serious harm means:

1. A substantial risk of physical harm to the person as manifested by recent threats of, or attempts at, suicide or serious self-inflicted harm;
2. A substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm;
3. A reasonable certainty that the person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or protect the person adequately from impairment or injury; or
4. For the purposes of Title 34-B M.R.S. §3873-A (which addresses progressive treatment programs), in view of the person's treatment history, current behavior and inability to make an informed decision, a reasonable likelihood that the person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious physical harm as defined above.

Mental Health Crisis: Behavior – such as loss of contact with reality, extreme agitation, severe depression, imminent suicidal or homicidal statements or actions, or inability to control actions – that creates a threat of imminent and substantial physical harm to the person experiencing the behavior or to others and that appears to be of sufficient severity to require professional evaluation.

Probable Cause: Basis of a law enforcement officer's judgment about appropriateness of protective custody. This judgment must reflect the totality of the circumstances, following the applicable standards of the Law Enforcement Officer's Manual, and including:

1. Personal observation.
2. Reliable information from third parties, as long as the officer has confirmed that the third party has reason to believe, based upon recent personal observations or conversations with the person who seems to be experiencing a mental health crisis, that the person may be mentally ill and that due to that condition the person presents a likelihood of serious harm; and
3. History, if known, of the person who seems to be experiencing a mental health crisis.

Protective Custody: Custody effected by a law enforcement officer EITHER when that officer has probable cause to believe that a person may be mentally ill and due to that condition the person presents a likelihood of serious harm to self or others OR when the law enforcement officer knows that a person has an advance healthcare directive authorizing mental health treatment and the officer has probable cause to believe that the person lacks capacity.

Restricted Person: A person taken into protective custody by a law enforcement officer who the officer has probable cause to believe possesses or controls or may acquire a dangerous weapon and who is found by a medical practitioner to present a likelihood of foreseeable harm.

Threat-based Restriction: A prohibition on a restricted person from purchasing, possessing, or controlling or attempting to purchase, possess or control a dangerous weapon during the period of the restriction.

#### IV. Procedures

- A. Officers from this agency shall be familiar with the law of protective custody. The officer will assess the situation and determine if the person appears to be experiencing a mental health crisis.
- B. If the person appears to be experiencing a mental health crisis, the officer will assess the need for protective custody taking into consideration whether the individual is willing to accept immediate voluntary commitment.
- C. If the officer determines that protective custody is not appropriate, the officer may refer the person to a medical or mental health practitioner, or other services; leave the person in the care of friends, relatives or service providers, or take other steps necessary to maintain public safety. Referral resources include:
  1. Local mental health agencies, with contact information.
  2. Local hospital with voluntary inpatient capacity, with contact information.
  3. Regional DHHS staff, with contact information.
  4. Licensed mental health professional in private practice, with contact information.
  5. Local DHHS contract crisis provider. Call **1-888-568-1112** or **211** to connect with the local DHHS contract crisis provider.
- D. If the person requires protective custody and the requisite standard is met, or if the person has an advance healthcare directive and it is determined that the directive is applicable, the officer may take the person into custody and deliver the person for examination. The officer shall complete the "State of Maine Protective Custody Intake Form" and provide it to the examining clinician. The officer should retain a copy of the Maine Protective Custody Intake Form. (Appendix 1)
- E. The examination may be performed by a licensed physician, a licensed clinical psychologist, physician's assistant, nurse practitioner, or certified psychiatric clinical nurse specialist.
- F. If the person in protective custody is alleged to have committed a criminal act for which a warrantless arrest may be made, the officer, in consultation with the licensed practitioner examining the person and the officer's supervisor, shall determine the most appropriate confinement condition to satisfy the protection of the public and the person's treatment. (inclusion of the supervisor is a recommended practice not a requirement of the standard)
- G. The officer may provide either the person or the person's family a resource information card.
- H. If the clinician determines that the person does not satisfy the criteria for emergency involuntary hospitalization or that the person's advance healthcare directive is inapplicable under the particular circumstances, the officer will release the person from protective custody and, with the person's permission, either take the person home (if that is in the officer's territorial jurisdiction) or return the person to the place from which the person was taken into custody, except that if the person is also under arrest, the officer will keep the person in custody until the person is released in accordance with law.
- I. If the examining clinician determines that the person satisfies criteria for emergency involuntary hospitalization, unless the law enforcement agency has a custody agreement with the health care facility to which the person is to be transported for examination, the officer shall seek judicial endorsement as soon as possible and cause to be transported in the least restricted form of transportation the person to the hospital authorized by the judicial officer. However, if the examination is completed between the hours of 11:00 p.m. and 7:00 a.m., the officer may transport the person to a hospital that has agreed to an admission, and the hospital will secure a judicial endorsement as soon as possible thereafter.
- J. It should be noted that when a person is taken by an officer to a hospital for examination under this section and not admitted, the chief administrative officer of the hospital shall notify the officer or the officer's agency of that release.

**V. Likelihood of Foreseeable Harm**

- A. If the examining clinician determines that the person in protective custody presents a likelihood of foreseeable harm, and notifies the officer or this agency of same, the officer or designee shall as soon as practicable seek endorsement by a Superior Court Justice, District Court Judge, judge of probate or justice of the peace of the medical practitioner's determination and the officer's declaration that the person was taken into protective custody and that the officer has probable cause to believe that the person possesses, controls, or may acquire a dangerous weapon.
- B. Should the determination of likelihood of foreseeable harm be endorsed by a judicial officer, officers are authorized and required, as soon as practicable - but no later than 24 hours after the endorsement - to notify the restricted person that they are prohibited from possessing, controlling, acquiring or attempting to possess, control, or acquire dangerous weapons pending the outcome of a judicial hearing. The notification shall also advise the restricted person that he or she is required to immediately and temporarily surrender any dangerous weapons possessed, controlled, or acquired by the restricted person to an officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and that the person has a right to a judicial hearing within 14 days. The officer shall report the person's restricted status to the Department of Public Safety and the District Attorney's Office.
- C. The officer shall arrange for the restricted person's weapons to be entered into the agency's property and evidence control for safe keeping. A receipt shall be issued once the transfer has been completed. In the instance where a restricted person's weapons are located in this jurisdiction but the restricted person lives in another jurisdiction, the weapons will be taken into custody by this agency and held for safe keeping.
- D. Should the restricted person claim that they transferred possession of the weapons to a third party for storage, the officer shall verify that claim with the third party who possesses the weapons.
- E. Should an officer of this agency have probable cause to believe that the restricted person pursuant to 34-B M.R.S. §3862-A possesses or controls but has not surrendered a weapon, the officer shall apply for and execute a search warrant for the weapons. Should weapons be seized from the restricted person, the person shall be charged accordingly, to include referral to the Bureau of Alcohol, Tobacco, Firearms and Explosives (A.T.F) for consideration of federal prosecution. Officers shall be familiar with the relevant criminal offenses for a restricted person who possesses a weapon, including but not limited to Possession of a Firearm by a Prohibited Person, 15 M.R.S. §393. Officers shall also be aware that a restricted person who makes all practical, immediate efforts to voluntarily comply with a surrender notice is not subject to arrest or prosecution as a prohibited person.

**VI. Billing and Documentation**

- A. This agency may bill the Maine Department of Health and Human Services (DHHS) for transportation expenses of a person to and from an examination that follows protective custody. The total cost for protective custody transportation billing includes mileage and the fully impacted hourly rate of the officer(s).
- B. This agency may bill DHHS for transportation expenses of a person to and from a psychiatric hospital for admission authorized under the involuntary commitment (blue paper process). The total cost for blue paper process transportation billing includes mileage and the fully impacted hourly rate of the officer(s).
- C. If an officer who encounters a person in a mental health crisis takes any formal action, the officer will document the action in an incident report. The officer will document any contact that results in protective custody with sufficient detail of the probable cause for the particular action.

PER ORDER OF: \_\_\_\_\_

Chief of Police

- City Roads well plowed
- thanks to Fire Dept for driving Santa around
- Vote on Cell Phone – Conflict of Interest?
- Consideration of use of salt instead of sand

There being no further business to come before the City Council at this time, it was moved by Councilor Carr, seconded by Councilor Quinn, and unanimously voted to adjourn this meeting at 6:37pm.

ATTEST: Theresa M Porter  
Theresa M Porter, City Clerk

Adjourn