

THE
SAN DIEGO
SERVICE
PROVIDER
TOOLKIT

By Steve Binder, Esq.
and Steve Merriam, PH.D.

Edited by
Amy Horton-Newell, Esq.



Homeless Court

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FOREWORD

As Chief Justice of California and chair of the Judicial Council, I commend the American Bar Association and the San Diego Homeless Court Program for producing the *San Diego Homeless Court Program Service Provider Toolkit*, a valuable resource for addressing the needs of homeless community members in our justice system.

The publication coincides with the 20th anniversary of San Diego's Homeless Court Program, and marks 10 years of holding court sessions in the community at homeless services agencies. Homeless courts promote access to justice for dispossessed citizens in collaboration with a community network of homeless services agencies by providing alternatives to incarceration. Through the years, homeless courts have shown they accomplish more than simply resolving cases—they promote confidence in the court and the legal system among both participants and the community as a whole. Today there are 17 homeless court programs in California.

The *San Diego Homeless Court Program Service Provider Toolkit* compiles innovative approaches developed by judges, court staff, attorneys, and community and criminal justice partners to serve homeless men and women in the criminal justice system while addressing issues of public safety. It applies evidence-based practices tested during the development of San Diego's model Homeless Court Program (HCP). The toolkit emphasizes common themes among homeless courts, including the importance of collaboration among courts, criminal justice partners, and homeless services providers in assisting clients as they prepare for court and for reentry into the community.

The *San Diego Homeless Court Program Service Provider Toolkit* is a valuable resource for our courts, for local bar associations, and for community and justice partners seeking to address problems in new ways in order to build a more inclusive criminal justice system and stronger, safer communities.

RONALD M. GEORGE
Chief Justice of California and
Chair of the Judicial Council

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INTRODUCTION

A Message to Service Providers

The Homeless Court Program (HCP) strives to open the door of justice so homeless people may address the underlying cause of their homelessness as well as the legal barriers that prevent them from reaching their full potential. Service providers play a critical role in the success of Homeless Court by shepherding clients through the process.

Power of the Provider

The inclusion of homeless service providers as essential and equal collaborators in the Homeless Court Program (HCP) turns the adversarial nature of the court process on its head. Providers challenge clients to make the most of program activities by confronting the issues that led them to homelessness. Clients are encouraged by service providers to take responsibility for their actions, to fully participate in society, and to make the transition from the streets to self-sufficiency.

When the provider staff challenge and equip participants to resolve the underlying cause of their homelessness prior to appearing before the court, the concerns held by the court and the community are effectively addressed at the outset. The HCP acknowledges the provider's work with clients when the judge's order is "credit for time served" in light of an individual's efforts and accomplishments in program activities.

Reconciling the Past with the Present

As a service provider, you know the participants best. You work with them over a period of time, address their needs, and celebrate their accomplishments. You look to the future instead of dwelling on the past. While the participant's criminal offenses represent a specific point of time in the past, the criminal justice system sometimes fails to recognize the achievements a homeless person can attain with the guidance of a dedicated provider and access to housing, treatment, and services. The HCP highlights the

fact that providers have a more complete picture of an individual's current life course.

You are well positioned to explain to the judge that the person standing before the bench has changed and is no longer engaged in the activities that led to the criminal charges. You help the court reconcile each participant's past—the offense—with the present—progress towards self-sufficiency.

Addressing Concerns of the Court and the Community

How do you address the prosecution's concerns for public safety? Providers address the concerns by working with clients to provide for basic human needs and develop skills they need to lead independent, self-sufficient lives. Those achievements ensure their success in the community.

Building Trust in the System

When you meet the basic needs of your client and help them overcome issues that prevent them from reaching their fullest potential, you build trust—trust in you and trust in the system. You do this by providing housing, clothing, and food; by building relationships, addressing concerns, and providing security; and by guiding your client from the streets, through your program, and back to self-sufficiency. Your work builds trust, and it is the key to the success of HCP.

Providing Access to Justice

Do homeless individuals receive "special treatment" through HCP? No. Instead, your clients merely ask for access—to housing, medical care, employment, and the court. We strive to extend these basic services to all. Yet, we should not wait for a person's life to fall apart before reaching out and providing services. The Homeless Court Program provides judicial access to people who take steps to address the issues that prompted their own homelessness. It

helps them move from the streets, through appropriate service provider programs, and on to self-sufficient lives by addressing criminal matters that serve as barriers to housing, employment, etc.

What's in a Name?

The name "Homeless Court Program" can be misleading as it does not explain the workings of the court or its goals. This program used to be called the "Homeless Warrant Clearance Program," but the current name illustrates the court's broader scope which accomplishes much more than merely resolving outstanding warrants. The HCP addresses a full range of misdemeanor cases—not only those that have gone to warrant.

Other communities use different names, such as: Street Outreach Court (Ann Arbor, MI), Homeless Caring Court (Alameda, CA), Homeless Outreach

Court (Santa Ana, CA), etc. All share the basic premise reflected in the HCP guidelines established by the American Bar Association in 2006 (see Appendix A). These guidelines outline the basic foundation of the Homeless Court Program: a collaborative effort to promote trust and confidence in the court while addressing community safety issues and removing legal barriers to self-sufficiency.

Working together, we give meaning to the dedication and determination of all the Homeless Court Program collaborators—the court, the prosecutor, the public defender, the service provider agencies, and the homeless participants. Our efforts are focused on positive outcomes for the participants and the community by providing opportunity, hope, and life at the end of the rainbow. There is truth to the old saying, "There's no place like home."

SECTION



The Homeless Court Program

The Homeless Court Program (HCP) is a special Superior Court session convened in a homeless shelter where homeless participants can voluntarily resolve outstanding misdemeanor offenses and warrants. The HCP builds on partnerships between the court, the prosecutor, the public defender, local shelters, service agencies, and homeless participants. It works to resolve the problems that homelessness represents with practical and effective solutions.

When participants work with agency representatives to identify and overcome the causes of their homelessness, they are in a stronger position to successfully comply with court orders. The quality, not the quantity, of the participant's time spent in furtherance of the program is of paramount importance for a successful HCP experience. A person who signs up for the HCP is not limited to the services and sentencing alternatives provided by the homeless agency that referred him/her to court. Rather, the participant is encouraged to participate in a program and services that will best meet his/her needs.

The homeless service agencies and providers are the gateway to the HCP. Initial referrals to Homeless Court originate from shelters and service agencies. The prosecution and defense review the cases, and participants are counseled before the court hearing. Fines and custody are replaced with participation in service provider programs completed prior to appearing at the HCP session. Cases are dismissed and serious charges are reduced in consideration for demonstrated accomplishments in program activities. The HCP is designed for efficiency; the majority of cases are heard and resolved in one hearing.

To counteract the effect of criminal cases pushing homeless defendants further outside society, the HCP combines a progressive plea bargain system, alternative sentencing structure, assurance of "no custody,"

and proof of program activities to address a full range of misdemeanor offenses.

The Homeless Court Program brings the law to the streets, the court to the shelters, and the homeless people to self-sufficiency. The Homeless Court Program provides access to court for homeless defendants by working with homeless service agencies, holding proceedings in provider agency community rooms, and recognizing individual accomplishments in agency services for purposes of resolving each case.

The History of the Homeless Court Program: Inspired by Homeless Veterans

Clients illustrated the need for a different approach from the traditional criminal justice system process and provided the inspiration for the Homeless Court Program. The Homeless Court Program began in 1989 at San Diego's annual Stand Down, a three-day tent community with a cornucopia of services created by Dr. Jon Nachison and Robert Van Keuren. Sponsored by Veterans Village of San Diego, Stand Down aims to break the isolation experienced by homeless veterans living on the streets. The HCP was developed in response to the exit survey from the first Stand Down in which 116 of 500 homeless veterans stated that their greatest need was to resolve outstanding bench warrants. Homeless veterans inspired the misdemeanor criminal court to leave the courthouse and join the Stand Down effort.

The Stand Down event provides a three-day window of opportunity for homeless veterans to overcome the isolation of the streets, link with services, and resolve their outstanding misdemeanor cases. The origin of the HCP at Stand Down provided the framework and baseline to eventually expand access to court to the general homeless population through monthly sessions, broadening its scope and promise.

Recognizing the efficiency of the Homeless Court Program at Stand Down as well as the growing demand of outstanding warrants and the desire for

homeless people to address their criminal legal issues, the Homeless Court Program expanded from an annual event at Stand Down to a monthly session

The Homeless Court Program at Stand Down

The outreach campaign for Stand Down includes the distribution and collection of participant "applications" for the three-day event. This application is really a mechanism for participants to signal their intention to attend Stand Down and express their interest in having their misdemeanor cases pulled by court clerks to be heard on site.

The Homeless Court at Stand Down begins alongside three gray concrete handball court walls on San Diego High School's athletic field staged with folding tables and chairs. Desert military camouflage netting shelters the court from the sun. The flag of the United States anchors one corner; the State of California's the other. The defendants appearing before this outdoor Homeless Court are veterans who live on the streets of San Diego, but for three days they are sheltered in tents, receive employment counseling, housing referrals, medical and mental healthcare, and other social services thanks to Stand Down.

On the first day of Stand Down, the prosecution and defense attorneys commence the disposition of cases at 8:30 a.m. When the participants arrive on the handball court to address their misdemeanor case(s), the court clerks check them in, pull their cases, and deliver the court file to the prosecution. The defense attorneys review cases with participating veterans, discuss their need for services to establish terms that satisfy court orders, and formalize plea bargains.

The HCP process differs from the traditional court process by providing credit for accomplishments in program activities completed prior to the court appearance. The disposition agreement developed for the HCP at Stand Down resolves cases (with 90% dismissed on site) by recognizing the defendant's efforts to address the underlying problems their homelessness represents. Those participants who will have all of their case(s) dismissed and are not entering a plea to any charge or case move to the on-site "bail office" to receive a court docket. The participants who do enter a plea or seek credit for their accomplishments in program activities during the event receive a conversion of their outstanding terms, and conditions of probation are set for the following day's court hearing. The court clerks generate court calendars to ensure a smooth court session the next day.

On the second day, the on-site court proceedings are held from 9:00 a.m. until noon. The veteran's voluntary participation in on-site program activities during the Stand Down event satisfies court orders for sentencing. Veterans receive documented proof of their accomplishments on the back of their Stand Down-issued registration card which indicate the services they accessed and participated in during the three-day event along with the dates and times for future meetings with service providers.

The court clerks set a future hearing/follow-up calendar in the courthouse for complicated cases not heard during this Saturday session. Difficult or complex cases (e.g., felonies, threat of custody, domestic violence, or Proposition 36 cases) are discussed with participants who are then encouraged to pursue a court date in the downtown courthouse. Due to budget constraints, participants are not able to sign up for court on site. However, defense attorneys counsel Stand Down participants and direct them to the next monthly HCP calendar. These participants immediately sign up for on-site programs at Stand Down designated for alternative sentencing to facilitate the disposition of cases at the future hearing.

open to the general homeless population. In 1990, it began to serve battered and homeless women; in 1994, it included residents at the city-sponsored cold weather shelter; and by 1995, it encompassed the general homeless population served at local San Diego shelters. It went from a court that convened once a year at Stand Down, to meeting quarterly, and since 1999, it has held monthly sessions. Thanks to a grant from the Bureau of Justice Assistance and the Department of Justice, the Court alternates monthly between two shelters: St. Vincent de Paul Village and Veterans Village of San Diego. This grant supported all the key players of the HCP to underscore the importance of collaboration with recognition of the unique contribution from the provider community.

The success of the HCP at Stand Down highlighted the value of the court's work with homeless service providers who address the varied issues associated with people living on the street. Acknowledging an abundance of criminal actions filed against homeless people who are unable to pay fines and unable to appear in court due to the daily struggle for food, clothing, and shelter, the HCP works with providers to find solutions that resolve the root causes of the participant's homelessness as well as the underlying criminal case.

The root causes of homelessness might include economic hardships, mental health issues, disability or health issues, substance abuse, unemployment or low wages, family issues, etc.

Currently, 17 communities throughout the State of California have established Homeless Court Programs. Numerous cities across the country, such as Albuquerque, Ann Arbor, Houston, Phoenix, Milwaukee, Minneapolis, and Vancouver have since replicated the program.

Core Elements of the Homeless Court Program

HCP is a Voluntary Program

Homeless participants voluntarily sign up for the HCP, and the participant voluntarily enters the homeless service agency. The HCP does not order participants into a program. If a participant who has signed up for Homeless Court decides to challenge his/her case, be it through a trial or motion, the case is set for a certain date in the courthouse. The HCP homeless participant is entitled to all protections afforded by due process of law. No one gives up the right to go to trial or pursue motions challenging the allegations against him/her.

HCP Addresses a Full Range of Misdemeanor Offenses

The HCP addresses a broad spectrum of misdemeanor offenses including charges of being under the influence of a controlled substance, theft, and driving under the influence. The HCP recognizes people can overcome great obstacles and serious misdemeanor offenses, and it realizes that these cases represent but one part of a life, not the whole of an individual. Participants who appear in Homeless Court with serious misdemeanor cases submit proof of completion of significant program activities. In many circumstances, the participant's program activities voluntarily exceed the demands a court might order for treatment for low-term felony cases (e.g., certain drug and theft charges).

HCP Uses a Progressive Plea Bargain System

The HCP offers a different plea structure from the traditional court proceeding. The HCP plea agreement responds to the cases or offenses the homeless participants receive due to their condition and status of liv-

ing on the streets. Additionally, the HCP agreement acknowledges the efforts the participants undertake to change their lives before their appearance in court. The plea agreement recognizes the participant has completed the court order before the court imposes a sentence. In the HCP, the participant performs the program activities without the threat of custody or a larger fine. The participant completes the order before it was given because that is what he/she needed to do to make a move from the streets, through the service provider program, to self-sufficiency.

HCP Employs Alternative Sentencing

While the HCP "sentences" participants to activities in the homeless service agency program, the sentence is actually completed prior to a participant stands before the judge. With alternative sentencing, the HCP gives "credit for time served" for the participant's accomplishments in shelter activities. These activities include life-skills, chemical dependency or AA/NA meetings, computer and literacy classes, training or searching for employment, medical care (physical and mental), and counseling. These activities replace the traditional court sentence options of fines, public work service, and custody. The alternative sentencing structure is not coercive or punitive in nature, but rather designed to address the underlying causes of a person's homelessness and recognize the person's efforts to make changes to improve his/her life.

Local homeless service agencies are the gateway and guide for participants to enter and succeed in this court. Homeless persons who want to appear in Homeless Court must sign up through one of a number of local agencies and participate in approved program activities.

The Homeless Court recognizes that each service provider has its own requirements and guidelines regarding participation in the Homeless Court. Some providers require a resident to complete an assessment, an initial phase of the program, or attend specified meetings. The providers introduce potential participants to the Homeless Court through a variety of means. These agencies will present the Homeless Court as an option after the homeless person has met the entry criteria. The Homeless Court does not interfere with the service provider requirements. Requirements vary from program to program and are

designed to facilitate life changes that result in ending a person's homelessness.

The providers perform assessments of clients and provide for their basic needs (food, clothing, and shelter), while building the motivation and support that lead clients to the services which, in turn, fulfill the court orders for alternative sentencing. The provider is in the best position to evaluate the client's needs and design a plan with attainable goals and positive outcomes. Most providers offer emergency and transitional beds for their clients. Some provide independent living for clients who successfully complete their program. Other shelters provide basic services or support for clients seeking to access benefits, counseling, group meetings, identification cards, clean clothing, and a meal. Clients who actively select their services and goals are more likely to benefit from the program. The Homeless Court and service providers share the desire to empower the individual and enable that person to overcome the adversity that fosters or causes homelessness.

The provider agency representatives write advocacy letters for each client. The advocacy letter is symbolic of the relationship between the client and the agency and includes a description of the program, the client's start date and accomplishments, programs completed, and insight into the client's efforts. The HCP sentence strengthens and advances the efforts of the participant and agency representatives.

No One Goes Into Custody

The HCP key players (judges, prosecutors, defense attorneys, and homeless service agencies) agree, "No one goes into custody against his or her will." This does not mean that the prosecution gives up its power to ask for custody, nor does the court relinquish its authority to incarcerate. Rather, this agreement acknowledges that while the participants have committed offenses, they have also met court requirements through their work in various programs. Furthermore, the HCP recognizes that incarceration would compromise the gains made by the participant and his/her service provider since it would likely result in homelessness upon release from jail and squander the precious few resources providers have to successfully move clients from the streets to pro-

ductive lives. This agreement respects the relationship and the trust the homeless service agencies hold with the participants who appear before the HCP and also acknowledges that time spent working with these agencies is equivalent to and more constructive than "time" spent in custody.

HCP Monthly Calendar: Four-Step Process

Step One

Provider staff deliver a list of clients for referral into the HCP on an "Interest List" (see Appendix C). This list is sent to the Office of the Public Defender on the last Monday of the month. After the defense attorney reviews the list, it is delivered to the court and prosecution for the upcoming month's HCP session. The provider staff hands each client an "Agreement to Appear" (see Appendix D) once he/she is signed up for the HCP. The Agreement to Appear serves as a calendar for the client listing the date and time of the counseling and court sessions as well as the location for these meetings. This process provides formal notice that the person is represented by an attorney and taking steps to address the pending criminal charges.

The service provider need not create additional services to those already offered to satisfy the court's sentence. However, if the opportunity arises, when an individual or group presents a specialized need, the service provider can tailor its program to accommodate that need. The service agency may also subcontract or refer the individual to another agency but must continue to monitor and verify compliance with the goals set.

Step Two

The Court prepares the calendar for the hearing and the prosecution runs each person's criminal record, produces a list of their misdemeanor cases (with discovery), and offers a plea bargain for disposition on the first Wednesday of each month. The court clerks provide a draft of the calendar and the prosecution presents their list of participants and corresponding plea bargains to the deputy public defender.

Step Three

The deputy public defender meets with participants at the host shelter one week before the actual court session to individually counsel and prepare participants for court. The one-week advance in preparation for the actual hearing demystifies the court process for participants by preparing them for what will happen in court as they face the judge. It strips away the fear of the unknown. It helps to overcome the distrust of being set up for certain failure through a sentence he/she cannot afford. The attorney and client review cases and plea agreements together. They talk about the client's activities in the shelter, what part of their program has been most meaningful, and their plans for the future. Most of the clients arrive at the counseling session with proof of their accomplishments in program activities. The attorney then instructs the participants to return to their caseworkers to gather advocacy letters as well as any certificates and tokens to be compiled and brought to the court session. The advocacy letter is symbolic of the relationship between the client and the program while providing an important source of information to the court. These documents are the independent verification the court needs to address and resolve cases.

Each client arrives at the counseling session with advocacy letters to illustrate their accomplishments in program activities. Participants should bring three collated packets of their advocacy letter, certificates, and support documents to the counseling session. This information assists the defense attorney in the negotiation of cases while providing the prosecution with additional insight into the individual progress to overcome the problems underlying the offense and move from the streets toward self-sufficiency. Clients who miss the counseling session should still attend the court session with these documents in hand.

Step Four

The defense attorney, participants, and agency case workers arrive at the Homeless Court session, check in, review negotiations, and update proof of accomplishments at 1:00 p.m. The court hearing is called to order at 2:00 p.m. This hearing is the tip of the iceberg for all the preparation undertaken beforehand. Weeks

of preparation before the court hearing make the judge's time at the shelter more efficient and meaningful. The information needed to fully address and resolve the cases is at hand. There is no need to set another court hearing to show proof of participation in a program. The prosecution, defense, and defendant have an understanding of what position they will take. They have already reviewed and discussed the matters on calendar. They are ready to present themselves to the court for its ruling and orders. While 90% of the cases are dismissed, adjudication of the remaining cases includes "credit for time served" for accomplishments in homeless service agency activities.

The court order and sentence are designed to provide a constructive alternative to fines, public work service, and custody.

Instead of punishing the individual or imposing a sentence that would result in setting someone up for certain failure, the alternative sentencing strategy is designed to provide attainable goals and positive outcomes. These goals and outcomes are selected by the individual to improve the likelihood of success. The desire is to empower the individual and enable that person to overcome the adversity that fosters or causes homelessness.

Offenses Addressed by the Homeless Court Program

The HCP addresses a full range of misdemeanor offenses. The HCP does not address felony, Domestic Violence, Prop 36, cases outside the County of San Diego, or parking tickets. However, attorneys with the Office of the Public Defender can coordinate the surrender of felony clients into the courthouse. The surrender of clients for such cases is presented as referrals from the Homeless Court Program with documented proof of participation in program activities to assist the traditional court in understanding that the client is engaged in meaningful activities.

Distinctions between the Traditional Court and Homeless Court

In San Diego, the traditional court sentence for a municipal code violation is a fine of \$300. In the traditional court setting, a defendant will receive a \$50.00 "credit" against a fine for every day spent in custody. The defendant who spends two days in custody receives credit for a \$100.00 fine. To satisfy a fine

of \$300.00, the court requires a defendant spend 6 days in custody. Thirty days in custody is the equivalent of a \$1,500.00 fine. The court might convert this fine to six days of public service work or the equivalent time in custody.

The traditional punishment for a petty theft is one day in custody (for book and release), \$400 in fines, victim restitution, and an eight-hour shoplifter course. When someone is convicted of being under the influence of a controlled substance for the first time, he/she faces a mandatory 90 days in custody or the option of completing a diversion program. The diversion program includes an enrollment orientation, 20 hours of education (2 hours a week for 10 weeks), individual sessions (biweekly for 3 months, 15 minutes each), drug testing, weekly self-help meetings, and an exit conference.

Typically, the HCP participant has *already* been in a homeless service agency program for at least 30 days (from the initial point of registration to the hearing date) when standing before the judge at the shelter for Homeless Court. By this point, their level of activities in the homeless service agency *exceeds* the requirements of the traditional court order. This does not even include the time each participant spent in program activities meeting the providers “entry criteria” for the referral into the HCP (see Section 3, Homeless Court Provider Network, Summaries of Partners and Programs). While the program activities vary from one agency to another, these activities usually involve a greater time commitment than traditional court orders along with great effort and introspection from the participant. Program staff ensure that participants are already successful in their efforts to leave the streets before they enter the courtroom. These individuals regain control of their lives and are on the right track before they meet the judge at the HCP.

In addition, the defense has a chance to consult with the defendant a week before the HCP hearing. The consultation meeting is unlike the process in a traditional misdemeanor court where the public defender only meets with the defendant immediately prior to an appearance in court. The one-week lapse between the initial interview at the counseling session and the Homeless Court session allows the defense attorney time to meet with the client and confirm the accomplishments in service agency programs. It also permits time to identify and resolve difficult cases. The HCP consultation provides the public defender with important information to negotiate a settlement with the prosecutor. If the defendant cannot attend the initial meeting in person, then phone counseling can be arranged during that week. Occasionally, the defendant and the public defender meet on the day of the HCP session. The pre-hearing case review is a unique and effective feature of the HCP program.

In their basic focus the HCP and traditional criminal justice system address the individual and offense with different terms and approaches. These contrasts are laid out below.

Homeless Court Program – A period of time focus on the individual’s accomplishments.

Traditional – A point in time focus on the allegation in the charged offense(s).

Homeless Court Program – Credit for work and accomplishments in program activities with proof delivered at the court hearing to reconcile the offense with current changes and success.

Traditional – Promise of future action with expectation of compliance through threat of fine and custody.

Homeless Court Program – Broad review of the individual and circumstance.

Traditional – Formal case review of criminal elements and punishment for violations.

Homeless Court Program – The participant addresses his/her greatest need and underlying root cause of homelessness in partnership with social service agency staff.

Traditional – The court order is utilized as punishment for specific behavior and as a means to deter future criminal behavior.

SECTION



The Homeless Court Process

The Homeless Court Program (HCP) builds on the core principles of transparent information sharing, meaningful and thoughtful review of individual circumstances and cases, and recognition of an individual's accomplishments that provide confidence to the court and value to the community. Everyone, including the homeless participant, knows what to expect during the HCP court hearing.

Each month, staff from the public defender's and prosecution offices, numerous homeless service providers, and the San Diego Superior Court carry out a series of synchronized steps that culminate in a HCP hearing where hundreds of cases are resolved during an afternoon court session.

The HCP relies on the relationships created and the trust engendered between all key partners engaged in the process: the providers, who work directly with the homeless participants; the prosecution (the Offices of the City and District Attorneys), who represents the people of San Diego; the defense attorney (public defender), who advocates for the homeless defendant; and the judge, who represents the court.

Member Roles

The criminal justice practitioners, homeless service providers, and participants who attend each court session play different roles and have varied functions in the court process. While the HCP represents a new and collaborative framework for conflict resolution, all participants are committed to protecting community interests, furthering justice, and guarding constitutional protections while providing opportunity and preserving the dignity and self-respect of those who work hard to overcome their daily challenges. These roles are briefly described herein.

Provider

The provider agency and caseworker offer services to participants, motivate and challenge them to make the most of the opportunities presented, and verify proof of accomplishments in program activities.

Participant

The participant works with the provider to overcome the difficulties of the past, strives for new opportunities, and achieves self-sufficiency.

Prosecutor (Office of the City Attorney and District Attorney)

The prosecutor represents the people of the state in bringing criminal charges arising out of state law and local ordinances against the defendant. The prosecutor acts to ensure public safety and individual accountability.

Defense Attorney (Office of the Public Defender)

The defense attorney (public defender) represents the participant who is accused of the crime under the law, raises a defense, and argues on their behalf. The attorney challenges the case to ensure substantive and procedural due process of the law.

The Judge

The judge hears and reviews the case and issues rulings and orders as an independent arbiter of the law.

Court Clerk

The court clerk prepares the court cases, calendar, and dockets to memorialize court proceedings and judicial rulings.

Statement of Services, Entry Criteria, and Advocacy Letters

The service providers play a critical role in the success of the Homeless Court Program (HCP). Providers reach out to homeless individuals, address the underlying issues that cause a person's homelessness, refer clients with pending criminal charges and outstanding warrants to the HCP, monitor progress, and ultimately serve as an advocate for the participant before the court.

It is important for service providers to assist the prosecution, defense, and court to fully understand the work that occurs in program activities, the program's importance to the client, and how successful completion of the program addresses any prior concerns held by the court and the community. The statement of services, entry criteria, and advocacy letters present the provider with an opportunity to explain to the court the importance of his/her work as well as the work of the client. These documents are the vehicles for establishing a foundation for meaningful interaction and complete transparency in the HCP.

Statement of Services

The statement of services is the provider's declaration of the program and is essential to ensure the HCP key players' understanding of the program. Drafted by the provider, it helps the prosecution, defense, and court to understand the program's mission by spelling out the purpose and benefits for clients and, in turn, for the HCP. The statement of services must include the following information: name and description of program; type of services offered; target population; entry criteria for client referral to HCP; and, contact information for provider staff who will act as liaison to the HCP (see Appendix E for sample Statements of Services).

The HCP understands that the statement of services may change over time and that program activities will be tailored to client needs, available resources, program demands, and concerns for public safety.

Entry Criteria

The entry criteria is developed by the service provider agency. It establishes goals that participants

must achieve prior to referral to the HCP. Referral to the HCP indicates to the court that a client has attained certain milestones in the program. While each provider agency's entry criteria is different, it typically includes the completion of a class, a phase, or a list of individualized goals. The entry criteria statement is an opportunity for a service provider agency to highlight the program's commitment to challenging clients to make positive life changes while at the same time demonstrating their respect for court and community concerns.

Advocacy Letter

The advocacy letter is critical for successful resolution of the participant's cases on calendar as it documents the participant's accomplishments and supports the prosecution's recommendation and the court's action for dismissal or alternative sentencing in the HCP. Participants stand before the court with advocacy letters written by agency representatives and certificates that show proof of their activities, accomplishments, and aspirations. The HCP works best when participants have detailed advocacy letters and certificates that present a clear picture of the positive steps the participant has taken to make changes in his/her life.

Advocacy letters should include the following: a description of the service provider and its program, the client's start date and accomplishments, programs completed or in progress, insight into the client's efforts and demeanor, and long-term goals for the client's success. Some examples of positive steps that show affirmative efforts to address the homeless condition are: staying sober, renewed attention to personal hygiene, use of education and job training resources, physical or mental treatment, completed assessments, and/or obtaining an identification card or a driver's license.

The HCP guidelines recognize that while many letters follow the same general format, the absence of personalized information dilutes the effectiveness of the advocacy. Prosecutors and judges appreciate participants who appear before the court with personalized letters of recommendation ready to explain their circumstances and current successes. The court cannot fully resolve cases in one hearing when there is a lack of specific information to justify alternative sen-

tencing. Including detailed information is generally best, however efforts should be made to protect a participant's privacy.

With advocacy letters in hand, the prosecutors have verification of a participant's activities and can recommend that the court dismiss the case. Because the advocacy letter speaks to the participant's particular situation and accomplishments, the court is able to

review the documentation and, in the vast majority of cases (or, all but rare cases), sentences the person to previously completed activities in his/her program.

Ideally, the court will have the framework to pronounce a sentence and terms and conditions of probation with "credit for time served." In San Diego's HCP, it is rare when the court continues a case for additional proof of a participant's program activities.

What to Include in the Advocacy Letter:

Include the date of entry and length of time in the program.

Define the program's focus.

Describe the client's progress and participation in specific program activities.

Provide personal observations of the client's positive steps and significant moments as well as a "before and after" comparison.

Include a statement from the client discussing what the program did for him/her, what the court should know, the best part of program, etc.

Highlight exceptional examples of the participant's efforts (e.g., extra classes, activities, or positive steps).

Finally, reconcile the past offense against the participant's current accomplishments.

For example:

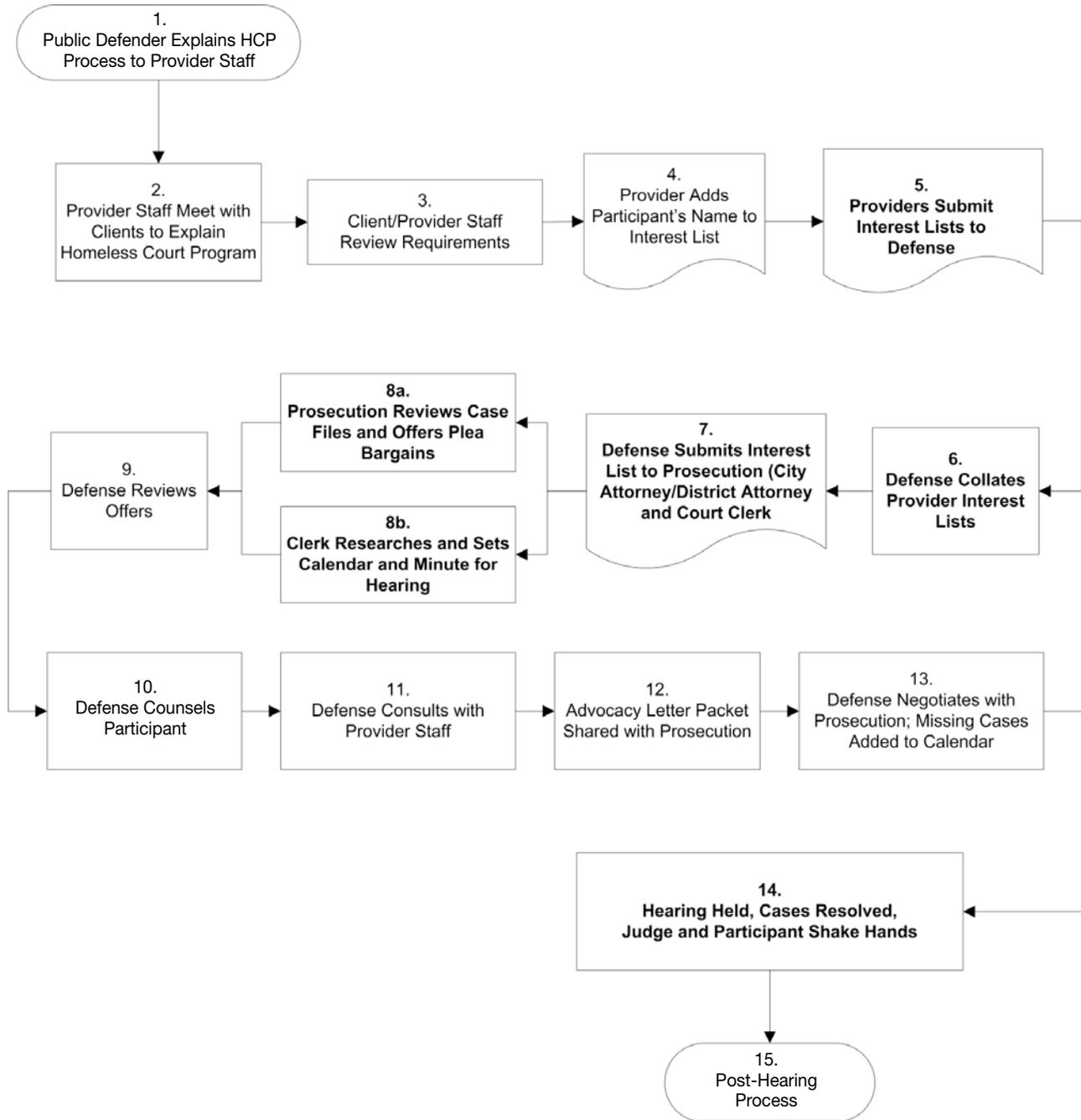
If the offense is an incident of outbursts with police officers (PC 148, Resisting Arrest), the provider may

explain how current treatment has addressed the issue that prompted the participant's behavior at the time of the offense. "Participant resisted arrest because he had a psychotic episode during a period when he was not taking medication." Or: "Participant resisted because he was under the influence of drugs, however he's been clean for 6 months." This tells the court the conduct will not happen again (and addresses concerns whether the client acts out against police officers or whether his behavior is racially motivated).

If the client is charged with an open theft charge, explain, "Client needed a sweater to keep warm in the winter," or "Client turned to alcohol because he is an alcoholic but is now in treatment (and has been sober for X weeks/months)."

CAUTION – Do not explain the offense. The offense is a legal term based upon an act. This holds special consideration for attorneys. Anything you state about the act might harm your client in court.

Synchronized Steps for San Diego’s Homeless Court Program



Note: Steps printed in bold text represent the four major steps of the HCP calendar (see Appendix B).

Process Steps Summarized

1.
Public Defender Explains HCP
Process to Provider Staff

Step 1

Outreach: The Defense Attorney Explains the HCP Process to Providers

- Provider staff and public defender attorney establish contact.
- Public defender presents the HCP and its process and purpose to provider agency staff and clients.
- The provider staff drafts a statement of services and entry criteria for HCP.

The provider staff must understand the purpose and process of the HCP to prepare clients for their appearance during the HCP counseling and court sessions. The first step is to familiarize the staff in the homeless service agency with the HCP by providing detailed information on the philosophy behind the HCP and how it differs from the traditional court.

Defense Attorney Presents HCP

An attorney from the Office of the Public Defender visits a local service agency to explain the HCP purpose and process. The attorney discusses the nuts and bolts of the HCP and presents the video, *“And Justice for All: Taking Courts to the Street.”* Next, the attorney explains the HCP process beginning with how to use the monthly color-coded HCP calendar, “interest list,” and “agreement to appear.” Lastly, the attorney answers questions and responds to issues raised during the presentation (see Appendix B for Calendar, Appendix C for Provider Interest List, and Appendix D for Agreement to Appear forms.)

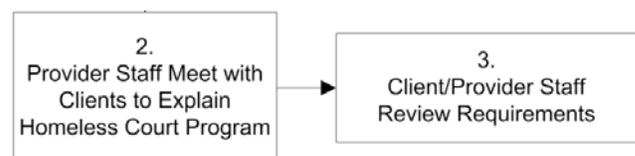
Entry Requirements and Statement of Services for Programs

Each agency establishes its own entry criteria for referring clients to the HCP. These criteria illustrate the goals and accomplishments a provider requires

participants to achieve prior to referral to the HCP. Referral to the HCP indicates that a client has attained certain milestones and is ready to appear before the court. Each provider’s entry criteria are different, and might include the completion of a class, a phase, or a list of individualized goals. Entry criteria are presented to the HCP on the provider’s statement of services. The statement gives voice to the provider; it highlights the importance of their work with the HCP and underscores the program’s commitment to challenging clients. The statement also demonstrates that the provider is mindful of the court and community concerns and is committed to making a thoughtful and knowing referral for each client.

The HCP recognizes that each provider offers different services and that each client has individual needs and a personalized case plan to move from the streets, through a program, to self-sufficiency. Ultimately, the entry criteria reflect each provider’s determined review of clients ready to appear before the HCP.

Because the primary focus of the HCP is for participants to concentrate on pulling their lives back together, the HCP does not suggest requiring volunteer work or community service as part of the entry criteria as it prevents participants from devoting the necessary time and energy to their program activities. Furthermore, the entry criteria should not set the bar too high for entry into the HCP and frustrate or exhaust the client.



Steps 2 and 3:

Provider Staff Meet with Client to Explain Homeless Court Program and Review Entry Requirements

- Provider explains the HCP along with other services offered during the client’s introduction, orientation, and welcome into the program.
- Provider meets with client to develop an action plan and goals for success and self-sufficiency.

One Time Only?

While the HCP does not encourage participants to make repeated attempts to resolve cases, there is no hard and fast rule that people can appear before the HCP one time only. While this policy is not advertised, it is understood people have a difficult time overcoming obstacles that give rise to homelessness, that economic catastrophe, mental illness and substance abuse can return and need review, constant attention and supporting guidance. Service providers are in the best position to challenge a person experiencing homelessness to work hard and make the most of the opportunities given them. You are in the best position to provide the basic services needed to challenge participants to change and strive for a second chance. You evaluate the individual's eligibility on a case by case basis.

The HCP does not turn people away simply because they have committed another offense. The service providers who refer a participant for the second time into the HCP must ask the individual why he/she has returned and what he/she needs to do to prevent another return to the problem that gives rise to the offense. This review and monitoring is the ultimate goal for our providers, court, and community – the assurance that people continue to work on problems they face. Review and preparation are necessary to assure that our clients will succeed, face their challenges and ensure our streets will be safer.

Provider Explains HCP

Every provider conducts an orientation and introduction of program activities for incoming clients that includes a welcome, a tour of the facility, and a list of all services offered—including the HCP. This introduction is the first step to developing trust and building an effective working relationship. The provider explains the HCP and what generally is required for a referral into the HCP. The HCP is presented as one option among the many programs and services offered by the provider agency. Participation in HCP is voluntary, and clients need not participate in the HCP in order to receive housing, treatment, or services offered by the provider agency.

Provider and Client Develop Action Plan and Review Entry Requirements

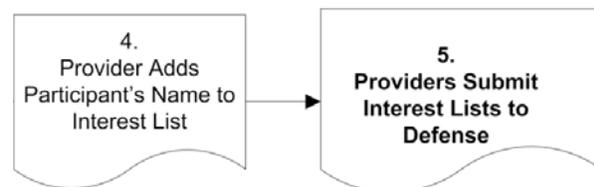
The provider staff assist clients in approaching the HCP court and overcoming the concerns or fears associated with going to court and facing a judge. The provider staff stands with the client, either symbolically with an advocacy letter or physically in person, to testify to the progress made in program activities.

The provider staff meet individually with each client who has an outstanding criminal case.

Together, they establish an action plan including a list of goals, classes, and meetings to complete along with a strategy to facilitate self-sufficiency. Ideally, the program activities selected are easily accessible directly through the provider agency. However, it is not uncommon for clients to attend program activities at outside agencies.

The provider and client discuss the entry criteria for referral to the HCP. The provider explains to the client the rationale behind the entry criteria as well as the importance of achieving certain goals and completing specific classes or programs prior to appearing before the court.

The provider reassures the client that he/she will not be taken into custody, explains that he/she has likely already met the requirements for court, and that the HCP is designed to be a positive experience. The provider shares examples of successful participants to illustrate the importance of a clear record such as the ability to access government services, housing, and employment. The provider monitors the client's progress and verifies the client's accomplishments prior to referral to the HCP.



Steps 4 and 5: Provider Agency Compiles and Forwards Interest List to Defense Attorney

- Clients sign up on the HCP interest list and receive an agreement to appear form.
- Provider representative submits the interest list to the defense attorney at the Office of the Public Defender.

Sign Up for HCP

The provider staff meets with each client to ensure he/she satisfies the entry criteria and is ready for a referral to the HCP. Upon approval, staff from the provider agency adds eligible participants to the Interest List (see Appendix C). Participants provide their name (including aliases), date of birth, gender, and ethnicity for purpose of identification.

Each participant then receives an Agreement to Appear (see Appendix D). This form serves as the client's calendar for the counseling and court sessions. It states the time and location to meet the attorney for counseling and appear for court. The agreement to appear also serves as a notice to show police that the participant has a future court date to address outstanding warrants and/or pending criminal charges.

The provider staff fills out contact information (agency name, case manager, and contact person's phone number) and forwards the interest list to the Office of the Public Defender.

Submit Interest List by E-mail or Fax

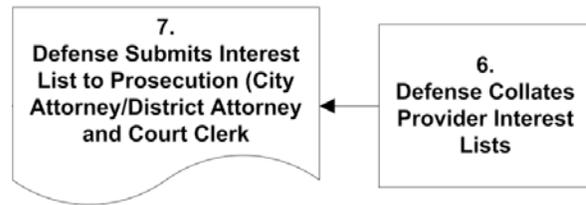
The interest list is delivered to the defense attorney via e-mail or fax depending on the HCP guidelines. The provider must check with the defense attorney to determine which method of delivery applies to their agency. It is highly recommended that each provider receive confirmation that the interest list was received. If your list is submitted via e-mail you must deliver it to two people and a designated court clerk to confirm that it is properly processed. You need to contact the defense attorney for the names of the appropriate people and their e-mail addresses in order to properly process your interest list.

HCP Defense Attorney:

Steve Binder

(619) 338-4811 fax

steve.binder@sdcounty.ca.gov



Steps 6 and 7:

Public Defender Collects Interest Lists and Distributes them to the Prosecution and Court

- The Office of the Public Defender collects the interest lists from participating service provider agencies.
- The defense attorney submits the interest list to the prosecution and court clerks.

Defense Attorney Collects and Distributes Interest List

The public defender collects and reviews all interest lists submitted by various service provider agencies. The public defender then drafts and submits the master interest list to the prosecution and court clerks for inclusion on the next monthly HCP session.

Interest List and Agreement To Appear

- 1) The service provider must complete the first 6 boxes on the interest list and include the name of the client (AKA and middle initial) and date of birth. This information is essential for the court clerks to properly identify client cases and ensure that they are on calendar.
- 2) The service provider must submit the interest list before 5:00 pm on the day marked with the green box on the HCP color coded calendar. This is the deadline to submit the interest list. This list may be submitted well before the due date.
- 3) The agreement to appear form should be completed by the service provider and handed to each client who signs up for the monthly HCP session. This form tells the client when and where to appear for the counseling and court hearing sessions. Be sure to check the location of the month's HCP session. The counseling time always starts at 9:00 am. The court hearing is always marked for 1:00 pm. While the actual court hearing starts at 2:00 pm we ask that everyone appear early to check in, submit advocacy letters, and discuss updates in negotiations with the prosecution. Additionally, we use this time to review the cases listed on calendar, answer questions, and make sure everyone understands the process and likely outcome prior to standing before the judge.

The HCP team is presently developing an e-mail version of the interest list that will be merged in alphabetical order and delivered on an Excel spreadsheet to make it easier for the prosecution to research individual cases and the court clerks to build the court calendar.

8a.
**Prosecution Reviews Case
Files and Offers Plea
Bargains**

Step 8a:
The Prosecution Reviews Case Files and Offers Plea Bargains

- The prosecution reviews the interest list and researches case files and criminal history based upon the court calendar.
- The prosecution compiles a list of cases and makes an offer for resolution of cases based upon the disposition guidelines.
- The prosecution provides the offers and discovery (copies of all evidence) to defense counsel.

Prosecution Review

Based on the court calendar, the prosecution (Offices of the City Attorney and District Attorney) researches and evaluates each participant's case, criminal record, and the discovery supporting allegations against the accused individual. The prosecutor then prepares an offer for the resolution of an individual's case(s) set for the monthly HCP hearing.

Prosecution Offers Plea Bargains

The prosecution's offer for resolution of an individual's case(s) is based on the HCP disposition guide-

lines and includes careful consideration of numerous factors that include, in part:

- 1) the offense (date and charge),
- 2) state mandated terms such as custody time,
- 3) presence of violence or victim,
- 4) impact on the community,
- 5) restitution owed,
- 6) criminal history, and
- 7) if the person is a registered sex offender, whether they have complied with registration requirements.

These offers for disposition list cases on calendar (together with the relevant discovery), criminal history, impact of criminal behavior on the community, the number of outstanding cases, and acknowledgement of each participant's involvement in his or her respective program. Negotiations surrounding the offers are then conducted and resolved between the prosecution and defense prior to the court session. Because no participant in HCP is ever taken directly into custody, defense counsel and participants will be notified in advance and participants will be given a future date to serve their custody time if there is a mandatory custody term or custody is contemplated. The HCP promotes alternatives to the threat of custody short of spending time in a jail cell.

Concerns and Request for Information - Contact the defense attorney with any questions you might have about your client and his/her status to discuss appropriate referrals, prepare for the HCP session, and address the prosecution's concerns. And, when the defense, prosecution, or judge expresses a concern about a client, case, or behavior, interpret this as a matter that needs further explanation and be sure to provide an answer or solution.

**8b.
Clerk Researches and Sets
Calendar and Minute for
Hearing**

**Step 8b:
Court Clerk Conducts a Records Search
and Sets Cases for Hearing**

- The court clerk conducts a computer records search for each participant on the interest list.
- The court clerk forwards the list of participants and cases to the Public Defender and Prosecution Offices.
- The court clerk prepares a court calendar and case minutes for the HCP hearing.

Court Clerk Research

The Court Operations Clerk of the San Diego Superior Court conducts research for the people listed on the interest list submitted by the providers. This includes research of the criminal record case for open cases, further proceeding, warrants, and pending civil assessment penalties. The only cases placed on the next HCP calendar are misdemeanor criminal cases within the jurisdiction of the San Diego Court. The clerk prepares a court calendar and case dockets for the HCP hearing. This calendar list of misdemeanor cases includes each participant and all of his/her open cases, warrants, fines, civil assessment penalties, and any other pertinent information.

Court Calendar

The court clerks send the court calendar with participant names and cases to the prosecution and defense.

Court Minute Prepared

The court minute (court papers) is the official record of the court hearing. The court clerks prepare minutes for the people and cases listed on the calendar. This is the first step for listing cases to be heard during the HCP session. The court clerks must have correct names, aliases, and proper spelling to find each client's case(s). This advanced preparation helps to ensure the court hearing goes quickly and each participant receives his/her docket in a timely man-

ner. Each client will receive a copy of the minute that explains what happened to his/her case in court.

**9.
Defense Reviews
Offers**

**Step 9:
The Defense Attorney Reviews
the Disposition Offers**

- The defense attorney reviews the prosecution disposition packet for individuals and their case(s).
- The defense attorney contacts the client and provider to discuss challenging cases.
- The defense attorney contacts the prosecution to discuss challenging cases on calendar.

Defense Attorney Reviews Prosecution Packet

The defense attorney reviews the prosecutor's disposition offer for each participant listed on the calendar to prepare for the counseling and court sessions. This review provides advanced planning to troubleshoot potential problems and plan a response to any concerns the prosecution might have.

Defense Contacts Client

The defense attorney will contact any client who has a complicated case or a large number of cases on calendar in advance of the counseling session. The attorney will ask about the client's circumstances, length of time in the program, and goals and accomplishments in program activities. The attorney will ask questions about what gave rise to the offense to determine if and how the offense(s) occurred and what activities and accomplishments the individual has performed to address any concerns the prosecution and court might have. The defense attorney might ask for advance proof of accomplishments, detailed or additional documentation of activities, and plans to prepare for the court hearing.

Defense Contacts Prosecution

The defense attorney will contact the prosecution to address any concerns and negotiate disposition of the

case(s). The defense attorney contacts the client and program representatives to discuss the prosecution's concerns, to develop an answer or action plan that addresses those concerns, and to explain the particulars of the participant's life challenges and successes.

10.
Defense Counsels
Participant

Step 10:

The Defense Attorney Counsels Participants

- Participants meet their attorney at the host provider facility.
- The defense attorney counsels each participant individually to review the criminal case(s), defense considerations, and accomplishments in program activities. The attorney also reviews the prosecution disposition agreement, explains the importance of advocacy letters and proof of accomplishments, and collects documentation of the participant's progress in program activities.
- The defense attorney collects additional information to negotiate the disposition of cases with the prosecution.

Defense Counsels Participants

One week prior to the HCP hearing, the defense attorney meets with participants at the host provider. The participant arrives at 9:00 am at the time and place listed on their agreement to appear (the date and location for this meeting is marked on the HCP color coded calendar).

The defense attorney starts each counseling session by explaining the HCP process to the group of participants, telling them the purpose for the court holding session in the provider's community room, explaining their constitutional rights, and

thanking everyone for their patience in waiting for the monthly process to unfold. The defense attorney then meets with each person individually to review and explain the criminal justice aspects of the cases and to ask about the individual's accomplishments in program activities.

When discussing the individual's participation in program activities, the defense attorney might ask which activities the person found most helpful. The attorney's one-on-one discussion with participants might also include questions about overcoming a particular hardship or simply what plans the participant has for the future. The attorney might ask the person what the court should know about them, their time on the streets, how they got into the program, or the best part of their program. This might include participation in activities outside the designated program such as community college, technical school, rehabilitation, and outside medical treatment. The court will look at the entire package of accomplishment as an alternative sentence to satisfy traditional court sanctions of fines, public work service, or custody.

During the meeting, the public defender presents each individual case and the proposed disposition offer as the worst-case scenario to help the participant face his/her greatest fears about the judicial process and prepare to address the judge.

During the consultation, the public defender also explains the importance of the advocacy letters pre-

Advocacy Letters, Certificates, and Support Documentation

Providers must assemble a packet of information in support of the client to submit to the court to justify dismissal or alternative sentencing. This packet must include an advocacy letter and may also include proof of participation in classes, counseling, employment training, medical care, a list of AA/NA meetings, school records, trolley passes or driver's licenses, housing documents, etc. Providers should utilize discretion when putting this information together. It is best to submit too much rather than not enough information. Some of the documentation might be helpful or instructive for case negotiations. Some might not be used at all and held back for any number of reasons. This information packet is reviewed by the court with the understanding that the provider is in the best position to determine the underlying cause(s) of homelessness and of the offense, and the documentation supplied by the provider confirms that the client has made progress and appropriate steps have been taken to reduce the likelihood of recidivism.

pared by service providers that each participant will present to the court in support of dismissal or alternative sentencing and a successful resolution of all cases (see Appendix F).

On occasion, the defense attorney might instruct the client to bring additional or detailed proof of

program activities and advocacy letters to ensure a successful resolution of the individual case(s). The public defender might negotiate further with the prosecutor after learning more about the defendant's individual situation during a pre-hearing consultation. In most instances, these negotiations end with an agreement reached. In rare instances, such as when the prosecution and defense need additional information about a criminal case or more proof of program activities, case(s) might be continued to a future HCP session.

Always Supply Three Copies of the Advocacy Letter

Clients should bring three copies of their advocacy letters, certificates, and support documents. These materials should be sorted into three packets – one each for the defense attorney, the prosecutor, and the court. The defense attorney reviews these documents with clients prior to court hearings. The defense attorney is mindful of protecting privacy and utilizing enough information to successfully resolve the case(s). Additionally, the client should bring any documentation they may have related to the cases. This may include DMV printouts, Alliance One (collections) letters, and citation and court dockets.

Failure to Appear for Counseling or Court

The provider staff should inform the defense attorney of a participant's status and reason for not appearing during the counseling or court session. The provider should also be prepared for the possibility of addressing these matters even though the client is not present.

- Clients should still appear for the HCP court session if they missed the counseling session or feel they need additional time to prepare for court. If a participant is going to miss the court session (due to mandatory program activities, a medical appointment, work, etc.) he/she should make sure the defense attorney is aware of the reason for missing court and has the advocacy letter and supporting documentation. The participant must also notify the caseworker or agency representative.
- It may be possible to waive the participant's requirement to appear in person and have the defense attorney appear to resolve the case(s) with the court if all supporting documentation is in place. The second option is for the attorney to continue (i.e., postpone) the case(s) to the following month's HCP hearing.
- It is important to communicate the reason why a client fails to appear. The service provider might address the court to explain that a client missed due to relapse, a medical appointment, job interview, or a vehicle breakdown.

Defense Collects Proof of Accomplishments

The defense attorney collects proof of accomplishments and background information concerning offenses and life hardships to better understand and explain a client's circumstances. It is incumbent on the provider and participant to present proof of accomplishments in program activities for the HCP hearing. Ideally, this should be presented at the counseling session to ensure everyone is prepared for the hearing.

The presentation of advocacy letters and support documentation at the counseling session helps to ensure a client's accomplishments are recognized. During negotiations with the prosecution, this information helps the defense attorney to answer any concerns held by the prosecution or the court. Additionally, this assists the defense and prosecution in preparing for the court hearing as it minimizes last minute reviews of paperwork, such as those presented during check-in sessions prior to an actual court hearing.

11.
Defense Consults with
Provider Staff

Step 11:

The Defense Attorney Consults with Provider Staff

- The defense attorney discusses client accomplishments and case status.
- The defense attorney requests updates on clients who do not appear for counseling sessions or court appearances.

Defense Attorney Consults Provider Staff

The defense attorney might request that additional information regarding a client's accomplishments be tailored to the particular demands of a difficult case on calendar. The service provider can satisfy these concerns with proof of a client's earlier hardships, a description of an individual's particular circumstances, or evidence of the person's accomplishments (no matter how large or small they might at first appear or how they compare to other achievements).

Signed Up, but Not Ready for Court

On rare occasions, a participant signs up for the HCP monthly session but fails to comply with program rules. The client might not be ready for court for many reasons, including: relapse, engaging in an activity inconsistent with the program, or demonstrating behavior that is inconsistent with recent accomplishments. While the provider should notify the defense attorney of any changes in circumstances, the client should still attend the HCP session. This information makes it possible for the defense attorney to address the problem and explain to the client the difference between the traditional court and the HCP process. The attorney will inform the client that he/she has a choice to work with the case worker, continue program activities, and participate in HCP or appear before a judge in a courthouse. The client is then able to decide whether to prepare for the next month's HCP session.

Defense Attorney Seeks Update for Participant Who Did Not Appear

The defense attorney will contact provider staff to ask why a client did not appear for counseling and encourage that person to appear for court. Ideally, the provider staff follows up to ensure they appear at the court hearing without prompting from the attorney. On rare occasions, the attorney may be able to represent the client by waiving his/her appearance with an explanation of why the person is not present (e.g. at work or a medical appointment, successfully moved out of the program to independent living, etc.). Documentation illustrating why a person is absent along with proof of their accomplishments might help the court resolve cases on calendar.

12.
Advocacy Letter Packet
Shared with Prosecution

Step 12:

Proof of Accomplishments Shared with the Prosecution

- The defense attorney delivers proof of the client's accomplishments to the prosecution.

Defense Attorney Shares Advocacy Letters

The defense attorney shares proof of the participant's accomplishments—the documentation prepared by the service provider and submitted to the defense attorney by clients during the counseling session—with the prosecution. The advocacy letter, certificates, and supporting documentation are delivered to the prosecutor for review, negotiations, and further discussion of individuals and cases. These letters assist the prosecution in understanding the particulars of an individual's program accomplishments and how disposition of the case should proceed. The advocacy packet information supplements the prosecution's knowledge of each client beyond the entry criteria.

13.
Defense Negotiates with
Prosecution; Missing Cases
Added to Calendar

**Step 13:
The Defense Attorney Negotiates
with the Prosecution; Missing Cases
are Added to the Calendar**

- The defense attorney negotiates case disposition with the prosecution.
- The defense attorney submits the list of cases missing from the calendar to the court clerks and prosecution.

***Defense Attorney Negotiates Case(s)
with Prosecution***

The defense attorney negotiates cases with the prosecutors after they review the advocacy packet information and discuss the specifics of each participant's case(s). The prosecution's offer is generally based on the provider's entry criteria which is defined when the interest list of client names is submitted for the monthly HCP calendar. The attorneys discuss and further resolve the case(s) when they review the particulars of an individual's position, case, and accomplishments.

***List of Cases Submitted
for Court Calendar***

The defense attorney delivers a list of additional cases that clients provided during counseling sessions and were inadvertently missing from the court calendar. Court clerks add these cases to the calendar for the following week's HCP hearing.

14.
Hearing Held, Cases Resolved,
Judge and Participant Shake Hands

**Step 14:
The Court Hearing is Held**

- Host provider staff prepare the room for the court session.
- The bailiff proclaims court is in session.
- The client is called before the judge. For each participant, the defense attorney states the case disposition agreement and whether the recommendation is a dismissal or a plea and presents advocacy letters.
- The clerks give the case files to the judge.
- The prosecutor makes a motion to dismiss, when appropriate.
- The public defender asks that advocacy letters be entered into evidence.
- The caseworkers stand with clients, answer questions, and share insights.
- The judge confers with the attorneys (prosecution and defense) and renders judgment.

Provider Staff Appearance

The provider staff is the best advocate for clients concerning their accomplishments in program activities. Their presence at a court session (in a counseling session, too) helps the defense attorney to understand the full extent of a client's accomplishments. It is the provider staff who can communicate how much ground an individual covered in overcoming obstacles or who can simply explain the nature of an individual's life transition (from the streets, through the program, to success).

Sometimes clients get nervous. A client may appear anxious or troubled standing before the judge. A client might misunderstand something the court says. It is not uncommon for a client to say yes when they mean no—for instance, the judge asked one woman if she received her necklace at her program. She responded "no," when she meant yes. The necklace held tokens of her sobriety. Others might be modest or shy or have difficulty talking to the judge. Sometimes they need the silent support of their service provider or caseworker sitting the room. Most clients are not used to success or to positive court sessions. Your appearance is essential, but not mandatory, for the successful resolution of cases.

Community Room Set Up For Court Session

The HCP hearing is called to order at 2:00 pm. Participants should arrive by 1:00 pm.

San Diego hearings are held alternately at either of two host providers (see Appendix B; host designated each month).

- St. Vincent de Paul Village, located at 1501 Imperial Avenue, or
- Veterans Village of San Diego, located at 4141 Pacific Highway.

The California and American flags are placed at the front of the room. The bailiff calls the court to order as the judge—dressed in traditional black robes—enters the room and stands at the podium face to face with each participant. This careful preparation mirrors a “traditional courtroom.” Since all case disposition agreements are negotiated in advance, the actual court hearing moves rather quickly.

Participants Stand before the Judge with their Defense Attorney

The defense attorney formally calls each participant to stand before the judge. The public defender and participant stand at the front of the room. The judge takes the bench by standing at a podium.

The defense attorney states the case disposition, says whether the recommendation is a dismissal,

plea, or further proceeding, and presents the advocacy letters. The prosecution states the recommendation for case disposition with comment of participant advocacy letters. The court clerk hands the case files to the judge. The defense attorney presents the advocacy letters to the court.

Judge Discusses Proceedings with Attorneys and Participant

Unlike a traditional court, the judge directly addresses the participant more often than the defense attorney. The judge asks the participant about what brought him/her to the court, his/her participation in programs, counseling, classes, etc., and plans for the future. The judge consults with the prosecution about the resolution of cases. The charges, warrants, and penalties are formally resolved. On average, 90% of the Homeless Court cases are dismissed.

On rare occasions, a case might be continued to a future monthly HCP calendar for additional review, negotiations, or proof of accomplishments. As in traditional court, the judge may continue a case until the defendant provides appropriate documentation to satisfy an alternative sentence agreement (such as advocacy letters).

If a participant fails to appear for the hearing, the case is taken “off-calendar” and reverts to its original status, and any agreements that have been negotiated between the prosecutor and public defender are withdrawn.

Lessons Learned: One provider wrote an e-mail saying his client was having problems and would not appear for the month’s session. The defense attorney suggested the client appear for the HCP hearing to observe the court in session, see others resolve their cases, and learn more about the contrast between pursuing case resolution in the HCP and in a traditional court. This opportunity helped the client realize there are choices, and that one was significantly different from the other. The case was continued to a future date so the client could work with the caseworker and return with additional proof of accomplishments.

Waive Appearance of Participant

Once a client is signed up for the monthly court session, they should appear for counseling and the court hearing. On rare occasions, they might miss the counseling session due to a doctor’s appointment, employment interview, or class. Maybe their car broke down or they forgot to attend. They should still appear for the court hearing. While personal contact is best, you may call the defense attorney to have your client counseled over the phone.

Once the person is signed up for the HCP, the court clerks research and docket cases. Similarly, the prosecutors conduct their research and expect the client in court. They do not pull cases off calendar. It is best for the client to appear and talk with an attorney to discuss the issues and options at hand, and for the attorney to explain the need to continue these matters. The defense attorney uses this time to explain the differences between a traditional court process and the HCP, pointing out the usefulness of continuing to work with the case worker and the program, instead of returning to a traditional court and having a judge impose a sentence.

15.
Post-Hearing
Process

Step 15:
The Post-Hearing Process

Court cases are processed as usual after the hearing. The court clerk:

- recalls outstanding warrants;
- issues abstracts;
- processes dismissals; and
- updates computer records.

If any subsequent action is required after the hearing, the participant should bring his/her copy of the minute to the San Diego Superior Court Business office located at 220 W. Broadway, Room 1001 during regular business hours, Monday – Friday 8:30 am to 4:30 pm.

Courtesy and respect for court personnel is expected and appreciated.

SECTION



The Homeless Court Provider Network

The Homeless Court Provider Network is comprised of the homeless service provider programs that refer clients to the HCP. The only way for a participant to enter the HCP is with a referral from a homeless service agency. This makes the HCP unique from all other collaborative justice programs. This referral process ensures voluntary participation in program activities along with documentation of progress and accomplishments. Providers recruit clients as well as other agencies to participate in the HCP. By conducting outreach and referring clients to the HCP, providers serve as a direct conduit between the criminal justice system and the often forgotten and the most vulnerable members of the society—homeless individuals.

Summaries of Participating Homeless Service Provider Programs

The provider network compiled individual statements of services to assist the other members of HCP to understand the mission and impact of their programs. These providers represent a wide array of services, specialty of populations served, and focus in treatment modalities. While their individual approaches vary, each is committed to ending homelessness. The summaries included herein contain excerpts from the statement of services along with the entry criteria clients must meet prior to referral into the HCP.

Mental Health Systems, Inc., Center Star Assertive Community Treatment (ACT)

Center Star Assertive Community Treatment (ACT) welcomes all people regardless of the challenges or problems they face, in accordance with Mental Health System's (MHS) core values of dignity, integrity, hope, excellence, action, and innovation.

Individuals presenting at our program are culturally diverse, having varying and unique needs. To address each client fully, we focus on comprehensive treatment by providing life enhancing recovery options that include integrated services related to alcohol and drug addiction as well as other behavioral and mental health disorders. Our goal is to maintain an empathetic, ethical, responsive, and professional attitude in all phases of care. We are dedicated to creating an environment of opportunity, choice, and hope.

The ACT team multidisciplinary staffing consists of mental health professionals representing different disciplines essential for the comprehensive care of people with severe and persistent mental illnesses and co-occurring disorders. The Center Star ACT team includes a psychiatrist, psychiatric nurses, case managers/dual diagnosed counselors, a substance abuse counselor, peer specialists, employment specialists, and a probation officer.

Entry Criteria:

The first prerequisite for a referral to Homeless Court is that the client is proactively working with the Center Star ACT Program on whatever issues he/she may have. Someone who is not cooperative or is actively abusive is obviously not an appropriate referral. A client who is meeting with his or her case manager regularly and is working toward mental health and/or substance abuse recovery would be an appropriate referral.

The second criterion is that the client is in stable housing. To the Center Star ACT Team, this is the first step toward mental and physical health. Someone who chooses to remain homeless after housing has been offered would not be referred to Homeless Court.

The third criterion is more expansive. We refer clients who are taking their psychotropic medication

and seeing the psychiatrist, in addition to working a recovery program and maintaining sobriety. We also refer clients who are actively seeking employment, enrolled in school, or offer their services on a volunteer basis. As a general rule, when referring a client to Homeless Court, the Center Star ACT Program takes into account the client as a whole, while assessing how far he or she has progressed, and how he or she may benefit from participating in the Homeless Court Program. If the client does not seem to be attempting to move forward in a positive manner in their life, they are not referred.

Contact Information:

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L. Cochran-Johnson, MA. MFT/Clinician
MHS/Center Star ACT
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Children's Advocacy Institute (CAI)

Children's Advocacy Institute (CAI) works to improve the status and well-being of children in our society by representing their interests and right to a safe, healthy childhood. In addition to its academic program, which trains law students to be effective child advocates, CAI represents children in the state legislature, in the courts, before administrative agencies, and through public education programs.

The Homeless Youth Outreach Project (HYOP) is a program within CAI, providing advocacy and legal services to homeless youth ages 12-21 in an environment where they feel safe and comfortable. HYOP partners with several different social agencies providing additional advocacy and legal services to homeless youth. HYOP was designed to fill in the

gaps of existing homeless youth services and ensure a continuum of care for San Diego's younger homeless generation. The goal is to provide 'one stop shopping' for our homeless youth comparable to homeless adult programs.

Entry Criteria:

Before a youth is referred to HCP, CAI's HCP representative speaks with the social service provider that the client is working directly with to gauge the client's progress toward becoming a productive member of society.

At a minimum the youth must:

- Have a recommendation from another social service provider;
- Have no current drug or alcohol issues (youth with drug and alcohol issues are referred to appropriate services and may be referred through those agencies once they are clean and sober);
- Have no mental health issues that are untreated;
- Have a home or be looking for a home;
- Be working or going to school or parenting;
- Have a positive social network;
- Keep friendships with other youth working towards goals and getting off the streets and stay away from youth entangled with drugs, alcohol or other illegal activity;
- Have a strong support network; and
- Have several people aside from the service provider working with them and providing positive role modeling. These people include case managers, family, school counselors, social workers, friends no longer living on the streets, employers, etc.

Contact Information:

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kristedraper@sandiego.edu

CRASH

Helping people to begin a new life in recovery has been the mission of CRASH, Inc. since March 5, 1970. CRASH, Inc. is a not for profit corporation that combats alcohol and other drug abuse by assisting individuals to become responsible and productive members of society.

The CRASH, Inc. programs facilitate alcohol and other drug prevention and rehabilitation by providing individuals and the community with a wide array of quality treatment, recovery, and educational services. In the various CRASH programs, individuals are empowered and enabled to deal with life without the use of alcohol and other drugs. CRASH helps individuals identify and access available supportive services in the community and assists them with establishing strong and resilient foundations for their recovery. CRASH provides community education and advocacy in support of alcohol and other drug treatment and recovery and the CRASH philosophy of believing in individuals while helping them to believe in themselves.

The CRASH approach involves elevating the issues of alcohol and other drug abuse for the individual to assist them in understanding the effects of chemical abuse in their lives. The primary area of emphasis in the CRASH approach is instilling in each client the importance and necessity of personal responsibility for their addiction and recovery ultimately assisting each client in developing the self-esteem needed to feel confident in becoming a valued member of the community. The CRASH approach is keenly focused on the goal of reducing and ultimately eliminating the effects of alcohol and drug abuse on individuals. This cooperative effort is inclusive to all positive elements of the community.

Entry Criteria:

Clients must successfully complete and remain in full compliance as outlined per individual program site. Clients in the residential facilities must have completed the in-house portion of treatment and at least half of their aftercare to even be considered for referral. The outpatient facilities determine eligibility on an individual basis, as per staff approval. All referred clients must be employed and working a program of recovery. Our referral process celebrates

the clients that have worked above and beyond to change their lives and become productive and respected members of society.

Contact Information:

CRASH Short Term I
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 Administrative Assistant
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 San Diego, CA 92105
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 (619) 282-7496 fax
Crash_st1@att.net

CRASH Short Term II
 Denice Gansereit
 2410 E St.
 San Diego, CA 92102
 (619) 234-3346
 (619) 464-5019 fax
St2@crashinc.org

Crossroads Foundation

Crossroads Foundation was founded in San Diego County in 1957 as a facility devoted solely to the rehabilitation of alcoholics and drug dependent women. In a home-like atmosphere, Crossroads offers an alcoholic and addict woman an opportunity to retrieve her self-respect and dignity by regaining physical and emotional health through sobriety. It is a licensed facility which has been furnished and staffed for women seeking assistance with their living and abusing problems.

Entry Criteria:

Before being referred to Homeless Court, clients must:

- Attend daily recovery group meetings;
- Attend 5 AA/NA meetings per week;
- Complete the first three steps of AA within their first three months; and
- Be employed or perform in house activities (such as; volunteer work, outreach into the community, chores and other household duties).

Contact Information:

Sally Dugger (Resident Manager)
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San Diego, CA 92103
(619) 296-1151 ext. 102

**Episcopal Community Services/
Friend to Friend and Safe Haven**

The mission of Episcopal Community Services (ECS) is to “Serve God by serving those in need.” ECS accomplishes this mission by providing a variety of services that address homelessness, mental illness, domestic violence, early childhood education and development, unemployment, emergency assistance, HIV-AIDS, housing for those with disabilities, and substance abuse in San Diego and Riverside Counties.

ECS Mental Health Services provides both a day drop-in center as well as transitional housing. A new component of the Friend to Friend Program is “Street Outreach Services” (SOS). Staff literally walk the streets and visit other agencies seeking out existing and potentially eligible members to provide an array of social services intended to connect them with housing, income, substance abuse treatment, health and mental health services, and general case management. Our core SSI advocacy and employment development services are also available on an appointment basis and through outreach at other community agencies.

Our transitional housing program provides case management supported housing for 18–24 months with the express intention of assisting residents to stabilize and transition into appropriate and affordable permanent housing. Services include addressing educational/vocational goals, substance abuse and mental health issues, and working with the client to do long term life planning.

Entry Criteria:

- Participants must demonstrate initiative and request to be involved with the Homeless Court Program. ECS staff does not solicit participants for HCP; members are told about the program and must take the first step of approaching a staff person to seek out further information.

- Participants must be a recipient of ECS mental health services. Membership or participation is based on one’s status as being chronically homeless and having a serious mental illness.
- Participants must be in compliance with ECS mental health services, including following program rules, actively participating in their own rehabilitation and recovery as demonstrated by involvement in any number of services/activities offered through the program. Examples of involvement include but are not limited to: working with a case manager or outreach worker, volunteering, working the SSI Advocate, working with the Job Developer, attending substance abuse treatment, going to school, working, participating in wellness recovery classes, etc.
- Participants must be actively involved in resolving the issue surrounding their violation. Members are required to provide a copy of their violation citation and make an appointment with the ECS staff to address the issue which resulted in the citation and explore avenues to avoid a recurrence. ECS will work with the member to access hygiene facilities and clean clothing to make a proper presentation at the court hearing. ECS staff provide support services to further the individual’s action plan/goals in preparation for referral to the Homeless Court Program.
- Members must demonstrate an effort to change and exhibit responsibility. Examples of a demonstrated effort include but are not limited to:
 - Trolley tickets → Member now owns a bus pass.
 - Substance abuse violations → Member provides recorded log of participation in recovery services (AA/NA, substance abuse treatment and/or education, certificates of completion, etc.).
 - Illegal lodging violations → Member has a documented plan to access housing on file with ECS or other community provider.

Contact Information:

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 (619) 238-1127 fax
skoenigsberg@ecscalifornia.org

IMPACT—Downtown (formerly known as REACH/TELECARE)

The San Diego IMPACT—Downtown Program is part of a collaborative partnership providing integrated services in the downtown San Diego area to an average of 260 high-risk homeless people who are diagnosed with chronic mental illness. This partnership coordinates with several other city resources to provide housing, case management, psychiatric services, community and social integration, vocational services, preventive healthcare, and bio-psycho-social rehabilitation.

IMPACT services are delivered by three teams guided under the ACT model (Assertive Community Treatment). Under the ACT model each team consists of a psychiatrist, a registered nurse, a team lead (mid-managerial clinician), two master-level MHRS (Mental Health Rehab Specialist) and two Bachelor-level MHRS. Each team also has a substance abuse specialist and a vocational/educational specialist as well as two peer specialists who assist consumers/clients with daily coping/living skills.

Entry Criteria:

A client must be enrolled in IMPACT (Downtown) for a minimum of 90 days and cannot have a prior referral to HCP. Clients must also have accomplished or be actively working towards accomplishing the following objectives:

- Maintain housing;
- Attained, or working diligently to attain, sobriety via regular attendance in NA/AA or making steady progress in a substance treatment program;
- Stabilized their mental illness via attending ongoing psychiatric services with IMPACT (Downtown) psychiatrist or one of their own choosing;

- Participate in medication management (if needed); and
- Meet at least bi-monthly with case management team.

Contact Information:

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 (619) 398-2171 fax
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IMPACT/Community Research Foundation

Community Research Foundation (CRF) operates IMPACT (Intensive Mobile Psychosocial Assertive Community Treatment). The IMPACT program provides integrated, coordinated community-based psychosocial rehabilitation services for homeless adults in the Central/North Central regions of San Diego County who have severe and persistent mental illness as well as individuals with co-occurring mental health and substance disorders.

Services at CRF's IMPACT program are based on the principles of psychosocial rehabilitation, with emphasis on attending to the whole person and on the consequences of mental illness, rather than simply attending to the symptoms of the illness. The services focus on recovery, independence, and initiative and are individualized to meet the needs of each client. Clients actively participate in setting service plan goals and are encouraged to involve family and significant others in the recovery plan.

The IMPACT teams are staffed with select multi-disciplinary teams that include mental health rehabilitation specialists, psychologists, psychiatrists, registered nurses, social workers, peer support aides, volunteers, a probation officer, and marriage and family therapists. The IMPACT program provides a full array of wrap-around services to the clients which include clinical and intensive case management services, housing assistance, mobile crisis intervention, 24 hour crisis services, medication management and mobile delivery, psychosocial and psychiatric evaluations, mobile psychiatric care, vocational services, and integrated services for mental health and substance abuse problems.

Entry Criteria:

The first prerequisite for a referral to Homeless Court is that the client is proactively working with the IMPACT Team on whatever issues they may have. Someone who is not co-operative or is actively abusive is obviously not an appropriate referral. A client who is meeting with his or her case manager regularly and is working toward mental health and/or substance abuse recovery would be an appropriate referral.

The second criterion is that the client is in stable housing. To the IMPACT Team, this is the first step toward mental and physical health. Someone who chooses to remain homeless though offered housing would not be referred to Homeless Court.

The third criterion is more expansive. We refer clients who are taking their psychotropic medication and seeing the psychiatrist in addition to working a recovery program and maintaining sobriety. We also refer clients who are actively seeking employment or offer their services on a volunteer basis. As a general rule, when referring a client to Homeless Court the IMPACT Program takes into account the client as a whole, while assessing how far he or she has progressed, and how he or she may benefit from working with the Homeless Court Program. If the client does not seem to be attempting to move forward in a positive manner in their life, they are not referred.

Contact Information:

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Pathfinders of San Diego

Since the fall of 1950, Pathfinders has extended a helping hand to men seeking recovery. A warm welcome has been part of the tradition since all current alumni can remember. A hearty handshake and a "Welcome Home" greeting from both staff and fellow residents has always been part of every new man's experience.

Pathfinders started in the 1950's providing recovery services for homeless men with drug and alcohol addictions. In the 1990's Pathfinders began to notice that many of the homeless men applying for residency had co-occurring disorders and began a new treatment model for these men under the Shelter Plus Care Program. The Shelter Plus Care Program uses the Comprehensive Continuous Integrated System of Care to provide each man with a fully integrated system of treatment. Shelter Plus Care recognizes both disorders as primary and works to obtain mental health treatment through collaborative outpatient clinical services at UCSD and CRF. Traditional social model (12 step) addiction treatment and the assistance outlines below are part of their recovery.

Entry Criteria:

- Resident of the program for at least three months;
- Follow all program rules and be in good standing;
- Follow the recovery programs prescribed;
- Abide by the requirements for meetings and volunteer service;
- Maintain sobriety; and
- Actively participate in physical and mental health regimen.

Contact Information:

Eric Zielke
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recovery@pathfinder.sdcoxmail.com

Mental Health Systems Dual Recovery Center, Pegasus East

Pegasus East provides services for adult homeless individuals with co-occurring mental illness and substance abuse disorders. MHS Inc., Dual Recovery Center (DRC) Pegasus East will welcome all persons seeking services in a welcoming and respectful manner regardless of presenting needs, symptoms, or illness. We adhere to a "No Wrong Door" approach in order to remove barriers to care and services. The DRC staff

will aid all persons in navigating the mental health, alcohol and drug, and medical treatment systems.

Entry Criteria:

- Completion of phase one of primary treatment;
- A history of a substance free lifestyle;
- Sober support system in place that is being utilized;
- Stabilization of psychiatric symptoms and medication compliance; and
- Treatment team referral.

Contact Information:

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**Mental Health Systems, Inc.,
Serial Inebriate Program (SIP)**

Rather than a mission statement, MHS has developed a general set of core values that guides all aspects of program design and implementation: Hope, Integrity, Excellence, Dignity, Innovation, and Action.

A successful program changes peoples' thinking about drugs and life style. While a variety of subjects may be addressed in a treatment program (e.g., communications and domestic violence) they must still be addressed in a way that teaches the client to change their thinking about alcohol and other drug use and their life style. At the Serial Inebriate Program, clients are taught to adopt pro-social, recovery supportive attitudes and behaviors that sustain their rejection of drug use and the drug culture/lifestyle. Clients learn about their own vulnerabilities and the triggers to relapse. They also learn how to cope with these situations in a way that preserves and protects their recovery.

Entry Criteria:

All clients will meet the following criteria before being referred to HCP. Clients will be actively participating in Phase II of the program. Phase II clients will have approximately four months of continued

sobriety and completed the relapse prevention course as well as met the requirements of mandatory regular attendance at self help meetings (AA/NA). Clients will be gainfully employed or actively seeking employment through a comprehensive employment service. All clients will have a bank account with direct deposit in order to save money to transition into their own housing. Clients will also have regular involvement in volunteering in community supportive projects such as the San Diego Food Bank, Home Start, or Homeless Out Reach. The Serial Inebriate Program also works closely with the North Bay Business Association in community clean up projects.

Contact Information:

Lou Carter, SIP Counselor
Terry Aperule, Case Manager
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(619) 523-8742 fax
Loucarter619@yahoo.com

Rachel's Woman's Center - Night Shelter

Rachel's Night Shelter exists to provide supportive, safe, and sober emergency, short-term and mid-term shelter for homeless women.

Entry Criteria:

- Clients must be able to get along in the community setting at Rachel's Night Shelter;
- Clients must be clean and sober;
- Clients must be able to follow through on the goals that they set for themselves with the help of their coach;
- Clients must address any physical/mental health issues they presented with;
- Clients must look for appropriate long term housing;
- Clients must have applied for all identification; and
- Clients must have applied for all appropriate government assistance programs.

The multiplicity and the “chronicity” of problems faced by Rachel’s participants are compounded by their lack of resources. Added to this is their sense of failure within systems – marriage, school, parenting, work, relationships, and society at large. Through circumstances beyond their control, the women find themselves marginalized, pushed to the outer edges of society. Gradually they become invisible, isolated, resentful, and difficult to manage. Unable to help themselves, they cannot or will not connect to others, even with their peers. Failure begets failure. Women who have failed and who believe themselves to be failures become more depressed, despondent, and disengaged in any process or service offered to them.

Rachel’s is designed as a peer-support social model environment, in which one woman models behavior and provides positive support for another. Because the majority of Rachel’s participants lack the personal resources to help themselves, or provide support to others, it falls on the staff and volunteers to offer basic life skills training, including hygiene and health, information about community resources and how to access them, and knowledge about, sensitivity to, and patience with their fragility. This social model / coaching style environment has no timeframe. Whereas traditional programs are looking for outcome objectives such as how many meeting slips are signed or applications completed in 30, 60, and 90 day increments, we are looking for progress that is based upon the realities of our participants’ lives. This may well be those meeting slips, however, it may also be to see a dentist about getting vital dental work done, talking about the possibility of a psychiatric evaluation, or perhaps a visit to our boutique for a pair of shoes that do not have holes in them. We take our successes where we can get them.

Contact Information:

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Homeless Women’s Services
Catholic Charities, Diocese of San Diego
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KGebbie@ccdsd.org

Salvation Army/Adult Rehabilitation Center

Founded in 1865, The Salvation Army is an international religious and charitable movement organized and operated on a quasi-military pattern and is a branch of the Christian church. The Salvation Army San Diego’s Adult Rehabilitation program is a long-term (6-12 month) residential rehabilitation program for chemically dependent men and women. For the first 30 days, program participants are not allowed to leave their program location. For the first six months (Phase I), program participants are not allowed to leave San Diego County.

Entry Criteria:

supported by case management services and resources necessary to attain goals leading to self-sufficiency and independent living

Entry Criteria:

The STEPS program sets several conditions as follows:

- Ability to keep stable employment;
- Recorded progress based on case management plan;
- Consistency in budgeting and savings plan;
- Abide by all program rules;
- Demonstrate good attitude;
- Never tested positive for drugs and alcohol while in the program;
- Demonstrate initiative to address past issues such as debts, child support, parole/probation, and other family issues;
- Proof of attendance at AA/NA meetings; and
- Certificate of rehab completion.

Contact Information:

In order for a beneficiary to qualify for the HCP s/he must be in the program for at least 90 days and in need of resolving legal issues.

Contact Information:

Donald Broyhill,
Resident Manager, ext. 344
James Orville Bagwell IV,
Director of Rehabilitation
Services, ext. 351
1335 Broadway
San Diego, CA 92101
(619) 239-4037 ext. 354
(619) 239-4797 fax
donaldbroyhill@yahoo.com
james.bagwell@usw.salvationarmy.org

Salvation Army/STEPS Program

The mission of the STEPS Program is to provide transitional shelter to eligible homeless clients

Cal Hopper
825 7th Ave
San Diego, CA 92101
(619) 231-6000 ext. 2451
(619) 235-8856 fax

Shaunda Colson
120 Elm St.
San Diego, CA 92101
(619) 819-1811 / 687-3720 ext.13430
scolson@sdrescue.org

San Diego Rescue Mission

San Diego Rescue Mission is here to help meet the physical, spiritual, and recovery needs of all homeless, poor, and addicted men through a 12-month residential rehabilitation program. This program is centered on beginning and/or strengthening a personal relationship with Jesus Christ.

In 2000, San Diego Rescue Mission opened Nueva Vida Haven (NVH) in response to the increasing need for emergency shelter services for homeless families. Each night, up to 60 battered, homeless, or poor women and children, 12 and under, turn to the Mission.

The Mission's Women and Children's Center (WCC) provides a long-term residential treatment community program designed to incorporate Biblical principles into the lives of residents. The men's residential program is designed to incorporate a holistic approach to recovery, addressing the needs of the mind, body, and soul. Practical life skills, educational, and Bible study classes are taught and required to transform the men. Work therapy and individual therapy are also part of the recovery process for each client. After graduation, the goal is that all men will both live independently in our society and depend fully on Jesus Christ.

Entry Criteria:

Clients must be in the program a minimum of 90 days before referral to HCP. During that time they will have completed:

- Orientation Phase 60 days
- New Foundations 10 Sessions
- Most Excellent Way 10 Sessions
- Drug Education/
 Relapse Prevention 12 Sessions of 22
- Work Therapy On-going/Continual

Contact Information:

Second Chance/STRIVE

San Diego's STRIVE (Support Training Results in Valuable Employees) is Second Chance's flagship program. The program's mission is to change the lives of some of the most "difficult-to-serve" populations in the region, including at-risk youth, the homeless, recovering addicts, and former prisoners reentering the community.

The program uses pre-employment attitudinal and job readiness training, as well as post-job placement support services, to lead participants to permanent employment and self-sufficiency. Originally pioneered in Harlem in the 1980s, STRIVE has graduated over 25,000 individuals internationally. The San Diego affiliate has become one of the largest and most successful in the world.

Designated as the official training center for all STRIVE affiliates in the western U.S., Second Chance offers the two-year program on a large scale, placing participants in good jobs at a record-setting pace. STRIVE participants engage in 120 hours of intensive instruction during which they break personal barriers to self-sufficiency, obtain new job skills, develop résumés and career plans, and practice interviewing techniques. The program reinforces ideals of individual accountability to help participants reach these goals.

Entry Criteria:

Second Chance refers clients participating in two different Second Chance programs: STRIVE and Transitional Living. Each program has separate criteria.

STRIVE Clients:

The client must successfully complete the 120 hour STRIVE Job Readiness Training Program offered by Second Chance. Obtaining employment is a key component of successfully completing the program. Clients submit a pay stub to their case manager who refers the client to the Homeless Court representative.

Transitional Living Clients:

Clients must be a resident of one of Second Chances' Transitional Living homes, must have at least 90 days of sobriety, and be a resident in good standing for a minimum of 30 days.

Contact Information:

Dennis Vermeersch
6145 Imperial Ave.
San Diego, CA 92114
(619) 234-8888
(619) 234-7787 fax
dvermeersch@secondchanceprogram.org

Stepping Stone

The mission of Stepping Stone is to create, improve, and deliver alcohol and other drug treatment, HIV and other health interventions, recovery, education, and prevention services specializing in the challenges of the gay, lesbian, bisexual, and transgender communities of the San Diego region.

Stepping Stone's Healthcare for the Homeless program is a project designed to assist homeless individuals locate shelter, housing, medical, dental, and psychiatric services. This program is also designed to act as a resource and referral service which works collaboratively with multiple-agencies to meet the demands that homeless individuals are faced with on a daily basis.

The goal of the Healthcare for the Homeless Project is to improve health status and outcomes for homeless individuals by improving access to primary healthcare and substance abuse services to the homeless.

Stepping Stone of San Diego, Inc. is one of many agencies contracted through Family Health Services of San Diego, formerly known as Logan Heights Family Health Center. Stepping Stone is a base location that offers case management counseling services, bus tokens, toiletries, and referrals. Stepping Stone has been a part of this project for more than 10 years. Stepping Stone continues to be a place where individuals know they can stop by for a cold glass of water, a bar of soap, even a bottle of shampoo and a comb—or just a place to be able to sit down and chat with

someone in a safe, non-threatening place, out from under the hot, beaming sun.

Entry Criteria:

- Must have completed Orientation Phase;
- Must have a minimum of 30 days continuous sobriety;
- Must be in compliance with treatment rules and regulations; and
- Must meet the scope of services for the HCP.

Contact Information:

Cecily Swanson or Beverly Fisher
3767 Central Ave.
San Diego, CA 92105
(619) 295-3995 ext. 102
(619) 521-1701 fax
cece@steppingstonesd.org

Storefront – A Program of San Diego Youth and Community Services

The agency's mission statement is to help at-risk youth become self-sufficient and reach their highest potential by investing in them, strengthening their families, and building their communities.

The Storefront Night Shelter is a 20-bed short term emergency shelter—the only one in San Diego specifically designed for homeless and runaway youth. The goal of the Storefront is to stabilize the lives of vulnerable youth and to prevent their sexual exploitation.

Storefront staff provides initial crisis assessment and intervention, including food, clothing, safe shelter, and necessary medical care referrals. Staff also provides case management, drug and sexual exploitation education, and family mediation and counseling to reunite youth with their family if it is safe and appropriate. Special arts programming encourages expression through music, dance, painting, and other media. Storefront refers clients to longer-term residential programs or transitional living programs when reunification with the family is not possible.

Entry Criteria:

- In order to be referred to the HCP, clients must:

- Attend school;
- Not have any drug or alcohol issues;
- Follow all shelter rules (e.g., do chores, follow staff directions, abide by curfews); and
- Attend all of their meetings with staff and have positive interactions with all staff members.

Contact Information:

Storefront
 (619) 325-3527
 (866) Place2Stay
www.sdyics.org

Kriste Draper
 Children’s Advocacy Institute
 (619) 260-4806

St. Vincent de Paul Village

The mission of St. Vincent de Paul Village (SVdPV) is to help our neighbors in need break the cycle of homelessness and poverty by promoting self-sufficiency through an innovative continuum of care, multi-disciplinary programs, and partnerships that come together in the spirit of our CREED to teach, learn from, and challenge our neighbors and one another.

The agency’s following CREED guides work with clients. Our CREED:

- Compassion:** Concern for others and a desire to assist.
- Respect:** An act of giving particular attention or special regard.
- Empathy:** Understanding, an awareness of and sensitivity to the feelings of others.
- Empowerment:** Helping others to help themselves.
- Dignity:** Counting all people worthy of our esteem.

Entry Criteria:

In order to participate in the Homeless Court

Program through a referral from SVdPV a person must be living in one of SVdPV’s residential programs. The resident must, at minimum:

- Be in compliance with program requirements including following program rules, completing up to 10 hours of shared living responsibilities (i.e., chores) each week, attending resident house meetings, and returning for curfew each night;
- Meet regularly with a staff contact or case manager;
- Attend resident orientation;
- Complete a class titled “Challenge to Change,” a 20-hour motivational class that has experiential work and homework and focuses on goal setting, motivation for change, and building self esteem;
- Participate in the assessment process—a three appointment process that includes a battery of standardized written assessments and a 90-minute social history interview; and
- Clients who are facing drug or alcohol related charges must also be enrolled and participating in SVdPV’s Recovery Services program that includes attending recovery groups and sober support meetings.

Although all cases are entered on their own merit, supporting documentation must demonstrate an effort by the client to change and exhibit responsibility. Examples of ownership include but are not limited to:

- Trolley tickets → Member now owns a bus pass.
- Substance abuse violations → Member provides recorded log of participation in recovery services (AA/NA, substance abuse treatment and/or education, certificates of completion, etc.).
- Illegal lodging violations → Member has a documented plan to access housing on file with SVdPV or other community provider.

Contact Information:

Bert Capati, Job and Resource Coach

Julie DeDe, Director of Social Services
Career and Education Center
1501 Imperial Ave.
San Diego, CA 92101
(619) 645-6442 or (619) 233-8500 ext. 1665
(619) 233-8500 ext. 1060 (Julie Dede)
alberto.capati@neighbor.org
julie.dede@neighbor.org

Josue House

Josue Homes, a program of the National AIDS Foundation, helps hundreds of men and women living with HIV and AIDS reconcile with their families, regain their health, and move into permanent housing. St. Vincent de Paul Village combines Josue Homes' services with other residential programs.

Five Josue Homes locations in San Diego provide food and shelter for up to 38 residents at a time. Each house at Josue Homes has an on-site resident assistant. Residents typically stay for up to two years while they work on a transition plan. Transition plan goals might include conquering an addiction, returning to a healthy weight, preparing for a career, or obtaining government assistance. They may also take advantage of the many rehabilitative services offered through Father Joe's Villages, which include counseling, medical and dental care, and in-house 12-step programs that address addiction problems.

The Village is also preparing for the construction of future Josue housing projects to meet the changing needs of San Diego's HIV-positive clients in the coming century.

Contact Information:

Caron Berg
5120 70th St.
San Diego, CA 92115
(619) 667-2610
caron.berg@neighbor.org

Sunburst Youth Housing Project – The Center

The San Diego LGBT Community Center has pro-

vided services to youth and young adults of our community for over 15 years. Our goal is to provide safe and affirming spaces where our youth can access essential resources and services and develop the social, educational, and leadership skills to become responsible, productive, and fully-participating citizens.

Sunburst Youth Housing Project opened in February of 2006 as a response to the epidemic of homelessness LGBT youth and young adults were facing. Sunburst is one of the nation's first housing programs focusing on the needs of homeless LGBT youth. Sunburst provides formerly homeless youth with a home they can be proud of and with the supportive services they need to achieve and maintain independence.

Entry Criteria:

In order to participate in the Homeless Court Program the youth or young adult must be living in Sunburst Housing Project and:

- Be in compliance with program requirements;
- Meet regularly with a life coach;
- Work on employment or education;
- Take care of their apartment; and
- Attend all of their meetings with staff and have positive interactions with all staff members.

Contact Information:

Allison Conescu
1640 Broadway
San Diego, CA 92101
(619) 255-7854 ext. 103
aconescu@thecenter.org

TACO/Third Avenue Charitable Foundation

"A Place Where Healing of Mind, Body, and Spirit Can Happen for Any and All Who Come."

In operation every week of the year, TACO welcomes all people in need, regardless of religion, for free meals, medical and dental care, and mental health services. Each week through our meal program TACO sees and provides meals to approximately 500 homeless and previously homeless individuals. TACO also

has a social worker on staff available throughout the week to aid and assist individuals to get documents, counseling, referrals, practical needs, and other services necessary to help clients move off of the streets.

In conjunction with our partners at UCSD, TACO provides monthly medical attention and medical connections to many on the streets with our Homeless Medical Outreach Program. TACO also runs a program for terminally ill homeless individuals called "Going Home End-Of-Life Services". This project works with homeless individuals who are terminally ill, connecting them with services and providing care and compassion with the aim of giving comfort while they are dying.

Entry Criteria:

Before a client is referred to homeless court s/he must at a minimum:

- Complete assessment and orientation;
- Meet regularly with a social worker;
- Follow through with life goals set by social worker;
- Address any physical or mental health conditions the client presents with;
- Apply for all government benefits the client is eligible for;
- Actively look for housing or be housed;
- Address any substance abuse issues the client presents with;
- Actively work towards employment (e.g., either look for a job or receive job training/education); and
- Address the underlying legal issues they present with (e.g., they have trolley tickets and now have a bus pass, or they have illegal lodging tickets and now have a place to live).

Contact Information:

Jim Lovell
1420 Third Ave
San Diego, CA 92101
(619) 235-9445
(619) 234-9128 fax
jim.chacha@firstlutheransd.org

Tradition One

The mission of Tradition One is to share the journey of recovery and offer new tools for a quality of life that each individual deserves, and to encourage the establishment of a firm foundation in self-sufficiency and accountability born from an intimate relationship with self.

Entry Criteria:

Participant must:

- Be an active participant in the program for at least 60 days;
- Have no write-ups for infractions;
- Acquire at least a temporary sponsor (AA/NA) and home group;
- Have applied for or have in their possession a Social Security card, government issued picture ID, and bus pass;
- Be enrolled in school for GED (if the client does not have a high school diploma) and/or be a participant in STRIVE; and
- Gather all required documentation that may be needed for Homeless Court.

Contact Information:

Gloria Thompson or Cindi Laing
4104 Delta St.
San Diego, CA 92113
(619) 264-0141
(619) 264-7274 fax
gloriath2003@yahoo.com

Veterans Village of San Diego (VVSD)

Veterans Village of San Diego (VVSD) is dedicated to extending assistance to needy and homeless veterans of all wars and eras and their families by providing housing, food, clothing, substance abuse recovery and mental health counseling, job training, and job placement services. We believe in the inherent worth of each and every veteran and his or her right to a rehabilitation program which leads to renewed self-worth and independent living.

VVSD is currently licensed by the State of California to house and treat up to 151 homeless male and female veterans. Our new facility, which will be

completed in 2009, will expand our capacity to over 300 beds. VVSD offers residents a safe, clean, and sober village-like setting for several months to a year or more depending upon individual needs. The program, originally formulated as a social model, is now integrated with structured case management and mental health therapy, and simultaneously addresses the addiction, post traumatic stress disorder, medical needs, legal problems, family issues, spiritual development, and employment training and placement requirements of each resident.

Entry Criteria:

In order for a VVSD client to access the Homeless Court Program, they must be actively participating in a VVSD program. At a minimum the client must:

- Have 30 days or more of active participation in our program;
- Be referred to the HCP by their case manager/counselor;
- Be in compliance with their treatment plan if residing in residential program (attending all groups/classes, meeting, case management sessions, therapy if appropriate);
- Be mentally/emotionally stable to participate in the HCP; and
- Obtain an advocacy letter which highlights their participation in their respective program.

Contact Information:

Charles Lyles, Community Projects Coordinator
Andre Simpson, COO and Vice President
4141 Pacific Highway
San Diego, CA 92110
(619) 497-0142
(619) 497-0263
andre.simpson@vvsd.net

Volunteers of America - Substance Abuse and Mental Illness (SAMI) Program

Volunteers of America is a ministry of services dedicated to providing individuals and families with the tools to improve their quality of life.

The goal of the Substance Abuse and Mental Illness

(SAMI) Program is to help individuals become productive members of society again. SAMI is a HUD-funded program for the chronic homeless/co-occurring adults. The program provides intensive day treatment classes and residence for eighteen adults.

Entry Criteria:

- Resident of the SAMI program for at least 30 days;
- Follow all program rules and be in good standing;
- Be in compliance with their treatment plan;
- Maintain sobriety;
- Medication compliant (medical and psychiatric);
- Gathered all required documentation needed for Homeless Court; and
- Have applied for or have in his/her possession a social security card, state issued picture ID, and a disabled bus ID.

Contact Information:

Susan Hammond – Detox
Patti Navarro – Hawley Facility
1111 Island Ave.
San Diego, CA 92101
(619) 232-3150 (Detox)
(619) 561-9808 (Hawley)
rosey1bud@aol.com

YWCA—Passages

PASSAGES is a three-stage structured program provided for homeless women by the YWCA in San Diego. With a strong emphasis on counseling and career development, the program is designed to provide single homeless women with the tools necessary to obtain employment and permanent housing. Nearly 200 women are served each year.

In the program, women receive three months of intensive counseling and supportive services. They then focus on finding and maintaining employment, paying 30 percent of their income in rent each month, and continue to work and gain the skills and confidence necessary for independent living. The women in PASSAGES are able to remain in the program for a

total of two years.

Entry Criteria:

- Be in compliance with program requirements including but not limited to following program rules, completing chores each day, attending residential meetings, demonstrating respect for other residents and staff, and returning for curfew each night;
- Meet weekly with their assigned case manager;
- Meet weekly with their assigned counselor; and

- Clients with a history of substance abuse must attend a weekly chemical dependency class plus other recovery and sober support meetings.

Contact Information:

Julie Soper, Staff Attorney and Legal Advocate
1012 C Street
San Diego, CA 92101
(619) 239-0355 ext. 241
julie@ywcasandiego.org

SECTION IV

Perspectives on the Homeless Court

The following interviews present the Homeless Court Program in decidedly human terms. Each month, judges, lawyers, court clerks, and service providers coordinate a dignified and important process—the Homeless Court—a program designed to remove the legal barriers preventing homeless people from becoming self-sufficient. The personal stories shared by the key players of the Homeless Court illustrate the importance of the program to the court, the community, and the homeless individuals striving to fully reintegrate into mainstream society.

The Judges

The first three perspectives come from the bench, and demonstrate the commitment of judges to the process. **Hon. Peter Deddeh** points out that people going through the Homeless Court Program have already proven themselves; they alone represent the success of programs designed to offer alternatives to custody. The current Homeless Court Program judge in San Diego, **Hon. Robert Trentacosta**, admits that even judges confront the issue of “revolving door justice.” However, he argues that the Homeless Court Program succeeds because the larger society—through this court—can effectively address the daily challenges that confront a homeless person. **Hon. David Ryan**, a retired judge who came back to preside over the court in north San Diego County, offers a candid perspective about the judicial system as it relates to the Homeless Court Program.

The Prosecution and the Defense

Each month, representatives from the prosecution and defense stand before the judge and represent their clients. **Richard McCue** is the San Diego County Deputy District Attorney who chose to participate in the Homeless Court Program, in part because of his

concern about criminality in this society’s treatment of its mentally ill. City of San Diego Deputy City Attorney **Regan Savalla** points out the personal disconnect she feels between reading someone’s case file, and then reading about their success in the advocacy letters presented in court. Both Richard McCue and Regan Savalla describe the benefits of a program designed to respond to the public’s better nature of renewal and new hope. Public Defender **Steve Binder**’s perspective is invaluable, as he founded the court in 1989. **Terri Peters** is also a Public Defender; she handles cases in San Diego’s North County. For many of the Homeless Court Program participants she counsels, working through their issues in programs represents the first time they have followed through on something and seen tangible progress in solving their problems.

The Provider Community

Homeless Court Program perspectives in the third section of these interviews come from San Diego’s provider community. **Andre Simpson** of Veteran’s Village of San Diego has been working with Homeless Court participants since 1996, when he attended his first Stand Down. He reminds us that homelessness threatens a person’s need for security, food, clothing and shelter, and that anyone forced to worry about these needs has difficulty finding a sense of self. Unlike Andre Simpson, **Julie Soper** from the YWCA Passages program is relatively new to the process; an attorney and a caseworker, she describes the difficulties homeless women face, and notes the difference between traditional court and the Homeless Court. **Kriste Draper**, also an attorney, describes how the program benefits the most vulnerable population of homeless people: children and teens. As a staff attorney at Children’s Advocacy

Institute, her commitment to advocacy requires her to search the streets (literally) for homeless youth. **Bert Capati** and **Dennis Vermeersch**, two case workers from St. Vincent de Paul Village and Second Chance/STRIVE respectively, explain how representatives from two agencies can work together effectively on behalf of their individual clients. **Adriane Soriano** holds the unique distinction of being a law enforcement officer in probation and a social worker. She's the Senior Deputy Probation Officer at the IMPACT program, and her testimony highlights the difficulty of choosing which illness to treat in dual diagnosis patients—people who have substance abuse problems and a mental illness. Like Adriane Soriano, **Sienna Ambrose** serves clients with a dual diagnosis, and in her interview, addresses the importance of creating individual diagnoses for clients with co-occurring illnesses. **Charles Lyles** works exclusively with the growing population of homeless veterans at VVSD, and describes the sense of relief one of his clients felt after going through the program. **Don Broyhill** serves clients receptive to faith-based work

therapy at the Salvation Army; he also went through the Homeless Court Program. Serving as Court Liaison for the Salvation Army is his way of giving back. Finally, **Julie DeDe** presents the Homeless Court Program from the perspective of an administrator at one of the largest providers in San Diego, Father Joe's Villages.

Participants/Clients

Testimony from three clients makes up the final group of perspectives. **Tracy Stone** began drinking at age 10 and has finally achieved sobriety in the IMPACT program. **Chris Stephenson**, a San Diego native, suffered from mental illness and substance abuse until his life tragically ended shortly after he was interviewed for this publication. **Myss Pam** proves that homelessness can happen to someone from a solid middle-class background, and that the Homeless Court Program plays an important part in moving people of all economic backgrounds off the streets and into stable environments.

COURT

HON. PETER C. DEDDEH

Judge, Superior Court, San Diego County

As a Presiding Judge in San Diego, I have served in traditional court and in the Homeless Court. In Homeless Court, we celebrate the success of people who have made it through treatment. These people have proven themselves by participating in individualized treatment programs for two months, four months, or a year. They have already succeeded prior to appearing in the Homeless Court.

In traditional court, we deal with people who have done something wrong and they **promise** to change. In the Homeless Court, participants have **already** proven to themselves and to others that they can change. Thanks to the work of the service providers, the Homeless Court is able to reward participants for their achievements, rather than having to determine if they will succeed.

That's why the Homeless Court is a little less formal, almost like an awards ceremony. I stand at a podium across from the defendant. The informality of the court is important because getting through a program is often the first time these people have been successful at something, and the court sessions are also the first time a government body has recognized them in a positive way. That's why I make it a point to read their advocacy letters in front of everyone. In a traditional court, you wouldn't have a judge looking across at you—the judge sits above the proceedings—and a judge would not read an achievement letter.

The court is designed to give people who are sincere about changing their lives a fresh start. It helps remove barriers so that people can return to civil society. Since they have proven themselves, the system should do what it can to get their social security issues resolved, their licenses back, allow them to establish credit, and so on. To me those are appropriate awards for going about improving their lives.

Preparing for Court Sessions

To prepare for court, I mostly review the calendar before the sessions. The public defender, the district attorney and the city attorney have all worked through the process before I become involved. My job is to offer a stamp of approval to their work, and to appreciate, acknowledge, and remark on the participant's achievement.

Homeless defendants must understand that we can take care of only part of the cases they may have outstanding. We can't address parking tickets, child support, or felonies. If they have those kinds of cases, they need to take additional steps to address them. To be on the Homeless Court list, participants need to make a sincere effort and be referred by the treatment provider. Participants have to be in that position for the court to help them. Providers really have the power here as they ultimately serve as the gatekeepers to the Homeless Court and provide assurance to the court that the participant has taken steps to improve his life.

Advocacy letters written by providers are critical to the success of the Homeless Court. As a judge, I want specifics in those letters. I am already familiar with the requirements in the individual programs, and sometimes letters don't have anything above and beyond those requirements or treatment steps. I want to see specifics about the individual in advocacy letters. I'd like to see a description of the particular strengths of that person.

Homeless Court Critics

Some people misunderstand what we do here. I know at Stand Down, if you are a vet and agree to participate in activities for the three days, that's enough to get a case dismissed. The Homeless Court doesn't work that way. Participants have to go through a rigorous program with whatever provider they are working with. I've also heard people ask why we can't hear these cases in a regular court. A regular courtroom diminishes the celebration.

Acknowledging their success is important in getting participants through their recovery.

A court session held in a shelter can be a positive court experience where participants feel comfortable. They have worked hard to get to take part in something designed specifically for them. I've also heard critics say that some homeless people try to scam the system through this court. I suppose that happens sometimes, but even if they're clean for a year, that's still a year that they are not a burden on the court and on the community's resources.

The people who get their cases dismissed—the amount of work they put in programs, the amount of demonstrated success—that amount is **far beyond** what is required in a regular court. The Homeless Court is a great investment by all of us as a community. In exchange for a small fine—which we wouldn't collect anyway—we're getting a person who is clean and sober, who can get SSI or a driver's license and a job, and who is not shooting up in your alley. That's a small price to pay for people who have turned their lives around.

The Court's Future

We're getting to the point where we might need more than one court session each month. We also need to get statistics to tell us how we're doing. I'd like to quantify what we do better, and evaluate our success rate over five years, for example.

Also, we might find a way to take care of parking tickets. Many homeless people have cars. They may park at the beach. Parking tickets are revenue generators, however, and we've never really attacked that. Other Homeless Courts do deal with parking tickets, but we don't.

Inspiring Stories

I've had so many inspiring moments at the court. One woman I saw—older, in her early 60s—had not only completed her program, but she wrote a story about a young woman going through the same troubles she had experienced. She'd also created artwork to express the hardship she'd overcome. The story was pretty well written. She went on to get her life back. She was able to get back to what she was doing before her detour, and she was really proud. That kind of energy and excitement really stays with you.

HON. ROBERT J. TRENTACOSTA

Judge, Superior Court, San Diego County

Frankly, the first time I presided over a Homeless Court session, I came away with a sense of the real significance of Homeless Court to all the people involved. Judge Deddeh has handled the HCP for a number of years. He told me it was a very beneficial, collaborative court, and that his work in the program was important to him. Last year, he was transferred to El Cajon to serve as a supervising judge. Before he left, he met with me first to give me his views on the court, and then his perspective and guidance. As we discussed the program, he suggested that I take part in it for the time being, and I agreed. As the supervising criminal court judge, my job is to assign judges to courtrooms. I think my taking on the Homeless Court sends the message that Homeless Court is important.

Any judge who is being honest feels, at some point or another, a sense of “revolving door justice” when dealing with the kinds of cases associated with homeless people. Many homeless individuals have serious long-term problems, they are punished by the criminal justice system when they act out, and their problems don't go away. Most of the time, those problems remain unaddressed. Homeless Court changes the model so that individuals who are interested in changing their lives can get assistance. From the court's perspective, that works because we are able to address the real issues behind their individual situations or behaviors.

What Providers and Clients Should Know

First and foremost, I want clients to know that I understand and appreciate many of them are really trying to make an honest, good-faith effort to change the behaviors that have caused them to become involved in the criminal justice system. I recognize and understand their transformation has not been easy. I want them to know that. I say this because most of the people who stand before me seem surprised that someone in authority acknowledges the depth of effort it took for them come to court. Homeless defendants should know that I appreciate their effort sincerely.

It's important that providers be honest. They need to give me good information so I can make the right judgment. I rely on them for a fair analysis of the case. I also appreciate that providers are the folks who have hands-on experience with the individual. I'm struck by how well the provider representatives know the individuals and their accomplishments—and especially how willing they are to stand up and speak on their behalf. Obviously, the providers are critical to the success of the Homeless Court. The program would simply not work without their participation.

Practical Justice

I consider myself a practical person. If we keep doing the same thing and it isn't working, isn't it time to get realistic about solving the problem? That's what the Homeless Court does. Moreover, when you're in Homeless Court and speak to participants, you get a sense that they have turned a corner in their lives, and that after self-reflection and hard work, they can overcome very difficult issues. I also think that the benefit to society is great, because these people are also contributing in a positive way. For example, I was really impressed by how many participants addressed substance abuse challenges and were successful, addressed deficits in their education and received GEDs, and how virtually all of them had returned to the workforce. To me, this is a win-win solution, and whenever you can have a win-win solution, you're doing something right. We've tried a "one-size-fits-all" approach with this population, and we've learned that one size doesn't fit all. The Homeless Court takes extra effort from a lot of people, but if you can get a community member sober, working, educated, and law-abiding, that's what the essence of justice is all about.

Preparing for Court

Before the session, I receive documents to review and I get the calendar. I also meet with counsel and with the providers immediately before each session starts. Essentially, they have gathered in packet form all supporting information that shows what the participant has accomplished. I review those packets, and based upon the charges against the participant and what they have achieved since, I render judgment.

However, I think the best preparation comes from life experience **and** judicial experience. I think all of us, not just those in law enforcement, have experienced homelessness in San Diego. All of us have a sense that this problem is not going away any time soon. Even as thinking people, we can't make it go away; it's going to take great effort just to curtail homelessness in San Diego, and I believe that everyone needs to be prepared to be a part of that effort.

Conclusion

Generally speaking, the Homeless Court has received accolades across the board. When people are aware of what the program entails, I've heard no criticism. But when people have only some information about the process, it's easy for them to believe that the court is just a giveaway—a place where a homeless person can get a criminal record wiped out. As people know more about the program—when they see what goes on here, for example, and discover what these individuals actually do before they even come to court—they understand the benefit. And many of those people then say that a court like this is long overdue.

HON. DAVID W. RYAN

Judge, Superior Court, San Diego County

The first time I presided I began my experience with the Homeless Court Program in San Diego's North County in 1998. At the time, I was the Drug Court judge. In that program, we were trying to expand the concept of therapeutic jurisprudence. North County's Homeless Court Program developed out of the Drug Court.

Six out of the eight years I served on the bench, I presided over domestic violence cases. I retired in November 2007, and I was immediately asked to come back to preside at the Homeless Court. No other judge wanted to do it. As a retired judge, I could do this and not worry about politics in the legal system. I look at the justice practiced in the Homeless Court Program from a practical systems approach. I like doing it. Someone has to fill the father role in a psychological sense. That's the role I see myself playing.

The real work for the court is done by the clerks who pull the cases. It is a very labor intensive and costly process, and the population of clerks tends to be fluid. The older hands are leaving, and it seems that there has been little emphasis on training. It's not the administrators' fault; they just don't have the staff.

Generally speaking, the courts don't like the Homeless Court Program. An awful lot goes into the monthly productions. Judges would rather sit in their offices. They justify this by saying that homeless people will not come to the courthouse like everyone else. Also if a judge travels, he has to worry about security. But remember, for a homeless person to appear in traditional court we're asking a risk-averse person, who probably hasn't had a very good experience with the law, to run the gauntlet of law enforcement.

In court sessions, I tell people that I go to therapy. I'm very open about that because I get a lot out of my therapy. From the moment I reveal that, the whole courtroom seems to change. It's not uncommon for me to hug a client in court. I don't know any other judge who does that. If you can stand before a person and send them away for the rest of their lives, but not hug them, then something's wrong. I try to humanize my position of authority, and I know that's different in a lot of respects. Hugging works for me.

The Homeless Court Program is Different

The major difference between traditional court and Homeless Court is that the Homeless Court Program is a dismissal court. We see people at the very end of the process in which the defendant has done some measurable growth. What we're doing in the court is clearing our backlog while at the same time removing legal barriers so that participants are able to continue to make progress.

A lot of people see the misdemeanor ticket process as a tax on criminals. I accept that. But we must really be honest about who we're taxing. The public admits that we're never going to get money out of a homeless person, so we agree that community service functions as a good substitute for payment. There are a lot of tax saving conservatives who don't go deeper than seeing someone's ability to pay.

For example, most people don't have any idea about how much it costs us to give a speeding ticket. When someone gets a \$100 ticket, \$20 goes to the

police department, \$2 goes to the judge's fund and \$1 goes to the county law library.

But it gets more interesting, because the state then adds a 170% assessment to the original \$100 ticket, so now the law enforcement organization has to pay \$270. When that organization is looking to raise money, they look at existing sources. They ask, "Why aren't these people with warrants dating back to the 1980s paying their fines?"

I can say for certain that punishment doesn't change people with substance abuse problems. The traditional court structure comes out of a very elaborate assumption that punishment deters criminals. But modern psychology shows that negative reinforcement isn't that effective. In fact, it's the least effective method of changing someone's behavior in the long term. And why would anyone think that negative reinforcement would change someone addicted to drugs or alcohol, when drug-seeking behaviors in humans are at least 7,000 years old?

The Homeless Court Program tries to get away from the criminalization of substance abuse. And it's incredibly cost effective. Taxpayers pay about \$25 a minute to hear one case in one traditional court. In Homeless Court, we do 200 cases in three hours. That's efficiency.

The Value of Justice

I don't believe that "justice" relies on one set of values, or if it does, those values mean different things to different populations. Society's values are, in part, defined by its courts. Yet what happens when courts can't address the specific and verifiable needs of a population? Are those values any less important? For example, only one court in the country addresses veterans' issues directly. There are now courts specializing in mentally ill defendants. But trying to set up alternative courts like this has been difficult. The problem boils down to the stubbornness of powerful people who want to resist change at every turn.

Courts are set up by an Executive Committee of old judges who are elected by the presiding judges in a district. The judges themselves tend to be very conservative. Seventy-five percent of judges were once deputy district attorneys (prosecutors). They bring judiciary, prosecutorial, and law enforcement experi-

ence . . . but not a lot of diversity, including, I might add, not a lot of gender diversity.

This Executive Committee therefore cannot rely on a variety of experiences when they make judgments. Sometimes when I watch a judge, I wonder where he gets the insight to handle the different kinds of cases. How does he know about alcoholism? Has he ever slept in a car? Judges have the theoretical knowledge, but no law school can put varied experience into one person.

So trying to convince an Executive Committee to set up a better court system takes time. The traditional model is entrenched: all we do is present the trial, bring in the jury, etc. In my view, that just doesn't work. The Homeless Court Program does. All therapeutic courts do. They target individual populations and work with them to address the underlying issues that prompted the offense.

Conclusion

Clients and providers have an important role in this change. They have to trust the system now, even though it changes so slowly. In late 1999, I participated in two programs with the Rincon nation of Native Americans. There are eighteen tribes in San Diego County, more tribes than in any other county in the

country. Most Native Americans were poor; 65% were receiving money from the AFDC. One tribe didn't even have electricity.

But they do have legal issues. We scheduled an outreach court on the reservation for a Saturday morning. The tribal council we worked with asked us if we needed security, which we didn't. When we arrived at the council hall, there was a long line waiting for us. Suddenly two sheriff's cars drove up with bailiffs, and the whole line disappeared. We saw only about 10% of the caseload that morning. The rest of the line just faded into the hills because, we found out later, they thought we had set up a sting operation. They've been running from the sheriffs since 1850. They know the hills well.

Once I got a letter from an angry citizen complaining about the Homeless Court Program dismissing cases. The man writing the letter couldn't believe we were letting people off, and ended the letter by wishing he could get his traffic tickets dismissed. I understood what he was implying. I sent a letter back saying that should he get a ticket for being drunk and urinating in public, and should the case come before me, I would be happy to dismiss his ticket—provided he go through a 90-day intensive recovery program just like the participants in the Homeless Court Program. I didn't hear back.

PROSECUTION

RICHARD MCCUE

Deputy District Attorney

As a deputy district attorney in the narcotics division of the San Diego District Attorney's Office, I deal primarily with cases that are sent to the Drug Court and the Homeless Court. I handle all cases outside the city of San Diego; the deputy city attorney handles cases within the city limits. Pursuant to my position, I attend the San Diego Homeless Court session and I travel to San Diego's North County Homeless Court once a month.

Becoming Involved in the Program

Two attitudes hooked me into the Homeless Court Program. I have a number of friends who are veterans, and I have a lot of respect for people in the service. Although I didn't serve, I had a cousin who lost an eye in the Vietnam War. He became an attorney and is successful today, but that was a stunning loss to him, and it still haunts him today.

Also, I'm very interested in how we deal with, for lack of a better term, the "non-dangerous mentally ill." A huge number of people on the streets today are not in government sponsored mental health facilities. I think this is due to the explosion of psychotropic drugs and because so many people were released from institutions who really need help functioning, but are not severely disabled. A lot of these people end up on the street, struggling. I've always been fascinated by the psychology of how people actually work, and I feel very strongly about doing what I can to help this neglected population.

Homeless Court vs. Traditional Court

The fundamental difference between the traditional court and Homeless Court is that Homeless Court deals with people who have already changed their behavior. In traditional court, we ask defendants to *promise* to change their behavior with the threat of

custody and fines—often getting mixed results. The people who appear before the Homeless Court have overcome enormous obstacles—be it addiction, mental or physical health issues, or other difficult situations—prior to the court hearing. Because service providers work closely with participants and attest to their accomplishments through referral to the HCP and detailed advocacy letters, the court is equipped to replace traditional court sentences with credit for time served or the dismissal of charges.

Sometimes in criminal law you become blinded by the process. You think your only job is to be fair and investigate everything thoroughly. We have an entire process dedicated to fairness that we spend a lot of time trying to get people to understand. But when we deal with homeless people, we're applying standards from criminal law at a time when a person's life may be in danger. We're trying so hard to be fair that it looks like we're being mean. People who come to the Homeless Court have shown that they want to change their lives. They do everything that the legal system dedicates dozens of people to do—and more—and they do it voluntarily.

Challenges to the Mentally Ill

Homelessness—especially the homelessness of the mentally ill—is a difficult problem to resolve. While we know how to address the homelessness of the low-income and working poor, it is sometimes more difficult to address the homelessness of those with addiction issues and it is even more difficult to address the homelessness of those with mental illness as it requires a costly comprehensive system of housing, mental healthcare, and myriad supportive services. The unfortunate reality is that our community presently does not have sufficient housing and supportive services to meet the needs of the entire homeless population—and particularly those with the most serious issues.

The fact is that prosecutors end up taking on these problems. Society uses us—prosecutors—as social workers to address what the average person thinks is

a social nuisance. We're dealing with a population where the traditional tools available through the criminal justice system and courts simply don't work. There's a difference between me getting a ticket and a homeless person getting cited, for example. It is important to realize that most homeless people are already afraid of the universe. A person experiencing homelessness does not have the money to pay fines, fears jail, and oftentimes runs away.

From my experience in Drug Court, I know that coercive rehabilitation can work for some people and that an overlap exists among the non-violent drug addict population, the homeless population, and the mentally ill population. Oddly though, many homeless people are not afraid of jail as it is a familiar place to them where many of their immediate needs—shelter, food, and clothing—are met. People who commit crimes have two choices: go to jail or complete a program. While coercive rehabilitation may work for some people with addiction, it does not deliver the same success rate for people who are chronically homeless.

As such, the Homeless Court takes a different approach by relying on the expertise of service providers to address the underlying root causes of a person's homelessness and offense prior to the person's appearance in court.

Preparing for Court

In the pre-hearing counseling sessions with participants and in court, my obligation is to deal with everyone with respect. For me, that's easy, because I see most of these people as having been beaten down by circumstance. While it is sometimes harder in general to give a defendant respect when charged with a "real" crime that truly is a breach of public safety, we realize that all defendants are human beings and worthy of respect. Sometimes we have to remind ourselves that the court aims to determine whether certain *actions* are right or wrong as opposed to passing judgment on a person's moral worth.

We all live with this impression that the scales of justice will be balanced with every person. That lofty goal is difficult to achieve in practice. What we're ultimately trying to do in Homeless Court is balance those scales. Sometimes it's not easy. Broken people can be self-righteous; addicts are sometimes con-

trolled by their addiction. But in the end, service providers help participants to overcome obstacles and make strides towards self-sufficiency. Then, the Homeless Court does its part to balance the scales of justice by rewarding efforts to make amends.

As a prosecutor, I'm charged with protecting the public. The circumstances that bring most homeless people into contact with the criminal justice system fall into the social control area—that is, the misdemeanor area. We're not dealing with moral evils here, but rather public agreements about proper behavior. Long-term homeless people are often not able to interfere with normal society. Most homeless people simply don't exist in my professional work because they're not a problem. But when they commit "lifestyle crimes"—and I hate that term, by the way—the only thing I want to do is help them end their homelessness. The unfortunate fact is that chronically homeless people aren't living in the same world that I am. I feel strongly about removing the cross they bear in order to get them back into society.

As a prosecutor, I'm the most privileged person in the justice system. My job boils down to deciding whether or not something is worth pursuing—using "prosecutorial discretion." Judges have discretion at the end of the process, but they don't hear cases that prosecutors don't think merit it. This is a huge power, and I take this honor very seriously. Homeless Court participants have done everything society has asked them to do in an effort to regain control of their lives. As such, I am pleased to exercise prosecutorial discretion and utilize alternative sentencing to acknowledge the achievements of formerly homeless people on the path to self-sufficiency.

REGAN SAVALLA

Deputy City Attorney

The atmosphere created by the Homeless Court partnership is the most striking deviation from the traditional court system: by providing a non-threatening environment for homeless individuals to resolve cases, we are able to establish a greater level of access to the courts and resulting accountability. The adversarial nature of the traditional court system is dissipated, allowing all of the partners to concen-

trate on our common goal of stopping the revolving door treatment of crimes related to homelessness. Our approach helps the participant receive the appropriate resources, alleviates court calendars, and reduces case processing for prosecutors. It is a holistic approach to the participant and the root cause of his or her offenses, rather than focusing on a specific, isolated incident presented before the traditional court.

Prosecution Consideration for HCP

It is important for participants to understand that even though I represent the prosecution, I am a part of the team of resources used to help the participants succeed. I appreciate and commend the efforts of participants to change their situation: when the participants demonstrate a readiness and willingness to take responsibility for their cases and are working hard at completing their programs, everyone in the community benefits. By choosing Homeless Court, not only are participants held accountable for their actions, but they are also addressing the core issues that will prevent them from acquiring more cases. In addition, I hope that after their experience in Homeless Court participants will be more aware of the services available to them and be less reluctant to address any future dealings with the criminal justice system.

It is important for providers to understand that there are many roles that I and the assigned prosecutor play. We have to balance what is best for the participants with the gravity and frequency of the law that has been broken as well as the interests of the community. We rely more on the advocacy letters submitted by the providers than on any other piece of information when making our offers of case disposition. Therefore, it is imperative that the letters reflect an honest assessment of the participants' efforts in the programs. The more detail provided, the better. Letters should be specifically tailored to address not only the client's progress in their particular program, but also the efforts made to take responsibility for his or her actions and how those efforts will help to prevent similar behavior in the future.

Homeless Court perfectly fits into my idea of restorative justice. Tailoring disposition offers to the needs of the participant *and* the community is an ideal framework. The participants complete programs that address their specific issues, often spending more time

and effort than would be required in the traditional system, and receive the benefit of a dismissed case, a reduced charge, or a cleared warrant. This empowers the participants to continue on their journey to reach their goals, whether those are to improve their education, seek employment, remain sober, or simply remain law-abiding. We are able to hold the offenders accountable for the harm they caused, repair the harm, and develop competency in the offender so that he or she can make better future choices.

Preparing for Court

Once we receive a final list of participants from the court, our legal secretary investigates the criminal histories for each participant and gathers all of the relevant case files. The assigned prosecutor reviews all of the information and any letters submitted by the service providers on the behalf of the participants. Based on the calendar prepared by the court, our research, and the progress as described by the service providers, the prosecutor then makes offers of disposition for all eligible cases and discusses them with the representative from the Office of the Public Defender.

Role of Prosecution

As the Head Deputy of the San Diego City Attorney's Neighborhood Prosecution Unit, I work in partnership with the San Diego Police Department, the Office of the Public Defender, other agencies and community based organizations, and the community to aggressively and creatively combat crimes that impact quality of life. I also manage the prosecutorial portion of our four alternative courts: Homeless Court; Downtown Community Court; Mid-City Community Court; and Beach Area Community Court. While neighborhood prosecutors continue to perform traditional prosecutorial functions (issuing cases, taking cases to trial), we are also dedicated to proactive, early intervention lawyering with a commitment to community outreach.

While the City Attorney's Office has been involved with the Homeless Court Program since its inception, I first learned about this program during my new deputy training in 1999. I was given a preview of the Homeless Court Program and Stand Down. I volunteered to work at Stand Down each subsequent year, and when I joined the Neighborhood Prosecution

Unit in 2002, I was able to continue my involvement at Stand Down and experience working in Homeless Court first hand. I am responsible for staffing Homeless Court and assigning a neighborhood prosecutor who is passionate about our mission. It is preferable to have a permanent deputy participate at Homeless Court proceedings and in planning and development meetings to maintain consistency within the program.

Improving the Court

Any criticism of the HCP is often from someone who is uninformed about the process. Specifically, in my experience critics think that by virtue of being homeless one is qualified to participate in Homeless Court and have their cases dismissed without consequence. Explaining the process effectively ends that criticism.

Additional resources for all of the partners involved would be helpful. In our office all duties related to Homeless Court are in addition to a full workload. A fulltime staff person dedicated to Homeless Court would help immensely. Additionally, communication between all partners can always be improved to ensure that we all understand each other's roles. The more

comfortable we are contacting each other and the more open the lines of communication, the easier it is to address issues when they arise.

Time is our biggest challenge. The process requires significant time and effort by the assigned prosecutor who assumes these responsibilities in addition to his or her regular duties as a neighborhood prosecutor.

Inspiration

The Homeless Court sessions themselves are most inspiring. When you have read a file and know all about the criminal history of a participant and the crime he or she has been accused of committing, you have a certain picture in your mind about how that person will look and behave in court. Then, that picture is blown away by the letter you receive from the provider and the participant in front of you; they are dressed to impress, with a smiling face, armed with their accomplishments, and happy to address the court and shake your hand. That energy is rarely seen in the traditional court system, and I enjoy being a part of that as I help these participants reach their goals.

STEVE BINDER

DEFENSE

Deputy Public Defender

One of the first questions that I ask my clients during the Homeless Court Program counseling session is, “What is the best part of being in your program?” I do this to learn where they are, what is meaningful for them, and to focus on the positive aspect of their lives. Common responses include: having a roof over my head, being clean and sober, the food, building a relationship with God, or they specify a particular program activity they particularly enjoyed. On rare occasions, a client might say, “nothing.” The following week, during check-in prior to the court session, that same client often comes up with an item that is meaningful and worthwhile.

During the course of 20 years working in the Homeless Court Program I have come to realize that people are looking for opportunities to improve their lives and contribute to their community. This is true of everyone, including the prosecutor who is concerned with public safety, judges who maintain the law and the dignity of the court, and court clerks and provider staff who do difficult work with limited resources. This even applies to clients who commit offenses that stem from desperate circumstances such as economic catastrophe, substance abuse, mental illness, and the necessity for housing, employment, and health care. The Homeless Court Program is a collaborative effort in which different groups of people work to improve lives, respond to the problems homelessness represents, and build a better community.

Model and Lead by Example

Unfortunately, dwindling resources affect our ability to perform and the ability of homeless people to move from the streets to self-sufficiency. We often hear stories of people who decline services as they learn they are limited at best and will leave them torn between two worlds—not quite off the streets, yet not really self-sufficient. I am forever impressed with the fortitude of people who work hard to get into programs and find

the strength to pull themselves up off the streets.

Sadly, it is easier for homeless people to commit a crime to obtain food and a bed in a jail cell than it is to obtain food and shelter in the community. In many respects, the court and my clients share the same frustration in that they cannot find a lawful existence—as court orders lack housing and homeless people lack the resources to get off the streets.

From the beginning, the major partners of the HCP have made an extraordinary effort to step outside our comfort zone, step out of the courthouse and reach out to people who are, in turn, truly appreciative of their efforts and the opportunity presented by the HCP.

It is Easy to Label Problems— It Takes Work to Solve Them

People call the police to tackle crime. When it comes to homelessness, the police have limited tools to solve the problems homelessness represents. When an individual is sleeping on the sidewalk, urinating in a doorway, or passed out in the gutter, the police issue a citation or arrest them. This leads the homeless person to appear in court to respond to the charges. In effect, we move the “problem” along from the streets into the courtroom. We all agree people should not live on the streets; they deserve better. People do not care if someone is ordered to pay a \$100 or \$1,000 fine or whether the court orders the offender to spend a weekend or year in custody ... they just want the problems of homelessness solved.

We have spent too much time and energy pointing fingers. It is easy to blame, find fault, and label someone as a criminal, the courts as insensitive, the police as brutal or harsh, or a defense attorney a “dump truck.” While there may be a grain of truth in each claim, this does little to address our need to work together, build a better community, and find opportunity in adversity.

In the HCP we challenge the conventional wisdom, dialogue, and practice. Instead of dwelling on shortcomings and problems, we concentrate on accomplishments and triumphs. We move past the

“us versus them” mentality that leaves us all victims. We establish a mechanism for collaboration, one that reconciles problems with solutions while building trust and looks at the complete person, not simply the offense.

The solution comes when homeless participants are seen as people and not just cases. This is achieved through the reconciliation of a client’s past, as represented in citations and charges, with the accomplishments of the present and the promise of a future, as represented in the proof of success in shelter activities that clients bring to the HCP. At the end of their journey HCP practitioners see themselves and our clients in a different context and with a broader purpose while respecting our fundamental mission—representing clients fully and forcefully, individually and through systemic change.

There is a great resilience in the HCP framework. In this framework, the court clerks build a massive calendar each month and prosecutors review a high number of misdemeanor offenses ranging from public disturbance offenses to serious charges like theft, public intoxication, resisting arrest, and DUI cases. In addition, provider agencies and staff transfer the trust they build with clients to the HCP. Together, we find a proactive solution for the community by collaborating with service providers to address the underlying causes of homelessness.

Both government and nonprofits are tasked with a great responsibility and inadequate resources. Despite this challenge, day after day, month after month, they extend themselves and reach out to the program and its clients to resolve cases, hold proceedings in a community room, and remove legal barriers to self-sufficiency.

Providers as Gateway to HCP

The monthly HCP calendar gives everyone an opportunity to fully prepare for the court hearing. One reason why the providers lead the HCP calendar as the gateway for referral of clients into the HCP is because they have the best understanding of what it takes to address the myriad of concerns that homelessness represents. The providers offer the services for people as an alternative to life on the streets and challenge participants to make the most of program activities and their lives. The homeless service

agencies provide basic necessities—food and shelter—so their clients can feel safe and start working on the serious problems in their lives. The provider staff helps participants address and move forward from the humiliation that comes with falling into the streets while simultaneously counseling clients to overcome the drama of life on the streets and encouraging them to make the most of their lives. The staff helps clients understand that their problems don’t define them. Similarly, the court case should not define them.

The providers understand what life on the streets means. The providers understand how after five days of homelessness people develop a survival mindset. The providers understand the culture of their clients’ lives on the street. They understand that when someone is utilizing survival skills it is important to help them find new ways to live. This new way of life includes the basic skills that are necessary to come clean and interact with future employers, landlords, and the court.

In turn, the trust that the providers have built with their clients as they move from one step to another is then transferred to the court, helping the court and the community resolve its cases.

What Are You Worried About?

Accomplishments and successes in program activities provide a more complete picture of a person’s life and potential. Similarly, *recent* accomplishments provide a more accurate picture of who that person really is.

When a prosecutor expresses concern about a case, I need to respond. I respond, even when their position is likely “no” to a particular issue. The HCP is a collaboration of equal partners committed to building a stronger community. A problem raised by one partner gives rise to a solution from another partner. When I hear of a problem, I need to explain the client’s situation, whether it is the facts of the case and what challenges gave rise to it or what my client accomplished to overcome these concerns and improve the circumstances of their life. We can acknowledge our professional differences and work together to overcome the traditionally adversarial relationship between the prosecution and the public defender.

There are times when I need to be reminded of the

challenges people face on the streets and in their program and how my interaction with clients affects the counseling or court sessions. We must continue to search for opportunity underneath the sorry conditions life sometimes presents to us.

“Man is born free; and everywhere he is in chains,” wrote Jean Jacques Rousseau in the *Social Contract*. Today, homeless people are chained to the streets while the rest of us are chained to their plight. We are most fortunate for having friends, family, a home, and employment. Yet, our well-being is tied to the well-being of others in our community, including the least fortunate. The homeless service providers open their doors to provide opportunity through the Homeless Court—to people who once lived on the street and the court system that needs to resolve cases. In the HCP, this opportunity is served with respect and dignity for all the collaborative partners including our clients. Doing so, we free ourselves from the chains created by the “us vs. them” battle.

Every so often, a police officer attends one of the HCP sessions to observe the proceedings. Initially, they are uncomfortable watching cases being dismissed. But when they see the advocacy letters and certificates presented during the court session and listen to the conversation between the judge and participant, they come to understand the value of the HCP. They realize that the person standing before the judge is no longer someone they will see on the street, and that the issues underlying these cases have finally been resolved.

TERRI PETERS

Deputy Public Defender

Most of the clients we assist in Homeless Court have gone through unimaginable struggles. They work very hard for things we take for granted. I have had many clients begin to cry as I sit down to counsel them in the monthly Homeless Court session. For many of them, working in their programs is the first time they have followed through on something and seen progress in their lives. One client took 11 buses every day just to get to programs and look for work. For many, working through programs marks the first

time they have been clean from drugs and alcohol for as long as they can remember. One man we counseled, a veteran, had been an alcoholic for 25 years, and he was finally clean. I hear one story after another of mended family relationships—clients who tell me their mother or sister have come back into their lives because they’re off the streets and making progress. When clients bring pictures of their kids they finally got back from Child Welfare Services that makes it all worthwhile.

In the traditional court, clients are often ordered to pay fines even though they are homeless and unequipped to pay. They may sometimes clear fines through serving jail time, but unpaid fines are eventually sent to court collections and additional fees are added. These fines often become the subject of a wage garnishment should the client obtain employment. In Homeless Court, clients are given credit for program progress against court fines and outstanding offenses. Clearing past obligations paves the way for these clients to continue on the path of progress. They become productive and contributing members of society. Many are now eligible to get their driver’s license, obtain stable housing, and secure employment.

Of course, providers need to understand the important role that they play as well. No one else can step forward and tell the judge what progress has been made by each individual. The judge looks closely at advocacy letters submitted on behalf of each client to assess the level of progress made from the perspective of the provider. The provider’s input makes all the difference, whether it is in letter form only, or better yet, through the provider’s personal appearance with the client before the court.

Defense Attorney in HCP

It is important for clients to understand that I’m there playing a supportive role by counseling and representing them before the court, but they are the central part of the program. They have made the changes necessary to move towards self-sufficiency. They have obtained housing, made strides in their programs, and addressed personal and health issues. They should be proud of their accomplishments and understand these efforts are recognized and appreciated by the court.

My involvement with Homeless Court began back

in June of 2005 when I went to help out at one of the first Homeless Court sessions here in North County. I have continued to serve as a Deputy Public Defender with the San Diego Homeless Court since that time. My position also includes handling a felony caseload and serving as the Drug Court attorney for the North County Court.

The Homeless Court process constitutes justice, if justice is defined as fairness and equity. A court process that grants relief to someone who has taken steps to turn his or her life around and make ongoing progress is certainly a just court process.

Challenges and Growth

Of course, there are challenges to the program. Finding enough time to spend with each client during the counseling session, for example, has become an ongoing challenge. When discussing their legal matters with us, the clients often raise a myriad of other issues and concerns, and we always provide referrals and resources as they are available to address these needs. In the end, clients never fail to express appreciation for the time we spend counseling them and for the opportunity to appear in Homeless Court.

There have been skeptics of the court as well. Critics need to be aware that clients who qualify for the Homeless Court Program have made recognizable and measurable progress. Many of them have surmounted difficult obstacles along the way. This progress benefits not only the client (in that he or she is clearing fines and cases from the past), but society as well, in many specific ways. Every person who makes necessary changes and turns his or her life around will bring long range savings to their community. These include the costs of rearrest and incarceration, utilizing emergency services such as ambulances and emergency rooms, as well as Child Welfare Services costs to take kids away, place them in foster care, etc. Any criticism of the HCP often reflects a lim-

ited understanding of the barriers that exist for some people to become independent and self-sufficient. Many of these clients have mental issues that make everyday living difficult. Many have suffered tremendous abuse and trauma, which occurs more often when someone is living on the streets and exposed to dangerous situations.

In one of the recent Homeless Court sessions, Judge David Ryan addressed a participant, a father who had made significant progress both in his program and in his personal life. After asking the father some questions, Judge Ryan asked the participant's thirteen-year-old daughter to come forward. She was asked what her father was like before he became involved in the program and what he's like now. Although somewhat shy and reserved, the daughter approached the podium and spoke to the judge clearly and without hesitation. She told the judge that before the program her father used drugs, was mean, and didn't care about other people. She went on to say that now he is nice and spends time with her. He cares about other people and works hard. What added to an already emotional moment was the father's expression as he watched his young daughter tell the judge of his changed life. He was clearly proud of his daughter and had now realized the tremendous impact his progress has made on those close to him.

For the Homeless Court Program to grow, we need more cases to qualify and more counties and courts to participate. Many clients do an incredible amount of work to obtain their licenses, only to have it held up by an out-of-county ticket too costly to clear without the help of the Homeless Court. More provider involvement would also improve the process. This means more involvement by current providers, as well as more providers being added to those offering the program to their qualifying clients.

ANDRE SIMPSON

PROVIDERS

COO and Vice President, Veterans Village of San Diego

Without the Homeless Court Program, our clients' success rate would definitely not be as high as it is now. Veterans Village of San Diego (VVSD) is an alcohol and addiction treatment agency. Most clients in treatment have an unresolved legal issue; as a result, clients are worried about being stopped by the police and even being arrested prior to completing the programs. We can treat addiction issues, but we can't handle legal issues. Remove the legal component of our treatment plan—the Homeless Court Program—and our success rate would drop dramatically.

We introduce clients to the Homeless Court during our initial assessment. All of our clients self-report information during the intake process. At that time, they indicate their legal issues, and we tell them about the Homeless Court. Most clients suffer from substance abuse, mental health, or employment problems. Every client is assigned a case manager. The client and the case manager develop a treatment plan, and after adhering to a treatment plan for thirty days, the client is eligible for a referral to the Homeless Court Program.

Every other month, a Homeless Court session is held at our facility. Having the court sessions here has helped identify us as an important provider in the community. We have a long-term presence with the program, and our history means that we can always tie that experience to issues that arise as the court grows. We also have a large population here who access the program, and having the court sessions at our facility means they don't have to worry about having to travel somewhere else. That supports our continuum of care.

The History of the HCP

In 1996, the calendar for the HCP was much smaller than it is today. That is, there were fewer clients involved. Also, the court heard fewer cases, and those cases related to similar cases that are being heard in

HCP today. Today more providers are involved at more levels. Now most of the providers meet each month for lunch—and those meetings have written agendas, and the prosecution attends—so there's been better communication between everyone involved. But in terms of the court process, not much has changed.

I was hired by VVSD in 1995 and worked at my first Stand Down in July 1996, coordinating volunteers and services. The HCP was one program that our agency needed. It was my responsibility to bring it back every year, and it was during this time that I got to know Steve Binder.

During those early days, I picked up information about the legal system as I went along. I had a number of conversations with people, took notes, and asked a lot of questions. But even early on, VVSD prepared the participants essentially the same way we do today. We sat down with the client and discovered what their legal issue was. Then we talked to their case manager—every client has a case manager. After we met with both, we determined whether the client was eligible for the court, and if so, we explained the Homeless Court Program process. We spent a lot of time alleviating their fears. They had tremendous fear, so we introduced them to the procedure. I'd reassure them by explaining that they could expect to have a positive experience in the process. In those respects, the Homeless Court process hasn't changed.

The biggest change in the court since I started is that we now hold monthly HCP sessions. Years ago we held periodic sessions on a quarterly basis. The HCP also expanded to outlying jurisdictions such as North County. Yet, there are several similarities between the original Stand Down Court and the monthly sessions. Both benefit the homeless population right where our clients are—either in a shelter or on the street. Our clients experience the same level of anxiety, whether they attend the once-a-year session at Stand Down or the monthly court sessions held at VVSD or St. Vincent's. Of course, the clients also experience the same kind of positive reinforcement from the HCP. I

don't think there is much difference between the two HCP approaches in terms of the overall benefits to the clients, the court, and the community.

There are differences, however, between Stand Down and the monthly sessions in terms of the work that clients do. Because of the calendar process for the monthly Homeless Court sessions, participants commit a great deal of time and energy to their programs prior to being referred to the Homeless Court. Because of time constraints at the three-day Stand Down event, participants aren't expected to achieve the same accomplishments as their counterparts in the monthly Homeless Court Program.

It's a Start

Our work as providers starts with meeting basic human needs. Everyone needs security, food, clothing, and shelter. In a sense, clients who have to worry about these needs can't really find and develop a sense of self, so it would be a tremendous challenge for them at that time to stand before the court. Our programs help participants retrieve a sense of self so they can take responsibility for their lives and make progress towards achieving self-sufficiency.

When I think about the differences between Stand Down and the monthly court sessions, I always have to remind myself that the success of the client is measured by the positive steps a client is taking, not whether they graduated from any program. We need to celebrate every single thing that our people have done to get their lives back on track—like taking their medication, for example. These little things you and I may take for granted because we do them every day. But even the little steps are very important measures of success for people who have had to constantly worry about basic human needs.

Benefits for Clients

The court helps our clients in at least three ways. Primarily, the Homeless Court Program removes an outstanding legal offense, which helps participants by removing barriers to treatment and services and allows them to focus on the root causes of their homelessness. Second, the program allows participants to have a positive experience with the legal system. Unlike us, our clients haven't had a particularly positive relationship with the courts. If the client has a good experience in a

court setting, that person may take that experience forward into their life off the streets.

Finally, the court experience helps clients realize that the justice system can support them in their effort to effect positive change in their life. As provider agencies, we serve and support clients. When the court stands behind them, our efforts are enhanced. If we tell participants they deserve to have their tickets dismissed and that they won't be taken into custody in court—and they're not—their trust in us, and in the homeless provider community at large, grows exponentially.

Role of Provider Staff

Over the years, I've found that caseworkers need to fully understand the role of the Homeless Court. If they aren't aware of its purpose, they can be confused about the process. That confusion can get passed down to the clients, which in turn, can affect their relationship with the prosecution. Caseworkers also need to understand their clients, especially what each person is capable of. If the case managers refer someone who technically meets the eligibility criteria but who is not emotionally ready for the Homeless Court, that creates difficulty for the program and the process itself.

Sometimes our caseworkers advocate for the client during the hearing—standing at their side before the judge while their case is addressed. I know that other providers do this as well. I think we as providers should allow the clients to stand on their own as much as possible. We can advocate by writing strong advocacy letters. Sometimes caseworkers don't realize that these letters become court documents, so it is important that the caseworkers get to know their clients well and present a thorough statement to the court. We have to remember that a Homeless Court appearance is an opportunity for clients to demonstrate what they have done in their programs.

Benefits of the HCP Structure

The best feature of the Homeless Court is its flexibility. The court comes to the client, which is one main difference between the Homeless Court and traditional court. Also, as a society we often tell each other that every person doesn't fit into a square box—that we're all different. The fact that the Homeless Court doesn't punish those who live outside that box and,

in fact, helps deliver fair justice, demonstrates its flexibility and validates each client's individuality.

As a provider, I see firsthand how the court fosters a sense of encouragement in our clients. It does this because the Homeless Court focuses on accomplishments, not on punishment. I also have to say that Steve Binder is probably the greatest human asset to the program. He has a heart and passion for the court, and when you remove the heart you lose the program.

Of course, even the Homeless Court Program can be improved. If I had a wish list, I would love to see the court addressing other kinds of cases, including cases from out of state. Also, our homeless population fluctuates in San Diego. Ideally, we would be able to deliver our services better if the court program could adjust with the population.

The relationship between the court and the providers is an interesting one. I think the court definitely does value the providers and their expertise. The ideal relationship, of course, is a complete trust between the providers and the court. Each provider should feel that their contribution is important, valued, and acknowledged. We want to know that the court understands the clientele we work with, and that when we make a referral it will not be second-guessed. Without providers, the Homeless Court cannot exist. You take away any part of the process and all our work is compromised.

As providers, we know our clients best. The defense and prosecution, as well as the judge, rely on us as providers, and trust our judgment. We have credibility. As such, our role should never be dismissed as trivial.

Reputation of San Diego's Homeless Court

People in San Diego often don't realize how well known and respected our Homeless Court Program. I've spoken about the program to a variety of groups across the nation: attorneys, other providers, court personnel, and advocates. Most of the groups have expressed a keen desire not only to learn more, but to implement the program in their own jurisdiction. So there has been a

very positive reaction to our court program.

The provider network is a close one. We all attend provider meetings together, and we invite the prosecution to attend and see our work. We also interact with the court when it holds sessions at VVSD every other month.

Occasionally, we get a naysayer who claims we are giving special treatment to homeless people. I usually get a question about whether we're letting an ax murderer off, or something like that. But the critical voice is very rare, and such questions demonstrate a lack of knowledge about how the program works. Once people understand, they are usually very supportive of what the court and the providers are doing. We see it as helping people break the stereotypes of homelessness because they see how our clients work hard to overcome the issues that led them to the streets.

John McKanin, one of our program alumni, is an inspiring person whose story I will never forget. He came to our program after living on the street. He was in the program for 60 days and doing very well, but he told his caseworker that he still had legal issues which he was deathly afraid of addressing. He enrolled in the Homeless Court Program and met with Steve Binder, the defense attorney who reassured him that he would not go into custody and that the judge would honor his success. During the session, he stood before the judge and the outcome was exactly as Steve predicted it would be. Getting through the court program allowed him to focus on the issues he needed to get under control. He did that, and transitioned out of our program. Now he has an apartment and is doing very well. I talk to him regularly. That's why I always say that without the Homeless Court our success rate wouldn't be nearly as good as it has been. The program allows us to do what we do best. John was living on the beach and behind dumpsters; now he has a furnished apartment, a job, and is contributing to society. Stories like John's help me remember that providers and the Homeless Court deal with people, not cases.

JULIE SOPER

Staff Attorney and Legal Advocate, YWCA Passages Program

I am the Staff Attorney and Legal Advocate for the YWCA Passages Program, a two-year transitional housing program for single, homeless women. Residents have a variety of barriers when they enter the Passages Program, ranging from substance abuse, mental illness, physical illness, and criminal backgrounds. The purpose of the Passages Program is to assist women to identify, accept, and overcome their barriers to gaining independence, developing specific personal goals, and making personal changes, as well as to give women the tools to maintain healthy relationships in all aspects of their lives.

The Passages Program is divided into three phases: Stabilization, Women in Transition, and Supportive Independent Living. Stabilization is a 90-day intensive group therapy program where residents are encouraged to take the time to focus on themselves. Stabilization residents are encouraged to focus on becoming emotionally stable and work on an individual plan to reenter the workforce. Women in Transition is a long-term transitional housing program where residents are given the tools and resources to enter the workforce and gain financial stability. Residents are required to have 30 hours of employment weekly and open a savings account within 60 days of earning verifiable income. Supportive Independent Living is achieved by continued program compliance, proof of \$250 in savings, and proof of 30 weekly hours of employment for the past 60 days. Residents are encouraged to practice living independently and prepare for permanent housing.

Each resident is provided with a case manager upon move-in. Case managers link residents with the appropriate resources and assist in developing personal goals to achieve independence. All residents receiving a verifiable income are expected to develop a monthly budget with their case managers and are required to show proof of savings on a monthly basis. It is the responsibility of the resident to meet with the case manager on a weekly basis. An individual counselor is also provided for all residents upon move-in. Individual therapists are provided to assist each resident in identifying barriers to independence.

An individual can become a resident of the Passages program in a variety of ways. For example, the Passages program may receive a referral from Rachel's Night Shelter, crisis houses around the city, the San Diego Rescue Mission, or other emergency shelters throughout San Diego County. When a woman is referred to Passages, they fill out an application, are interviewed, and the Passages staff makes an assessment based on an individual's needs and whether they meet certain criteria, such as being stabilized on medication for 30 days and/or are 30 days sober. Unfortunately, the need in San Diego is much greater than we can accommodate. The waiting list to be in the Passages Program is generally 3 weeks, though it can be considerably longer.

Legal Assistance for Homeless Women

I am an attorney and am relatively new to the Homeless Court process. I initially heard about the court from my husband who is a public defender and has counseled clients at Stand Down. When I visited the court for the first time, I was impressed with the warm and welcoming environment, which is different than the environment in a traditional court. In Homeless Court, the judge relates to people directly.

Besides attending Homeless Court, residents of our programs also have access to our legal department, which specializes in aiding victims of domestic violence. Through our legal department, eligible residents may receive assistance in obtaining a restraining order, as well as assistance with divorce, custody and visitation, and child and spousal support. While the legal department is an asset, it is limited in what it can offer to residents, which is why the Homeless Court Program has been so beneficial to residents. As previously stated, most residents have a variety of barriers that led to their homelessness. Often, a resident may have a criminal history which makes it more difficult for them to obtain employment. Many residents have fees resulting from their criminal activity which they struggle to pay. Removing or even decreasing fines and/or fees enables residents to begin saving money, resulting in positive steps towards self-sufficiency.

Currently, three of my clients are going through the program, which has been a positive experience.

When they appear in court, I try to attend. However, I believe it's the responsibility of the residents to do the legwork. That's one step for them to achieve independence and self-sufficiency.

For example, two months ago a client went through the Homeless Court process with a DUI from 2006. She had been sober for a year, but was terrified of going to court because memories of the DUI were so painful. With help from the HCP, she was able to get past the burden of those memories and turn her fear into a positive experience.

Now she's working two jobs and is in our Supportive Independent Living program, the last phase of Passages. The Homeless Court helped her make a new life for herself.

Note: Aimee Castillo, Case Manager for the YWCA Passages program, contributed to this description.

KRISTE DRAPER

Staff Attorney, Children's Advocacy Institute

As an attorney and a facilitator of services for homeless youth, I provide legal and advocacy services to kids in an environment where they feel safe and secure. This means that I literally walk the streets with other social services providers, meet and talk with homeless youth, and provide them with services. I also run a legal clinic in an outreach center one night a week where kids know that they can come and talk to me if they have any questions. I give a lot of one-time advice and encourage kids that I meet to follow through with schooling and court appearances.

I fill in the gaps between legal and social services we have available in our community. Homeless youth typically do not advocate for themselves or for their rights. Most of the time, they have no idea what's available to them and what they are entitled to. Even when they know what needs to be done they are too scared of being rejected to do it. I work one-on-one with youth—building trust and taking them to appointments, role modeling appropriate social interactions with professionals and authority figures, and advocating for their rights. Most of the time the only reason a youth goes to get help or follows through

with an appointment is because I have told them it will be safe and they trust me.

I also set up long term legal relationships with youth who need more intensive help. I help coordinate services for them with other social services providers, I accompany them to Homeless Court, I help them get financial aid, get proper identification, work with probation officers, advocate in criminal court on their behalf, ensure they get health care, and work with them to get other welfare services they are entitled to. I also help with their homework and grocery shopping, and give them rides to the doctor's office. There isn't much I don't do with these kids.

I generally work with kids between the ages of 17 and 21. Most kids are "throwaways": they've been abandoned by their parents and have no place to go. Some are runaways; they may have been abused or neglected at home, and left because they felt safer on the street. These youth are no longer children but not quite adults. We cannot send them back home as it is not safe, and they are generally not interested in going into foster care and living in a group home or foster home. They have been living on the streets and taking care of themselves and generally do not want to go into a home but want to live on their own as adults. However, they often lack the social skills and life skills necessary to live completely on their own. They need help with rent, budgets, groceries, etc., just like every other youth in that age range.

First Client in Homeless Court

I can remember one of the first youth I brought to Homeless Court. She was living on the streets behind Home Depot and going to school every day to get her high school diploma. She had been in foster care for most of her teenage years, and had sworn off the system at age 18. I asked her for months to go to Homeless Court with me to deal with her trolley and illegal lodging tickets so that she could apply for financial aid for college with a clean record, but she refused. She was convinced that Homeless Court would not help her, just as the foster care system and every other system hadn't.

When I promised her that she would be safe and not get arrested, and that her fines would be taken care of, she agreed to go. Even while she sat in court, she didn't believe that her fines would be dismissed.

Not until the judge actually said, “Your cases are dismissed,” did she believe it. At that moment I saw her smile for the first time, and when I dropped her off downtown after court, she told me she would like to go and apply for college now. Homeless Court helped her, believed in her, and respected all the work she had done. Based on that one encounter she was ready to give the “system” a try again, and that meant college. She signed up for college the next day; right now she’s taking finals. That psychological burden of thinking no one believed in her is finally gone.

Her problems were typical of those faced by kids on the streets. All street kids have some kind of emotional disturbance. Think about their role models. Most of the time, they don’t have anyone to look up to or learn positive behavior from. They’re also on the defensive 24/7, so they can act out sometimes in an effort to protect themselves. You can’t hurt them if they’re expecting you to hurt them, and they’re prepared. Kids will “front” and act tougher than they really are. They tell you horror stories of how tough or “bad” they are. That way, when you are disappointed in them or disgusted, it’s okay because they were trying to make you feel that anyway. They will pretend that they don’t need any help because they fear that they will ask and you will refuse. They are just disappointed once again. It is amazing how smart kids are when they need to protect themselves.

Homeless Youth

Teenagers especially are a tough population because they’re becoming adults, and that’s a hard process for most people to go through, even under the best of circumstances. They care about their looks, for example, and how they dress is important, as it is for most teenagers. They aren’t worried about paying rent. The older you get, the more you have the luxury of experience. You can’t ask teenagers to be more mature than they are. You can’t push them too far.

We expect homeless youth to be far more grown up than we expect our own children. Think of an 18 year old applying for his or her own birth certificate, social security card, and ID and then going to the welfare office to apply for food stamps and filling out their own FAFSA application. Once they get their ID, they have to find a computer with a printer and write their own resume and look for a job—all the while trying

to find food to eat and a place to get a shower and clean their clothes. We would expect parents to help their children with all of these things, and yet when a youth doesn’t have parents, we automatically place the burden on the youth. And if these things don’t get done in a timely manner, we consider this a failure.

Often, people don’t understand the difference between the homeless youth population and the traditional, older homeless population. As a culture, we need to treat homeless youth (age 16-24) separate from the adult homeless population so that both populations may be better served. Nearly all homeless youth are homeless because of unhealthy home life that may include physical abuse, sexual abuse, abandonment, and neglect. The people they are supposed to trust the most commit the abuse; the youth has no choice, since they are still growing and developing. Most of the time, they need an opportunity to continue their schooling, develop life skills training, and participate in some social role modeling.

Unlike most homeless adults, young people have not had a life before hitting the streets. They have not had a job or a license or a child, spouse, or home. They have not been on a sports team or gone on vacations. As a healthy society, we must provide our youth not just with a stable living environment and some job training skills but a LIFE. Most homeless adults know what they are missing when they are living on the streets. They know what they are working towards. The streets, poverty, abuse, abandonment—these are all the things homeless youth know, and we must give them a life as well as provide them with the skills and support they need to live it.

Homeless youth are different. They’re not homeless because they have done horrible things or can’t cope with the world. Most of the time, they didn’t create the situation that made them homeless. Their parents probably abused them, or more likely, simply stopped caring for them. They abandoned them. Most kids living on the street have never been loved. That’s why in the programs I work with, we try very hard to build trust and stability, like taking them to the welfare office or standing up with them in court. The kids know that every Monday night I will be at the center if they need me. Even if they don’t talk to me or show up it is important that they know I am there.

Access to Services

Unfortunately, the state has a horrible track record for helping kids. We are supposed to protect kids by removing them from bad homes and providing them with a better life. Between 30-40% of the kids on the streets who I see have been in foster care while the national average is 25%. Just think if 1 in every 4 kids you raised became homeless. Would you think you were doing a good job as a parent? Kids coming from foster care, whether they have “aged out” or run away, are extremely distrustful of everything society has to offer and all authority figures. They have been abandoned, abused, or neglected by their parent—the person who is supposed to love them more than anyone else—and then the state takes over and promises to set it right. Then they move through 11 different placements, never spending more than a year in a school or a home while they are abused either by another foster child or their foster parent, and therein not provided for. The foster care system does work for some kids but for the street youth I see that have been in foster care, it is just one more ‘parent’ that has made promises to care for them and hasn’t followed through.

The same is largely true for the legal system. In fact, the legal system doesn’t have the same recourse with homeless kids as it does with adults. If a kid under 18 is arrested she cannot be released to herself, so she sits in jail while the state finds a suitable placement or returns her to her parent. Remember, these kids generally don’t commit violent crimes. Their crimes are representative of their situation: that they must conduct their lives on the streets and find food and shelter to survive. They may have a lot of trolley tickets because they need to get around town and don’t have a bus pass. They may have illegal lodging tickets and loitering tickets, or they may have been caught with paraphernalia or been drunk in public. They also get arrested for stealing because they are hungry or cold.

I met one boy who was adopted by his foster mom and ran away at 13 because she was abusing him. He lived on the streets for 3 months showering at Ocean Beach before he was picked up for shoplifting. When the police asked him why he stole, he said that he planned to pawn the jewelry for food because he was hungry. Crimes are committed to survive, whether the crime is stealing for food or sleeping on the streets because you are tired and have no place to go.

Strategies for Homeless Youth

Homeless youth require separate strategies for entry into programs, and in general, what works for the older population usually isn’t appropriate for an 18 year old. And I personally don’t want them in shelters with older homeless people simply because most of these kids don’t have drug and alcohol problems (yet). It is also common for adults to prey on street kids because society understands that kids are vulnerable and exposed without a means to protect themselves. An adult, for example, may get a kid to sell drugs or make them a prostitute. A kid’s brain is not fully developed and they are not equipped to play the mind games some of the older adults can play—and need to play—to survive. Homeless kids want a family; they want to belong and have a role in life. We must be very careful that they get these things from healthy adults instead of people trying to take advantage of them.

By and large, homeless service providers are geared toward helping adults. Street kids are invisible. But there are some great programs in San Diego. There are transitional housing programs for youth over 18 that provide case management and other services. There is a group home for youth under 18 and a temporary shelter. There are also different programs that provide ‘cool off’ beds and family reunification services, if appropriate. There are also outreach centers where youth can get food, clothing, resource referral, and other basic needs. Homeless youth can also enroll and attend any school and receive services from the school. Youth over 18 also have access to all of the adult services provided in San Diego. Unfortunately, often both kids and adults don’t realize that.

Wherever they go, homeless youth must receive wraparound services, which starts with basic needs and works up from there. Addressing only one or a few of the issues is not good enough; we must work with the whole person.

That’s what I try to do in my practice. I partner with different homeless youth service providers including shelters, transitional housing, group homes, and outreach centers. With some programs, their case managers will refer youth or have youth call me directly when they need help. I walk the streets one night a week with an outreach team and

meet with homeless youth, in addition to running a weekly clinic at an outreach center where youth will come and talk with me.

When we talk and they begin to trust me, I try to promise as little as I can. I agree to do only those things I can guarantee with 100% certainty. Since these kids have been abused and disappointed before, they are quick to disappear if things do not go as promised or as told. I also try to be a great listener, and I speak to them very plainly. If they say no to an offer of help, I know not to take it personally. Homeless youth have been let down, abused, used, and disappointed by just about everybody. They are naturally skeptical of the help I offer and rightfully so. I just spend more time with them or get one of the kids I do know to vouch for me, and usually they come around.

Again, most kids want to go to school, get a job, and be off the streets. They are generally receptive to working towards their goals with me as long as they believe that doing so will help improve their life. They have been told so many times that things will get better and promised so many things only to have them never come true, so naturally it takes time to help them believe again. Pregnant moms are generally the most motivated to work the system as they have a baby coming. When we agree to work together, we set up a legal agreement. I'm an attorney, so our relationship falls under attorney/client privilege. When you break through, you discover that they really do want a home and that they want to go to school and to college.

Conclusion

Because trust is such a big issue with kids on the street, I don't send as many kids to Homeless Court. I'd say I've sent 6 or 7 kids in the last 8 months. When they're ready, we have to have all their ducks in a row, and I stand before the judge with them. That's when it helps being an attorney.

I also believe there is a lack of early mental health diagnosis with this population. They may have ADD or a learning disorder or something more severe, which made them difficult to parent and perhaps led to their parents abandoning them. Or if they've been neglected or abused, that may cause mental health issues. Which comes first, the neglect that causes an

unhealthy environment and mental health issues or an inherited psychological or developmental problem that leads to abandonment? Does it matter? What is most important is that we offer services and support to address the issue at hand.

Most of us have an unspoken assumption, of course, that they got themselves into the position of homelessness. But most of the times they didn't. Kids do not ask for the streets or grow up dreaming of living in an abandoned gas station. They are on the streets for one of two reasons: no one wants them or they are only wanted to be abused or neglected. Our job is to provide them with the tools, resources, and skills to get them off the streets and stable as quickly as possible. They are the victims of circumstance; they are not the bad guys. They deserve at least one real chance with a clean slate to really make it in this world and be whoever they want to be. I know I was given a lot of chances while growing up! If I could give each youth I see one real chance, that would be my dream and I would be happy.

BERT CAPATI

*Job & Resource Coach,
St. Vincent de Paul Village*

DENNIS VERMEERSCH

Housing Coordinator, Second Chance/STRIVE

Dennis Vermeersch is the Second Chance/STRIVE point of contact for the HCP. He attends every Homeless Court session, stands with his clients before the judge, and records proceedings with notes on the court calendar. While he is present to answer any questions about the client or program that the judge may have, it is important to him to let clients speak on their own behalf. As a result, the court knows and understands the Second Chance program, which is good for the court, client, and program.

Bert Capati, the Resource Coach at St. Vincent de Paul Village (Village), works closely with Dennis to coordinate their response for the HCP. In his opinion, clients and the court need to understand how and why

the HCP works. He states “I’ve found that the client’s initial perception is that HCP is similar to the traditional court. Most of my clients do not understand the difference between the traditional court and HCP.”

When Bert advocates for clients, he fills in the details about their achievements, struggles, and history—those experiences that don’t appear in the case file. When he stands before the judge, Bert talks about the client’s self-sufficiency, how he has held a job, reconciled with his family, and bought a car. This advocacy strengthens both the client and St. Vincent de Paul Village because the court recognizes the work clients do and credits them for program activities to satisfy their outstanding legal issues. When providers share this information and the court knows the individual’s accomplishments, the prosecution and judge have more than sufficient reason to resolve the case.

Preparing for the HCP

When an individual’s case manager refers a client to Bert, he asks the client to gather all outstanding legal documents, e.g., tickets, notices to appear, and warrants. At their meeting, Bert also tells the client to save all AA/NA meeting slips and bus passes, and double-up on meetings. Bert then has the client get advocacy letters from all of the different programs that they participate in, either here at the Village or through other outside resources. Then, Bert inputs all of their warrants and outstanding cases into the database program at the Village. Finally, the client gathers all of their certificates of achievements along with the advocacy letters and prepares a package highlighting their accomplishments for the court. A second client meeting is then scheduled two days before the counseling session with the defense attorney. Depending on the severity of the case, our clients might need to have more documentation such as Recovery Services documentation, doctor’s letters, school verification, employment verification, etc. Bert also checks that they have completed all the tasks and gives them a preview of the Public Defender counseling session.

Like Bert, Dennis meets with clients before the counseling session with the public defender. Dennis also emphasizes the importance of the individual’s participation in gathering documentation to illustrate the constructive activities he has accomplished for the

judge to notice the steps he pursued to improve his life. Dennis reminds the clients to gather documentation of all their cases so that if the client knows of a case that fell through the cracks, it can be added to the court calendar. This builds credibility as we work to solve problems, while ensuring that all of the person’s cases are dealt with.

The judge, prosecutors, and defense attorney know Bert and Dennis. They see them at every HCP hearing. On occasion, the judge will even contact one of them to refer someone from the traditional court to have their cases continued and transferred into the Homeless Court.

Entry Criteria

Even before they enter the HCP, each client in the Village attends multiple classes. Completion of Assessments and Challenge to Change is the Village entry criteria for a client referral into the HCP. When someone enters a program, they are given an intake assessment to determine where they are in life, including mental and physical health. Clients are assigned to classes based on this assessment. A woman who has difficulty caring for her children may be required to attend parenting classes, for example. These initial case managers are responsible for referring them to other departments at St. Vincent’s. This helps the provider identify their clients’ needs, make referrals, track their progress, and develop a list of their accomplishments to present to the HCP court.

After clients complete these classes, their permanent case manager refers them to Bert to address their legal issues. Bert interviews participants to assess their needs and determine a course of action. They may gather an assortment of documentation, like a birth certificate, a social security card, a GED, or any other paperwork that will help them get back on track. There are two major reasons for this meeting: (1) to see outstanding legal documents, and (2) inform them they have the ability to impact the successful outcome of their cases.

Judi Patterson, the STRIVE Outreach Advocate, recruits people for their program. She goes out to prisons and churches to connect with people. Judy processes about 100 applications a month. It is the initial connection that provides the first step and

opportunity to open the door to hope. STRIVE is the fast track to building a career with self-esteem and empowerment. Her initial outreach is the calling card to get people into the program. Recently, the Social and Behavioral Research Institute at California State University San Marcos study of STRIVE's program found that ex-offenders who graduated from the program were significantly less likely to return to prison (recidivate) than ex-offenders who did not participate. In broad terms, about 30 percent of the program's graduates recidivated within two years, compared to nearly 70 percent for those who did not participate.

Second Chance/STRIVE established a different HCP entry criteria with an emphasis for people who change their lives by learning to work. Their entry criteria is the three-week STRIVE training. The STRIVE training starts with a handshake and ends with graduation. The handshake is not a simple matter. Nearly all our clients are told to do it again. They learn to make a good first impression, to look the other person in the eye, and grip with a firm hand. This handshake is the start of a rigorous three-week training session where 60 out of 100 people graduate at the end of the course.

Program Activities with Results

The Homeless Court recognizes that program graduates have made significant strides by completing something that benefits them—real credit, that has tangible results, like a record wiped clean. Second Chance clients feel a sense of relief and accomplishment when they go through the Homeless Court Program. They are able to move forward in their lives. Dennis points out that an outstanding warrant can keep someone from being able to rent an apartment, which means they may not have a permanent address, which is required for a job. Dennis shared a heartwarming story of a client who hadn't had a driver's license since 1982. He owed \$7,000 in fines. We sent him through Homeless Court and everything was resolved because he had worked hard in his programs. After the judge dismissed his cases the client asked, "Does this mean that I can go out and get a license and get a job?" The judge said yes. The man sat down in the first row of seats and started to cry as his emotions of relief, hope, and gratitude over-

whelmed him.

ADRIANE SORIANO

Senior Deputy Probation Officer, Community Research Foundation: IMPACT Program

Community Research Foundation (CRF) operates IMPACT (Intensive Mobile Psychosocial Assertive Community Treatment). The IMPACT program provides integrated, coordinated community-based psychosocial rehabilitation services for homeless adults in the Central/North Central regions of San Diego County who have severe and persistent mental illness as well as individuals with co-occurring mental health and substance disorders.

Services at CRF's IMPACT program are based on the principles of psychosocial rehabilitation, with emphasis on attending to the whole person and on the consequences of mental illness, rather than simply attending to the symptoms of the illness. The services focus on recovery, independence, and initiative and are individualized to meet the needs of each client. Clients actively participate in setting service plan goals and are encouraged to involve family and significant others in the recovery plan.

The IMPACT teams are staffed with select multidisciplinary teams that include mental health rehabilitation specialists, psychologists, psychiatrists, registered nurses, social workers, peer support aides, volunteers, a probation officer, and marriage and family therapists. The IMPACT program provides a full array of wraparound services to the clients which include clinical and intensive case management services, housing assistance, mobile crisis intervention, 24 hour crisis services, medication management and mobile delivery, psychosocial and psychiatric evaluations, mobile psychiatric care, vocational services, and integrated services for mental health and substance abuse problems.

The grant which funds the IMPACT program provides a position for a Probation Officer, or a "Criminal Justice Specialist". I requested to be transferred into this specialty position due to my education and background. I have been an employee of the County of San Diego for approximately 13 years and

have a Masters Degree in Social Work. I have many years of social work experience and experience working with this clientele. I felt I could provide the IMPACT program and their clients with quality services.

Dual Diagnosis Clients

Dual diagnosis, also known as a co-occurring disorder, is when a person has been diagnosed with a mental illness as well as substance abuse and/or dependence issue. A person may have a psychiatric illness, for example schizophrenia, and a substance abuse issue, such as dependence to methamphetamine, which complicates or exacerbates the psychiatric disorder.

Treating this population, especially clients that have been homeless for many years, can be difficult and challenging. Many clients have resorted to self medicating by using alcohol and/or illegal substances to treat and manage their symptoms of depression, anxiety, mania, and auditory and/or visual hallucinations. The goal of the IMPACT program is to treat the co-occurring disorders simultaneously to provide optimal treatment for the client.

Client Barriers

One of the largest challenges in working with this population is the client's lack of insight into their own illness. Some client's illnesses are so severe that they refuse to believe that they are ill, and subsequently, refuse treatment and medication. In addition, some clients choose to manage their symptoms by using alcohol and/or illegal substances, as this is what is most familiar and comfortable to them. It is quite challenging to break through this barrier to treat the mental illness.

Another barrier to working with this population is the client's mistrust of people, i.e.: service providers and the "system" as a whole. Many of our clients have been transient for most of their lives and have been rejected by family members. Many of these clients have had prior negative contacts with various agencies and the court system, being seen as chronic abusers of the system. Naturally, this can create issues of mistrust and fear towards professionals and any professional structure. Our challenge at the IMPACT Program is to break through this barrier to enable us to effectively treat the client.

Another challenge our staff faces is attempting to maintain a client in housing. For those clients who have been transient by nature, it can be uncomfortable and foreign to be in housing and not on the streets. Thus, it is a challenge to break through this barrier and educate the client on how to maintain and keep stable housing.

The largest barrier our clients face is fear. Most of our clients are extremely fearful of going before the court. In addition, due to their illness, they have been unable to advocate for themselves in the court system. Our client's voices have not been heard, and thus, they are in need of an advocate to personalize and humanize them...to show the court that they are human beings and not just a case file. That is one of the positive aspects of my job, for I have the pleasure of getting to know our clients personally and am able to convey their message to the court. I also advocate for the clients who are unable to pay fines due to a lack of funding, whose probation conditions are unattainable due to their illness, or who have been on warrant status because they were unaware of what they needed to do for the court.

Sending Clients to the Homeless Court

I refer one to two clients monthly to the Homeless Court Program. When I receive a referral for one of our clients (whether self-referred or referred by the IMPACT staff), I set up an initial screening interview. This initial screening interview can take one to three hours, where I take a client's complete psycho-social, substance abuse, and legal history. I question the clients as to the circumstances of their life and what brought them to their current situation. I go back as far as I can (even childhood if necessary) to get a complete picture of the circumstances surrounding their life. We discuss the history of their homelessness, how their homelessness began, and what they experienced as a result of being transient. We discuss substance abuse history in depth, length of current sobriety, and the services the client is currently engaged in to support and maintain their sobriety.

During this initial screening process, I am attempting to assess whether or not the client qualifies for the Homeless Court Program. If they have a substantial amount of time of sobriety, appear committed to being sober, and are actively engaged in the IMPACT

Program and following their case plan, then I inform them that they qualify for the Homeless Court Program. If the client does not initially qualify, I offer suggestions of what actions the client could take (i.e.: AA/NA meetings, outpatient treatment, support groups, etc.) to strengthen their sobriety. I offer my assistance in achieving these goals and offer to meet with the client periodically to review their progress and offer support to the client.

If a client qualifies for the Homeless Court Program, I fax a referral to the program regarding this client. I then schedule a second meeting with the client approximately one week prior to their Homeless Court counseling session. At that meeting, I write the advocacy letter for the client based on the history I've received from the first interview. I then show the client the advocacy letter and have them proofread it, and allow them to add or remove any items they wish. I feel this process empowers the client and makes them feel that they are a part of the Homeless Court process. I have had clients begin to cry because this is the first time they've ever read a letter saying so many positive things about them; it's very powerful. I then give the clients copies of the letter to distribute to the court at the counseling session. I always tell all my clients that going to the Homeless Court is a great privilege, which is something I truly believe.

The Role of Advocacy Letters

I write individualized letters to give the court a picture of who the client is and why it is important to have their legal issues resolved. I indicate what the clients have accomplished while in our program, and even acknowledge accomplishments that most people might consider small, but are huge to the client. I feel it's important to provide specific and concrete information about the client, so the judge knows exactly what the clients have accomplished.

One of my favorite parts of the advocacy letter is the last paragraph where I list the client's plans for the future, how they feel about the IMPACT program, and where they think they would be in their lives if they were not involved with the IMPACT program. I use quoted responses from the clients. I am always amazed and humbled by the responses I receive. All of the clients have expressed deep felt gratitude to the IMPACT program, stating they would be "still living

under a bridge", "eating trash out of dumpsters" and even "dead on the street" without our services.

Helping Clients

The Homeless Court Program is a blessing to our clients in numerous ways. First and foremost, by clearing up their warrants and outstanding fines, they are able to apply for SSI, SSDI, and other government aid. The ability to have an income is something most take for granted, yet is so incredibly liberating for our clients. Some of our clients, after stabilizing their illness and housing, are even able to get part-time or full time employment. Some clients perform volunteer work to "give back" to the community. Having a clean record can open many doors for our population which were previously closed.

The Homeless Court also gives our clients "peace of mind". Some of our clients have had warrants for their arrest for many years and walk around in fear of being arrested. Others never apply for aid because they are fearful that their outstanding fines will be discovered. Some of our clients have lived in isolation for fear of the legal system. It is very empowering to have one's legal troubles cleared up and resolved. After court, some clients have told me, "This is the first time in my life that I've been free". I congratulate them and remind them that they have earned this privilege through courage, hard work, and dedication. After court, I continue to see the client and support them in their quest to remain law abiding and keep their record "squeaky clean". They certainly are proud of themselves, and in turn, the staff at IMPACT Program are proud to be a part of the Homeless Court Program.

SIENNA AMBROSE

*Co-Occurring and Outreach Counselor,
Pegasus East Dual Recovery Center*

I'm the clinical and outreach coordinator for Pegasus East Dual Recovery Center. I provide clinical support to the staff, our clients, and their families. I also lead team meetings and set our program curriculum. I've been working with clients in crisis intervention for three years. Mental Health Systems (MHS) Pegasus East

serves adult male and female populations who have substance abuse or dependence problems.

Referring Clients

MHS is relatively new at referring clients to the Homeless Court Program, so we haven't sent many: three people in the last six months, and those were the clients who were definitely ready to appear before the court. The people that we work with are hard to send. All of our people are not highly functioning, and some of our clients are just not capable of going to court. At MHS, we individualize treatment, so we spend a lot of time trying to recognize our clients' individual needs and their differences. Life looks a little different for them.

Typically, our case managers counsel our clients for Homeless Court. They explain the process to them, and then stand with them in court as advocates. Individual counselors write our clients' advocacy letters. We try to individualize letters, which turns out to be easy for us since we individualize treatment. Our case managers try very hard to understand our clients' unique symptoms, and in our letters we feel that it's really important to show small successes. They don't have to be anything big.

The program has definitely helped our clients. They feel validated when they stand before the judge, who they know understands recovery, and knows how hard the work these people are doing really is. Our plan for the future is that when our clients go through the program, we try to use them, as alumni, to help new people coming into the Homeless Court Program.

Client Intake

We get self referrals as well as referrals from case managers. We also get "Prop. 36" clients. In 2000, California voters approved alternative approaches to custody through what is called "diversion." At least 25% of the Proposition 36 probationers have a serious mental illness. We work with this population.

We work primarily with dual diagnosis clients—people identified as substance abusers who also has co-occurring mental illnesses. Most people come to us with more than two disorders. Our dual recovery program is a nine- to twelve-month program, with six months of aftercare. We combine education and counseling for both mental illness and substance

abuse. In terms of the mental illness issues, we see people with schizophrenia and some post-traumatic stress disorder the most. We're working with two veterans now.

Our population often has problems following through with even the most basic tasks. We've found that in general their mental illness hasn't been addressed enough, perhaps because mental health treatment in general needs to be individualized. Most of our clients are uninsured or underinsured. As a society, we say that we need to get these people assessed and under medication, but there are long waits for treatment, and not enough money to educate providers.

CHARLES LYLES

*Community Projects Coordinator,
Veterans Village of San Diego*

I am the Community Projects Coordinator for Veterans Village of San Diego (VVSD), which is a residential substance abuse treatment program. One of my duties as Community Projects Coordinator is that of legal liaison for the Homeless Court. Participants in our program become eligible for the Homeless Court Program after 30 days. VVSD generally has between 20 and 30 people waiting to participate in the Homeless Court Program, and I usually refer between 8 and 15 people to each monthly session. Once a counselor discovers a legal problem, they schedule an appointment for their client with me to discuss the matter and to seek possible solutions. Since I am the VVSD legal liaison, I eventually interview all prospective VVSD residents with legal matters and refer them to the appropriate legal resource, one of which is the Homeless Court Program. Our interviews are candid: I ask clients what they believe they may have outstanding and then I conduct a search for all outstanding warrants by going to the county clerk office to find any open or outstanding matters, and to the DMV, if it's appropriate. At that point, we have a complete picture of what needs to be addressed.

After the investigation, I meet with the client's case manager to verify the client is attending the appropriate services which directly apply to their offenses, such as anger management classes, substance abuse

and mental health counseling, PTSD assistance, etc. We then discuss the overall progress of the veteran.

When it is clear the client is ready for court, I counsel him/her one more time, and begin to prepare them for the HCP session. I talk with each client about how to conduct themselves in court, what it means to show respect, and to how present themselves positively. I make sure to acknowledge that each client carries “a long tail” of problems, and that this is usually the only thing the judge and prosecutor will know about the client. I stress that they have earned the privilege of being in Homeless Court and that they need to impress upon the court that they are no longer the same person who committed those offenses.

Our clients still participate in our recovery program after their cases are resolved in Homeless Court as a means to encourage them to continue dealing with “the wreckage of their past.” With many of their legal barriers removed by the Homeless Court, they are now ready to enter the second phase of our treatment program which is the employment phase. This phase includes career counseling, skills assessment, getting a career (not just a job), and vocational training.

All of our clients are veterans, and each veteran population faces different problems. Veterans returning from Iraq and Afghanistan have more motor vehicle issues and moving violations, usually complicated by drug or alcohol issues, or anger management problems. Older vets get cited for illegal lodging tickets, public intoxication and trolley tickets. One of my clients had 60 trolley tickets over a six month period.

One of our greatest success stories is Michael Smith. Before he entered the Homeless Court Program I escorted him to the courthouse to take care of outstanding warrants. He had a serious history with the law and was nervous the entire time we sat in the courtroom. We both knew there was a profound risk he would go to jail since he was considered a flight risk for having numerous Failures to Appear. When we put him on the docket, the prosecution and defense couldn't believe he had come to court of his own free will.

While he sat in court, he saw another man sitting in the audience who was just maintaining with the false belief no one could tell he was obviously intoxicated. At that point, Michael had a moment of clarity—he turned to me and said, “That used to be me.” He

explained, “I thought I had it together back then. I did not think others would notice my condition.” He later told me that seeing someone who used to be like him was one little step that helped him turn his life around.

When his turn came to appear, the judge looked at the picture in the file, and then at him, and couldn't believe that it was the same person. After Michael told his story, I spoke about the progress he had made in his programs. The judge decided that based on what our program offers and his work at VVSD, he would dismiss all of Michael's misdemeanors and refer him to the Drug Court, as long as he spent one year with VVSD and one year participating in aftercare.

Since then, Michael has gone back to school, worked with child protective services to get his son back, and obtained a job. His appearance in Homeless Court was the turning point.

When clients like Michael go through this process they experience a sense of relief. They also have a new view of how the legal process works. Depending where they are on their road to recovery, their experience at Homeless Court gives them momentum. I know seven people who obtained jobs as truck drivers after they went through the Homeless Court Program and completed our program. They are all still sober and doing well.

DONALD BROYHILL

Resident Manager, Salvation Army

I'm the resident manager and Homeless Court Program Coordinator for the Salvation Army Adult Rehabilitation Facility in San Diego. Our facility offers in-patient residence care for six to twelve months to homeless clients. We serve people in the 21 to 65 age group, male and female. We do not discriminate based on gender or religion, and we currently have 95 males and 14 females residing in our facility.

As the Resident Manager, I evaluate whether or not our clients meet our entry criteria for the Homeless Court Program. My job is to see if they are a good fit. As a graduate of the program, being part of the Homeless Court Program is my way of giving back.

Counseling for the Homeless Court

I interview and counsel my clients heavily before

the monthly court sessions. To be selected, a person has to be 90 days sober, be active in a good program, and have misdemeanors outstanding. I look at how long they have been in the program and whether they have any legal issues. If they qualify, we talk about the program—I pass on my firsthand knowledge of the program too—and I add their name to the interest list. We send about 7 people per month which translates to 84 people a year.

The Homeless Court allows participants to address the legal barriers that prevent them from improving their lives. For example, we recently sent a client who owed \$3,000 in unpaid fines to court. He wanted to work, but he knew that if he got a job his wages would be garnished and he wouldn't be able to get off the street. So he survived by taking illegal, under the table jobs. Once his fines were dismissed at the Homeless Court, he could get a legal job, pay taxes, and contribute to society.

Work Therapy

The Salvation Army focuses on work therapy to improve the lives of our clients. For us, work therapy means training people to report to work every day, on time, and dressed appropriately. The Salvation Army helps people retrain themselves so they can get and keep a job. That, and a spiritual education, helps keep people off the streets. At this facility alone, we have a wide range of tasks that people can do: we have desk people, people who sort our donations, truck guys, cooks, and kitchen workers. It all boils down to getting to work on time, doing your job, and getting through the week.

So many people get jobs, make it to one or maybe two paychecks, but get laid off after a month because they stop reporting for work. Our training program helps address the issues that prevent clients from keeping a job. Often the little acts of getting up—shaving, showering, and getting to work on time—become big steps for our clients. Those things are key to avoiding homelessness. That's why we teach life skills. At the bare minimum, if you don't have pride in yourself and your work, how do you expect to keep a job?

But we're just one program, and we recognize that we can't meet the needs of the entire homeless popu-

lation. All of the programs in San Diego together help the population. Each one gives something unique to a person in need, because we're all unique.

I know one client, for example, who jumped from one provider to another. He really wanted to get sober, but he had trouble finding something that would work for him. He stayed with us for one month and got drunk. Later on, he wound up at St. Vincent's and has a year and a half sober. Whatever works. There's a wrench for every nut out there.

Lacking life skills is definitely the biggest challenge for our population. Not understanding personal hygiene, not being able to communicate, much less hold a job keeps our incoming clients on the street. But having overwhelming legal problems also keeps people homeless. For example, when I went through the Homeless Court, I had 9 felonies and 15 misdemeanors on my record.

Like me, our clients are first and foremost afraid of the legal system. At the beginning of every Homeless Court session, Steve Binder (the deputy public defender) tells everyone that we're here to celebrate their accomplishments. Participants are recognized for their sobriety and for taking care of their legal issues. That's really a big deal for them because they're used to the system—judges, prosecutors, police—punishing them for things they have done. A lot of people want to get sober but they're afraid to because of the legal issues, the financial issues, and the changes they will have to make.

That is why I stand behind my clients when they go to court. It is difficult for homeless people to go before the judge since they often have a history of being sent to jail. I know this from personal experience because every time I stood before a judge I went to jail. Someone familiar supporting them in the session helps give them confidence. Joe Bryant, resident manager when I went through the program, served as my model. He walked me through the process, even taking me down to the courthouse over and over to check tickets. He was behind the guys 100%. His support is what motivates me to do so much for my clients today.

First-hand Experience with the Court

Most of the people in our program have substance

abuse problems—either with alcohol or drugs—and all are homeless when they arrive. Because I now counsel clients, I can see that I was a typical client three years ago when I went through the Salvation Army’s program. I had been homeless for almost 7 years. Because I have been an alcoholic for over twenty years—and only sober for the last three—I had no life skills when I began the program. I was living under a bush and eating out of dumpsters. I was also a borderline schizophrenic with emotional problems. I’ve been in and out of jails and hospitals. While everyone is different, I think my experience is fairly typical of the clients we serve.

Sometimes I don’t think the general public realizes how difficult it is for homeless people to address their legal issues. The average person gets a ticket and pays it. A homeless person gets a ticket and can’t pay it and is afraid to go to court, so the ticket becomes a warrant. Now multiply that times ten or more tickets, and you have somebody who simply can’t dig out. The Homeless Court helps people like him get a fresh start.

Once I became sober and decided to go through the Homeless Court process, I was afraid of two things: that all the progress I was making in my program was going to be thrown away because I would be arrested in court, and that I would have to pay the fees and fines I owed. When I was reassured that I wouldn’t be arrested, I felt great. I make sure to pass that great feature of the court program on to the people I evaluate.

Homeless people with legal issues always worry about their ability to pay back fines. I spent seventeen years on probation, and by the time I went through the program I owed \$24,000 in fines and fees. I knew that once I started to work my wages could be garnished to pay my fines, and I didn’t think I owed the money. At the end of my Homeless Court experience the judge not only terminated my probation, but reduced my fines by \$17,000 to \$7,000 owed on felony cases. That was a very liberating experience. Suddenly I didn’t have anyone hounding me for money. To this day, I’m still paying off my debt; I’m down to \$2,000, which is fine with me.

For some, going to Homeless Court is only the first step on that road toward improvement. For others, the Homeless Court just stops the overwhelming fear they feel on the streets. For me, it meant that I had the confidence to go to regular court and take

care of my felonies. The Homeless Court shows society that people can solve their problems and improve their lives

JULIE DEDE, MSW *Director of Social Services, St. Vincent de Paul Village*

At St. Vincent de Paul Village, we have 870 beds of transitional housing and 137 beds of permanent housing as well as a continuum of services on-site including mental health services, substance abuse treatment, licensed child care, a career and education center, and a medical clinic that provides psychiatric and dental care in addition to physical health care—in other words, everything people need to move from the street to self-sufficiency. All of our services are available to people experiencing homelessness and not just those who live on our premises. The programs that serve people who still live on the street help us make a connection so that when a person becomes interested in seeking assistance we can use this window of opportunity to get people connected to a variety of services.

Our programs serve as a gateway to connect homeless people to appropriate services. Our typical clients are people with substance abuse issues, mental illness, and physical disabilities. We’re also seeing a lot of older people (65 and up) as well as people who have traumatic brain injuries or other cognitive issues. Traumatic Brain Injury is a term that has gained greater usage since the current Iraq war, but we have been assessing for cognitive impairments for several years.

Our work is never done, and the system could improve by increasing access to beds for clients who need respite care for recovery from surgery or illness. The community also needs more emergency psychiatric beds and permanent housing options for people who have been denied disability benefits but who simply cannot work. We have some excellent resources for SSI advocacy but the resources are stretched. Lastly, many people would benefit from assistance with clearing up evictions and other debt issues, including child support, that are keeping them from self-sufficiency.

Client Legal Challenges

In addition to physical and mental health issues, our clients often face challenges in addressing their legal issues. People who come here run the gamut of emotions—from fear, to suspicion, to a very heavy mistrust of people in authority. Often we hear things like, “They’re just going to hold me down,” when they talk about the law enforcement system because they haven’t had a positive interaction with law enforcement or authority figures.

Because service providers and the court recognize the challenges homeless people face when addressing their legal issues, the Homeless Court Program has become a critical component in the fight to end homelessness. Monthly Homeless Court sessions are held within the provider system at a shelter where clients feel more comfortable and voluntarily participate. Clients see the sessions as a step in their work toward success, and by having the court come to them creates a positive experience which lays the foundation for tackling other problems. While many other cities have Homeless Courts with varying entry criteria and protocols, I’ve never heard of any Homeless Court Program that holds sessions in a traditional courtroom.

A lot of times our clients have let things go. They may get a parking ticket and instead of paying it, they ignore it until it gets to be a bigger problem. The Homeless Court facilitates problem-solving and success by helping clients to address their legal issues. We’ve found that a positive Homeless Court experience lays a foundation for a pattern of behavior that helps participants deal with problems when they arise down the road. It is great to have a judge say, “Based on your hard work in your programs, I’m dismissing your case.” That’s a huge burden lifted, and really gives participants a new start at solving other problems as well as a bit of confidence that they might not have otherwise had.

Our caseworkers write advocacy letters for their clients, which give them a tangible record of their success and something to provide the judge that shows their progress. Advocacy letters help the court to see what specific accomplishments a client has achieved. Without an advocacy letter, the judge and prosecutors would have to go on their faith in our program.

Having the case manager’s letter personalizes the process and highlights the hard work the client has done—the reconciliation aspect of Homeless Court—in addition to providing the client with a sense of accomplishment and increased self-esteem.

Challenge to Change (HCP Entry Criteria)

The Challenge to Change (“CTC”) program is a two-week class that people take to move from our short term to long term housing. This class, along with the assessment process, is our “entry criteria” for the referral of clients into the HCP. The class has been a part of the Village since the early days. It was created by a volunteer who acted as a kind of motivational speaker and succeeded at prompting folks to make positive changes in their lives. After he left, we continued to follow his lead by motivating our clients to succeed and showing them their position on the spectrum of change.

There is a cheerleading component to CTC that encourages our clients to reflect on their past, present, and future and motivates them to work towards where they want to be. It has been very successful in motivating clients to take the next step towards stabilization.

Clients are referred into CTC from our rigorous assessment program. Assessments are important to both our clients and our staff. They help our multi-disciplinary team determine how we can help someone who has often just moved off the street. The interview segment of the assessment is twelve pages long and asks some very personal questions. After they complete the interview, clients complete a battery of standardized assessments. We do assessments early in a client’s stay at the Village in order to quickly begin helping them focus on their goals. An assessment is our first comprehensive glimpse of a person’s life and history.

The assessments can also help our clients begin to heal. Assessments are not just surveys. Rather, the assessment process incorporates a positive approach to determine the client’s complete history and goals for the future.

A lot of times when a homeless person shares their story with people, they hear things like, “Get over it,” or “Why don’t you just get a job?” Of course, this doesn’t really help them change. When one of our staff listens to them and says, “You’re right. Your situation

right now really isn't good," the person may be able to move forward into a life that really does become good for them, whatever we both determine that "good" means. Our staff can sit down with them and say, "You may not be working now, but look at what you have done in the past. How can we get back there?" The potential client can start to build a rapport with us. For some clients, the whole process is really cathartic.

Measure of Success

We measure success individually. Each program has individual outcomes—for clients with mental health issues, psychological well-being is a sign of success; for people dealing with substance abuse, staying clean and sober for 4 months is successful; and for those people with education barriers, raising their education level is an accomplishment.

Our overall program outcomes are two-fold: clients need to move out into their own permanent housing (not including housing in another program) and they need to have a permanent income through either employment or benefits. Once they have accomplished these two tasks, they have succeeded and we have achieved our goals as a program.

We need to assure the court and the prosecution that people coming through the Homeless Court process have really met the requirements of both the program and the court. I am interested in developing a certification process for providers who refer clients to Homeless Court. I think there needs to be someone responsible for working with providers to funnel people in and to check that programs are really meeting the public's needs. By the time an agency refers a

client to Homeless Court the client has already taken steps to make positive changes so that the client is no longer likely to commit another offense. As a result, they are no longer a concern for public safety. With a "certification process" we can establish a solid threshold of what we want a client to have achieved before they are referred to the program, while still—and this is important—recognizing that all providers will have different kinds of requirements based on the needs of the populations they work with. We cannot standardize the program by implementing uniform entry criteria, but it seems to me that we can have a firm statement of program principles that providers must meet before they refer clients to the Homeless Court. A provider can't just say a person deserves to have his drunk in public tickets waived because he is in transitional housing. The person may not have dealt with the issue beneath those tickets—his drinking. Finding temporary housing is not enough in that case.

Obviously we do have rigid standards for programs now or the Homeless Court would not be as successful as it is. But some kind of certification process would ensure high standards and help us to work with the court to maintain the integrity of the program. The bottom line is that the service provider community should be proactive in terms of developing entry criteria and guidelines for referral to the Homeless Court. As the experts in helping homeless people, service providers must take the lead to ensure the continued effectiveness of the Homeless Court—for the sake of our clients, the court, and the community.

TRACY STONE

Homeless Court Program Participant

PARTICIPANTS

My experience with the Homeless Court began when I started working with IMPACT as a client. IMPACT is a program that helps homeless people who are dual diagnosed. For me, being dual diagnosed means that I'm both an alcoholic and have a mental illness. Specifically, I'm bi-polar with an anxiety disorder, and I drank because it made me feel mellow.

IMPACT is great because it provides all the services people like me need. I went through the Homeless Court Program because I had a lot of public nuisance tickets and drunk in public. Homeless Court is one of the programs that IMPACT sends clients to, so after I got sober and started living, I went through.

IMPACT saved my life. Based on my history and my illness, I would definitely be dead now if IMPACT hadn't rescued me.

Early Life

I've always used alcohol to deal with my mental illness. I grew up in a rural community in Louisiana. All my relatives drank and made moonshine. The first time I ever got drunk I was in the 3rd grade. By the 9th grade, I was fighting with my father a lot and wouldn't come out of my room.

When I was 14 years old, I remember that my dad asked me if I wanted to run away. When I said yes, he took me to the interstate, told me to get out, and sat in the car until some stranger picked me up. I remember the man asking me, "Do your parents know you're running away?" I told him to look in the rear view mirror. "See that guy in the car back there? That's my dad." That blew him away.

The man was driving to New York City. It took a day and a half to get there, and I stayed there ten years. I met people who showed me the ropes—junkies, prostitutes—they taught me how to survive on the streets. Even before I left New York for good, I started hitchhiking. I've been from Oregon to Maine. I've been across the country several times, drinking the whole time. It was all about partying, partying, partying. I rode for a party, and I met all kinds of people.

Mostly I panhandled to get money. Like a lot of alcoholics, I had to have a beer every fifteen minutes to stay drunk. I also went back home a couple of times. I remember when I was 17 years old, my brother came home from boot camp from the Air Force. We were drinking 100 proof vodka from glass jugs. I drank so much that I went into a coma and was out for 4 days. No one even took me to the hospital.

I've never worked for any period of time because I had to have a beer so often. I hopped freight trains. That felt like riding a Harley. There was so much freedom. I'd always go where rich people were because they would give me money. I also didn't eat very much on the road because I could get a quicker buzz when I wasn't eating. I spent most of my 20s and 30s like that.

I remember a few things about that period. Once in Las Vegas, I was hit by a city bus and thrown 30 feet through the air. Then about 15 years ago, I was on the Santa Monica Pier when some college students told me they would give me money to dive off the pier. I did, and they gave me 37 cents.

Then about 10 years ago, I was in Kendall, Florida. I mixed wine with liquor and was driving to the store when I had a blackout in the middle of the I-95 freeway. I ran into a cop car and caused a 5 car pileup. I spent 11 days in the hospital and was in the emergency room for 2 days. And then, of course, I was sent to jail. I've been to jail about 100 times.

Hitting Bottom

Despite all I'd been through, nothing prompted me to change my behavior—probably because I just hadn't hit bottom yet. Being in jail never felt like the bottom to me. When I'd get out, I just made up for lost time. People would take me to their preachers. I would listen to them and take them seriously, but I never changed.

I hit bottom here in San Diego in October 2006. I had been to the hospital three times in two weeks, unconscious with alcohol poisoning each time. I remember when I woke up after the third time, the

nurse told me, “You’re going to die.” I think I laughed and said, “We’re all going to die.” But then she replied, “Yes, but you’re going to die real soon.”

I don’t know why, but I asked to see the doctor. It turns out that I had actually died on the table and the doctor had brought me back to life. My body had shut down—I went into heart and liver failure. I was actually dead. After the doctor told me this, he added, “And there won’t be another time.”

I realized that he was saying that they wouldn’t revive me if I returned to the hospital. When I left the hospital, I had enough money in my pocket for one beer. I bought one, and for the first time in my life, it didn’t do anything for me. It tasted the same as it always had, but it just felt . . . like it didn’t matter to me. That was the last drink I’ve had. I’ve been sober for over a year now.

But I did have problems even after I had made that decision. I went into detox for a 15 day program. But after those 15 days, I was not ready to leave. I begged them not to put me back on the street. I told them that I needed to be locked up, because I knew what would happen.

The Importance of Homeless Court

People don’t realize that there’s more to getting your life back together than just going through recovery. You can recover and still have these things hanging over your head that keep you from moving on to getting a job, a car, whatever. I worked hard on my addiction and got my medications under control, and because of my successful completion of IMPACT and the Homeless Court I can now go to school and eventually get a job.

Currently I attend cosmetology school. However with my background, I feel that I have a lot to share with people who are struggling. And because I’ve lived on the street for most of my life, I can listen and relate to them. For those reasons I am thinking about becoming a caseworker.

My father always used to tell me that I was never going to amount to anything. I heard that so many times when I was growing up that I started to believe it, so I continued to live destructively. It’s a vicious cycle that I want to help people get out of. I want to let them know that I’ve been there and that they are not alone.

CHRIS STEPHENSON

Homeless Court Program Participant

Honestly, when I was on the street, and even while in recovery, the Homeless Court wasn’t on my mind. I just wanted to stay healthy out there, and then stay sober. But then two of my caseworkers approached me with information about the program, and it sounded like a great thing. It turns out that the Homeless Court Program is a total gift.

I first became homeless in July 2000. My brother died in March 2000, and I had what people call “survivor’s remorse.” He drank himself to death, and I was bitter that he had succeeded and I hadn’t, despite having been drinking since the age of 10.

When I was a kid, I would drink anything with alcohol in it, including cough syrups, vanilla extract, even colognes. I’d even given myself vodka enemas. I did it because I felt good when I drank, like I was a healthy human being.

I remember not being able to hold a toothbrush because my hands were shaking so badly. I had to put the toothbrush down on the counter and pick it up with my mouth.

So after my brother died, I hid up in my apartment and spent the money I had on alcohol and rent. When my money ran out, I packed a backpack and hit the street, recycling to get alcohol.

I lived near Mission Bay, recycling and drinking. Alcohol was my only subsistence, and I would wake up wherever I had passed out the night before. Every day I’d get the clerk in the liquor store to front me a bottle of vodka and pay him when I turned in my recycling. When my blood alcohol started to come down, I would hallucinate and shake. Someone told me that was the DTs.

The day I went to the court session was hard. I had open container tickets, public chronic intoxication citations, and fines from a 2000 DUI. I got there and had suffered an anxiety attack, a symptom related to a brain injury I received in a 1996 car accident. I couldn’t breathe and had to leave the room at St. Vincent’s before my name was called. When this happens, I have a method to keep me focused and stop the anxiety. Fortunately, my caseworker Adrienne

was there. We spent about an hour in the hallway. We were still there when my name was called, but the public defender pushed it back and made me the last case the judge would hear. When it was my turn, Adrienne stood there with me and the judge dismissed my cases. I couldn't keep from crying.

I can't explain how much more free I felt when my legal issues were resolved. I had removed another obstacle in my life that was holding me down. Now if a cop comes by and wants to talk to me, I'm okay, I can concentrate on what he is saying without worrying about getting arrested. Mostly, the Homeless Court experience has helped me be a better sponsor. The program is just one more thing I can share with a sponsee to motivate him to make positive changes and stay on track.

Chris Stephenson passed away on July 31, 2008 at the age of 41. Chris lived by his motto, "You got to give it away to keep it." He shared his personal experience with everyone—dedicating time for this interview, speaking to peers, and sharing his message at the recognition lunch for Judge Deddeh. His generosity touched us far beyond the credit he gave to those who helped him in his time of need. He is desperately missed by family, friends, and the staff who worked with him. Chris will forever be an inspiration to peers and professionals alike.

MYSS PAM

Homeless Court Program Participant

One would not expect the first Homeless Court client to come from a middle-class Catholic family. But that is how my story begins. I was born in 1960 in Los Angeles, California in the Pico Fairfax area in a two-parent family. I was the oldest of seven children. My father operated a restaurant and my mother worked for an insurance company.

I was always a "good girl" growing up. I attended Catholic schools and eventually graduated from a Catholic high school. But it was my attraction to the seemingly glamorous life of the streets which led me to become homeless, living on the streets of Los Angeles.

No one volunteers to be homeless, and certainly, I didn't. However, the allure of street life led me to drinking alcohol when I was eighteen years old. Then

curiosity led me to marijuana smoking, which I inhaled. Finally, by 1975, the desire to get a bigger high led to free basing cocaine. Drugs are expensive, and if used heavily, as I eventually did after the death of my father, there is no money left to pay the rent.

People always ask me what it is like to be homeless. At times, it was an adventure, but it is a Darwinian world—survival of the fittest. One survives by doing what one knows best. To support my drug habit I started prostituting and then shoplifting. I ran up more than \$90,000 worth of warrants in San Diego County. I never picked up a drug offense, probably because I only used drugs and did not deal them. Needless to say, the petty theft warrants were quite a weight to carry around, because if I had been arrested, I would be in jail for some time.

Eventually, I became tired of the drug world and the street life. I checked myself into the chemical dependency program at St. Vincent de Paul Village in 1993. This was, and still is, a very good program: six months in length with thirty days inpatient. I was actually there for two years. There was a group of twelve of us and we are still together. Father Gill was particularly inspiring to me. We tried new techniques that are still used there today. The most rewarding thing about the program was just getting my life back.

Meanwhile there were these petty theft warrants. I first heard about the proposed Homeless Court from a flier at St. Vincent de Paul shelter where I was in rehabilitation. I was its first client on Halloween Day, October 31, 1994. There I was with more than \$90,000 worth of warrants. I was afraid that I would be going to jail and drove my attorney, Steve Binder, up the wall. As they say on the streets, "Fear is the bitch."

The judge on that historic day was Judge Danielson. This was in the Downtown Courthouse, although later Homeless Court sessions would be held at shelters such as St. Vincent de Paul. I pleaded guilty to petty theft and the remainder of the charges were dismissed. I got credit for time served based on the many hours I had completed in the St. Vincent de Paul Village chemical dependency program and the NA meetings I attended. There it was, a great load lifted off my back replaced with peace of mind.

My success in the program and Homeless Court inspired me to work in drug and alcohol rehabilitation, and to qualify I obtained a certificate for drug and alcohol counseling from San Diego City College

in 1994. I volunteered to do drug counseling for Drug Court when Judge Bonnie Dumanis was presiding there. She had a great understanding of the main problem of homeless people coming to court: they are scared to death. I later worked for Community Connection and St. Vincent de Paul Men's program. I am now working for Volunteers of America.

My life's ambition is to have my own drug and alcohol rehabilitation service to help others who are where I once was.

APPENDICES

APPENDIX A: ABA POLICY ON HOMELESS COURT PROGRAMS

**AMERICAN BAR ASSOCIATION
Commission on Homelessness and Poverty
Senior Lawyers Division
Standing Committee on Legal Aid and Indigent Defendants
Commission on Effective Criminal Sanctions
Steering Committee on the Unmet Legal Needs of Children
Commission on Mental and Physical Disability Law
Commission on Domestic Violence
Judicial Division
Standing Committee on the Delivery of Legal Services**

**ADOPTED BY THE HOUSE OF DELEGATES
August 2006**

RECOMMENDATION

RESOLVED, That the American Bar Association adopts the following principles for Homeless Court Programs to the extent appropriate for each jurisdiction:

- (1) Prosecutors, defense counsel, and the court should agree on which offenses may be resolved in the Homeless Court Program, and approve the criteria for individual participation, recognizing that defendant participation in Homeless Court Programs shall be voluntary.
- (2) Community-based service providers should establish criteria for individual participation in the Homeless Court Program and screen individuals pursuant to these criteria.
- (3) The Homeless Court Program shall not require defendants to waive any protections afforded by due process of law.
- (4) All Homeless Court Program participants shall have time for meaningful review of the cases and issues prior to disposition.
- (5) The Homeless Court Program process and any disposition therein should recognize homeless participants' voluntary efforts to improve their lives and move from the streets toward self-sufficiency, including participation in community-based treatment or services.
- (6) Participation in community-based treatment or services shall replace traditional sanctions such as fines, public work service and custody.
- (7) Defendants who have completed appropriate treatment or services prior to appearing before the Homeless Court shall have minor charges dismissed, and, where appropriate, may have more serious misdemeanor charges before the court reduced or dismissed. Where charges are dismissed, public access to the record should be limited.

APPENDIX D: AGREEMENT TO APPEAR

AGREEMENT TO APPEAR HOMELESS COURT PROGRAM

Participant:

Name: _____

DOB: _____

Shelter

St. Vincent de Paul Village
1501 Imperial Ave.
San Diego, CA 92101

Veterans Village of San Diego
4141 Pacific Highway
San Diego, CA 92110

Counseling with Defense Attorney

Date: _____
Time: 9:00 a.m.

Court Hearing
Date: _____
Time: 1:00 p.m.

Without admitting guilt, I **PROMISE TO APPEAR, AT THE** above, date, time and shelter to address my (misdemeanor/infraction) criminal case(s).

Date: _____ Signature: _____

AGREEMENT TO APPEAR HOMELESS COURT PROGRAM

Participant:

Name: _____

DOB: _____

Shelter

St. Vincent de Paul Village
1501 Imperial Ave.
San Diego, CA 92101

Veterans Village of San Diego
4141 Pacific Highway
San Diego, CA 92110

Counseling with Defense Attorney

Date: _____
Time: 9:00 a.m.

Court Hearing
Date: _____
Time: 1:00 p.m.

Without admitting guilt, I **PROMISE TO APPEAR, AT THE** above, date, time and shelter to address my (misdemeanor/infraction) criminal case(s).

Date: _____ Signature: _____

APPENDIX E: SAMPLE STATEMENTS OF SERVICES

Homeless Court Program
Homeless Service Provider
Statement of Services

Agency Mission Statement:

Describe the importance of collaboration between your agency and the HCP:

What criteria do clients meet in your program to be eligible for the HCP:

Checklist of Services offered by your agency:

- Assessment/Orientation
- Life Skills
- Education (literacy, training, skill development, high school/college/technical)
- Counseling (individual, group, family/parenting, anger management, PTSD, therapy)
- Substance Abuse (AA/NA, Chemical Dependency, Relapse Prevention)
- Medical (physical/mental health)
- Government benefits (SSI, GR, VA, etc.)
- Housing
- Employment

- Total number of activities:

Comments:

Contact:

Homeless Court Program
Homeless Service Provider
Statement of Services

St. Vincent de Paul Village (SVdPV)

Agency Mission Statement:

The mission of St. Vincent de Paul Village is to help our neighbors in need break the cycle of homelessness and poverty by promoting self-sufficiency through an innovative continuum of care, multi-disciplinary programs and partnerships that come together in the spirit of our CREED to teach, learn from and challenge our neighbors and one another.

The agency also has a CREED that guides work with clients.

Our CREED:

- Compassion: Concern for others and a desire to assist
- Respect: An act of giving particular attention or special regard
- Empathy: Understanding, an awareness of and sensitivity to the feelings of others
- Empowerment: Helping others to help themselves
- Dignity: Counting all people worthy of our esteem

Describe the importance of collaboration between your agency and the HCP:

The HCP is essential to helping clients achieve self-sufficiency. The SVdPV program is built on the goals of helping clients achieve self-sufficiency by obtaining permanent housing and permanent income. In order to do that they meet weekly with a Case Manager who work with the client to develop goals aimed at removing barriers and building on strengths. One of the major barriers is legal issues. Clients who have legal issues looming worry about seeking employment or other needed services and interacting in the larger society for fear that their legal issues are going to catch up with them. Clearing up tickets releases clients from this fear and allows them to move forward, access the services they need and it gives them a sense of pride and self respect.

What criteria do clients meet in your program to be eligible for the HCP:

In order to participate in the Homeless Court Program through a referral from SVdPV a person must be living in one of SVdPV's residential programs. The resident must, at minimum:

- Be in compliance with program requirements including following program rules, completing up to 10 hours of shared living responsibilities (aka chores) each week, attending resident House meetings, and returning for curfew each night
- Meet regularly with a Staff Contact or Case Manager
- Attend Resident Orientation
- Complete a class titled Challenge to Change - a 20 hour motivational class that has experiential work and homework and focuses on goal setting, motivation for change and building self esteem;
- Participate in the Assessment process - a three appointment process that includes a battery of standardized written assessments and a 90-minute social history interview.
- Clients who are facing drug or alcohol related charge must also be enrolled and participating in SVdPV's Recovery Services program that includes attending recovery groups and sober support meetings.

Although all cases are entered on their own merit, supporting documentation must demonstrate an effort by the client to change and exhibit responsibility. Examples of ownership include but are not limited to:

1. Trolley Ticket: Possession of bus pass
2. Drug/Alcohol: Recorded logs of participation in recovery services (AA/NA attendance, substance abuse education, certificates of treatment completion, etc)
3. Illegal Lodging: Documentation of housing plan/program

Checklist of Services offered by your agency:

- ✓ Assessment/Orientation
- ✓ Life Skills
- ✓ Education (literacy, training, skill development, high school/college/technical)
- ✓ Counseling (individual, group, family/parenting, anger management, PTSD, therapy)
- ✓ Substance Abuse (AA/NA, Chemical Dependency, Relapse Prevention)
- ✓ Medical (physical/mental health)
- ✓ Government benefits (SSI, GR, VA, etc.)
- ✓ Housing
- ✓ Employment

St. Vincent de Paul Village began as small soup kitchen. It is now San Diego's largest residential homeless service provider. SVdPV provides a comprehensive continuum of services to homeless people in a "one-stop" site including: providing basic resources for survival – shelter for over 860 men, women and children each night, food, clothing as well as a wide range of services to address barriers to self-sufficiency including medical and dental care, mental health and psychiatry services, chemical dependency services, case management, adult education, career counseling and job placement and the Homeless Court Program.

Contact: Bert Capati, Job and Resource Coach
 Career & Education Center
 St. Vincent de Paul Village
 1501 Imperial Ave.
 San Diego CA 92101
 (619)645-6442

Veterans Village of San Diego (VVSD)

Agency Description:

Veterans Village of San Diego (VVSD) is dedicated to extending assistance to needy and homeless veterans of all wars and eras and their families by providing housing, food, clothing, substance abuse recovery and mental health counseling, job training and job placement services. We believe in the inherent worth of each and every veteran and his or her right to a rehabilitation program which leads to renewed self-worth and independent living.

VVSD is currently licensed by the state of California to house and treat up to 151 homeless male and female veterans. Our new facility, which will be under construction in June 2007, will expand our capacity to over 300 beds. VVSD offers residents a safe, clean and sober village-like setting for several months to a year or more depending upon individual needs. The program, originally formulated as a social model, is now integrated with structured case management and mental health therapy and simultaneously addresses the addiction, post traumatic stress disorder, medical needs, legal problems, family issues, spiritual development and employment training and placement requirements of each resident.

The following services are provided by the program:

- Assessment/Orientation
- Life Skills
- Education (literacy, training, skill development, high school/college/technical)
- Counseling (individual, group, family/parenting, anger management, PTSD, therapy)
- Substance Abuse (AA/NA, Chemical Dependency, Relapse Prevention)
- Medical (physical/mental health)
- Government benefits (SSI, GR, VA, etc.)
- Housing
- Employment & training services
- Clothing
- Transportation assistance

Target Population:

Needy and homeless veterans of all wars and eras and their families.

What criteria do clients meet in your program to be eligible for the HCP:

In order for a VVSD client to access the Homeless Court Program, they must be actively participating in a VVSD program. At a minimum the client must:

- Have 30 days or more of active participation in our program
- Be referred to the HCP by their Case Manager/Counselor
- Be in compliance with their treatment plan if residing in residential (attending all groups/classes, meeting, case management sessions, therapy if appropriate)
- Be mentally/emotionally stable to participate in the HCP
- Obtain an advocacy letter which highlights their participation in their respective program

Contact:

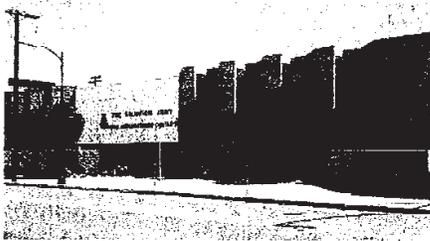
Primary

Charles Lyles
Community Project Coordinator
Veterans Village of San Diego
4141 Pacific Highway
San Diego, Ca. 92110
Phone: (619) 393-2093

Alternate

Andre Simpson
V.P. & C.O.O.
Veterans Village of San Diego
4141 Pacific Highway
San Diego, Ca. 92110
Phone: (619) 497-0142

APPENDIX F: SAMPLE ADVOCACY LETTERS



SERVING ALL OF SAN DIEGO COUNTY

WILLIAM BOOTH
FOUNDER



THE SALVATION ARMY

ADULT REHABILITATION CENTER

1335 BROADWAY • SAN DIEGO, CALIFORNIA 92101-5708 • (619) 239-4037

DATE: 10/7/08

TO: S.D. Homeless Court.

Re: John Doe

Dear Court Officer:

John Doe has been a beneficiary of the San Diego Adult Rehabilitation Center since 3/19/08. While currently participating at the San Diego Salvation Army Adult Rehabilitation Center, John Doe participated in the following classes (Classes are listed along with the number of classes attended):

25	Group Counseling	5	Saturday Step Study
108	Outside AA/NA Meetings	12	Relapse Prevention
25	Individual Counseling	0	Re-Entry Groups
8	Anger Management	0	After-Care Groups
5	Beginner Step Study	25	Nicotine Anonymous
12	12-Step Study	25	Bible Study Classes
25	Christian Living Classes	5	In-House AA/NA Meetings
25	Chemical Dependency	0	GED Preparatory Classes

If you have any questions, do not hesitate to contact the undersigned at (619) 239-4037 ext. 344.

Very truly yours,

Donald Broyhill
Resident Manager



September 12, 2006

To Whom It May Concern:

Mr. _____ is a resident in good standing at Veterans Village of San Diego Rehabilitation Center, 4141 Pacific Highway, San Diego, CA 92110. He entered our program on April 01, 2006. Veterans Village of San Diego is a Certified Inpatient Residential Treatment and Recovery Facility offering a wide range of services for veterans recovering from drug and alcohol dependence.

Al Pavich
President and
Chief Executive
Officer

David Siegler
Vice-President and
Chief Financial
Officer

Andre Simpson
Vice-President and
Chief Operations
Officer, Programs

Board of
Directors

Phil Landis
Chairman

Mike Madigan
Vice Chairman

Gene Auerbach

David Bain

Bruce Boland

Joe Ciokon

Will Hays

Anthony Moya

John Smith

Mr. _____ graduated from Phase 1 (intensive treatment) in August. During Phase 1, he attended 12 weeks of intensive treatment, with classes each week in Anger Management; Family Dynamics; Healthy Boundaries; Alcohol/Drug Education; 12-Step Education; Relapse Prevention; Journaling; Ending Criminal Behavior. He also got a 12-Step sponsor, and exceeded our requirement for attending 90 AA or NA meetings during his first 90 days. He now attends five 12-Step meetings, and is working on Step 5 with his sponsor.

Mr. _____ is now in Phase 2, enrolled in the Wellness and Vocational Enrichment (WAVE) program at the VA Medical Center. This is a job readiness program for disabled veterans that involves 30 hours of training per week. His work at WAVE does not pay well, but Mr. _____ hopes eventually to work his way into more gainful employment as a result of his participation. Mr. _____ is being treated for severe arthritis. He is also being treated for trauma as result of duty while he was in Air Force.

This veteran has been highly accountable for his past actions during his stay here. He has been diligent in attending program activities, and has displayed willingness in taking suggestions for building a strong recovery. He has lost a great deal due to his addiction. I believe Mr. _____ has earned a chance to start over with a clean slate.

If there are any questions regarding Mr. _____ participation in our program, please contact me at my office at (619) 393-2024, or at the address listed above.

Gary Parker, MA
Program Director

Terry Wells
Case Manager



March 11, 2008

To Whom It May Concern:

Mr. John Doe is currently a resident of Veterans Village of San Diego; he is a homeless and unemployed veteran with no income. Mr. Doe entered our facility on 01/02/08.

Phil Landis
Acting CEO

Harry Guess
CFO

Andre Simpson
Vice-President,
Chief Operations Officer
of Programs

David Siegler
Vice-President, Grants
and Special Projects

Board of Directors
Phil Landis
Chairman

Gene Auerbach
Vice Chairman

David Bain

Vic Bianchini

Bruce Boland

Joe Ciokon

Linda Drabek

Will Hays

Harold Koenig

Anthony Moya

John Smith

Jonathan Tibbitts

James Waters

Veterans Village of San Diego is a Certified Residential Alcohol and Drug Treatment Facility, and is licensed by the State of California Department of Alcohol and Drug Program. We offer a wide range of services to the veteran who is recovering from Drugs and/or Alcohol addiction. This program has three phases: Phase 1, the AOD Treatment Phase; Phase 2, the Education/Employment Phase; Phase 3, the Employment/Reintegration Phase.

John is currently in Phase 1 of our program. During this portion of treatment Robert is attending classes in; Progress in Recovery, a 24 session AOD education course, a 12 session course in Family Dynamics, a 12 session class in Anger Management, and a 12 session course in Relapse Prevention. He is regularly attending AA meetings every week.

John is scheduled to move from Phase 1 to Phase 2 in the coming month. He is a very active in our recovery community and constantly trying to find ways to improve himself. John has volunteered to become a coach with the Special Olympics in June. I feel that going through the homeless court process is important to both his recovery and providing him with a second chance at life.

If there are any questions concerning Mr. John Doe, please feel free to contact me at (619) 393-2093.

Sincerely,

Charles Lyles
Community Projects Coordinator

Andre Simpson
Vice President/ COO

Founders of STAND DOWN for Homeless Veterans
Vietnam Veterans of San Diego, dba Veterans Village of San Diego
4141 Pacific Highway, San Diego, California 92110 • 619-497-0142 • fax 619-497-0263
VVSD is a nonprofit charitable 501C (3) corporation EIN #95-3649525

www.vvsd.net



Children's Advocacy Institute

Executive Director
Robert C. Fellmeth

Council For Children
Gary F. Redenbacher
Council Chair
Gary Richwald, M.D., M.P.H.
Council Vice-Chair
Robert L. Black, M.D.
John M. Goldenning, M.D., M.P.H.
Hon. Jan I. Goldsmith
Louise Horvitz, M.S.W., Psy.D.
Hon. Leon S. Kaplan
James B. McKenna
Thomas A. Papageorge
Blair L. Sadler
Gloria Perez Samson
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Reply to:
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August 11, 2008

To Whom It May Concern:

My name is Kriste Draper and I run an advocacy and legal clinic for homeless youth in conjunction with many of the different social service providers for homeless youth here in San Diego, CA.

I am writing to assist Jane Smith in clearing up a last lodging ticket that was accidentally missed during her April, 2007 Homeless Court appearance.

Ms. Smith is currently getting ready to start her second semester at City College on February 1, 2008. She has worked very hard to broaden her support network and is now working with her San Diego City College EOPS counselor (Extended Opportunity Programs and Services) to ensure that she is on the right track to graduate with a degree to child development. Ms. Smith also continues to work with her case manager, therapist, and education and career specialist provided by Providence Court, Catalyst program. She is also working with Catalyst's housing specialist to find family housing for herself and her boyfriend as they are expecting a child in late April. As she is preparing for the baby she maintains a close relationship with her doctor's office, the WIC program, and other social welfare programs to ensure that she and her baby are getting all of the pre-natal support they need.

Thank-you for taking the time to clear up this ticket as it will go a long way in helping Ms. Smith in her goals of creating a healthy home for her new family and finishing her college degree.

Sincerely,

Kriste Draper, Esq.
Children's Advocacy Institute
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4806

Kelly R. Jones, BA
VCARE Case Manager
St. Vincent de Paul Village

January 5, 2009
To Whom It May Concern:

The following is a report regarding client (8/24/1962). Client has been a resident at St. Vincent de Paul Village's short-term transitional housing program since 12/4/2007. During this time, client has participated in the VCARE (Village Comprehensive Approach to Reach and Empower) Case Management program. The goal of VCARE is for clients to improve their mental health and move from stabilization to empowerment and action.

Client is scheduled for weekly case management meetings for approximately one hour. Since late December, client has attended approximately 9 case management meetings, 2 community meetings, and been highly engaged in appointments. Client participates in the creative writing and art groups through the Village's Career and Education Center. He also volunteered to serve as the VCARE representative on the Village Council, a group of resident leaders. Client saw a physician on 1/25/2008 for a mental health assessment and takes his prescribed medication regularly.

Client has a history of substance abuse and has been attending our Recovery Services program since 1/17/2008. He participates in the co-occurring disorders group and attends 2-3 sober support meeting per week. Client maintains a bed in the Clean & Sober area of living within this residence where he can be randomly tested for drugs. During client's stay here, this writer has not observed any signs of the client being under the influence of illegal drugs or alcohol.

It is this writer's observation that client is demonstrating progress in his life skills and is very dedicated to improving his mental and physical health and making positive changes in his life. If there are any questions or concerns regarding this client, please contact me at 619-233-8500 Ext. 1598 or at kelly.jones@neighbor.org.

Sincerely,

Kelly R. Jones, BA
VCARE Case Manager

February 11, 2008

RE: John Doe
DOB: 01/01/1941

Dear Honorable Judge,

This letter is to inform you that Mr. John Doe is currently enrolled in the Community Research Foundation's IMPACT Program, which provides wrap-around services to the chronically mentally ill and homeless population. Mr. Doe has been a client of the IMPACT Program since 02/08/07. Mr. Doe has been an ideal client, and continues to be compliant and cooperative while in the program. Since becoming an IMPACT client, Mr. Doe has accomplished the following:

- *Transitioned from 20 years of homelessness, to a board and care facility setting, to a single room occupancy (SRO) setting where he currently resides
- *Working with the IMPACT Substance Abuse Specialist on responsible alcohol consumption. Mr. Burke reports drinking "24 hours a day" for most of his life, but currently has severely decreased his consumption to one eight ounce can of beer per day
- *Attends 2 AA meetings per week
- *Working with the IMPACT Registered Nurse on medical issues
- *Working with the IMPACT Psychiatrist, and is consistent with appointments and taking prescribed medications on a regular and responsible basis
- *Remained out of the County Mental Health and Crisis House systems since his enrollment in the IMPACT Program, thereby displaying increased psychological stability
- *Worked with IMPACT caseworkers on how to maintain healthy peer relationships
- *Re-established contact with his family members (i.e.: siblings and close friends)
- * Re-learned necessary daily living skills, such as proper hygiene and diet
- *Applied for SSI funding, and had his VA pension benefits reinstated

Mr. Doe is genuine in his commitment in making a positive change in his life and becoming a productive citizen within the community. In addition, Mr. Doe continues to remain compliant with his IMPACT case plan, and is consistently keeping his IMPACT appointments responsibly. Mr. Doe's long term goals are to find a female companion with which to share his life with. "With IMPACT's help, I have gained my self respect back. My life was way out of control." Mr. Doe is very appreciative of the services he receives and states, "Without IMPACT, I'd probably be in jail or begging on the streets and eating out of dumpsters. Actually, I'd probably be dead by now. But, I've cleaned up my act and have my self esteem back."

Thank you for your time and consideration in this matter.

Sincerely,

Adriane Soriano, MSW
Deputy Probation Officer
IMPACT Program Criminal Justice Specialist

APPENDIX G: INFORMATION SHEET FOR CASE WORKERS

**Homeless Court Program
Information Sheet**

The Homeless Court Program (HCP) gives homeless people access to court. Local shelters host a special court session for misdemeanors cases. Judges give court sentences for program activities in which participants are already involved. Clients ideally will be in a residential program.

To Sign Your Clients Up:

Homeless Court is *program-driven*; in order to maintain integrity each agency must have their own criteria and screening process.

- A representative/case manager from each agency/program will screen their client to see if they meet the needed criteria
- The client’s representative will fill out an interest list with all needed information. Please note any special concerns about any of the clients cases, make sure you document all names and/or SS#s that your client may have been using, and write down your name so that if any additional info is needed they can get a hold of you.
- The interest list will be sent via email to the Public Defenders office on or before the date required to Steve.Binder@sdcountry.ca.gov
- An ‘Agreement to Appear’ form will be filled out and signed by each client as a promise to appear at both the counseling appointment and at the court hearing. Times, dates, and location to appear are documented on this form. (One copy of this form is given to the client and one is kept in the clients file.)

After the interest lists have been received, court clerks will research the clients legal history getting needed information on each of their cases being addressed. The client and a representative of the referring agency will then attend a counseling session with an attorney from the public defenders office. The Counseling session is usually held 1 week prior to the court date.

Counseling Session:

Bring proof of your program activities to HCP counseling session and court session.

What to bring: 3 copies of each (for Public Defender, Prosecutor & Judge)

- Letters from case workers or agency representatives
- Certificates of Accomplishments
- Medical documents (NA/AA)
- School records, (proof of enrolment/GPA and current status)
- Proof of other accomplishments/achievements

Court Date:

Remind your clients how important it is that they attend as Agreed. Be there with them to represent your program and and to support your client as well as the Homeless Court Program. You can leave after your clients have seen the Judge and received paperwork from the court clerks.

What HCP Will and Will Not Take Care of:

- The HCP addresses misdemeanor cases:
- Full range of misdemeanor cases
 - Traffic cases

The HCP cannot resolve:

- Felony cases (this include probation terms and costs)
- Misdemeanor cases outside of San Diego County
- Domestic Violence or Prop. 36 cases
- Parking tickets
- Civil cases
- Impound or DMV fees
- Juvenile cases or costs

APPENDIX H: IS IT A CRIME TO BE HOMELESS?

Is it a crime to be homeless?



- Afraid to go to court?**
- Tired of being thrown in jail?**
- Worried about warrants?**
- Looking to resolve outstanding misdemeanor cases?**

What is Homeless Court?

Purpose:

The Homeless Court Program (HCP) gives homeless people access to court. Local shelters host a special court session for misdemeanor cases. Judges give court sentences for program activities in which participants are already involved

Progress

The HCP helps you move from the streets through a shelter program to self-sufficiency. You stand before the court with advocacy letters and certificates, proof of your activities, accomplishments and aspirations. The court reviews this documentation. You are sentenced to activities in your shelter program. These include: life-skills, chemical dependency or AA/NA meetings, computer training or literacy classes, training or searching for employment, counseling of volunteer work.

Proof

You come to court with advocacy letters, certificates and other documentation from your program(s). These documents show the court what you have accomplished. Most of the participants who come before the court with alternative sentencing documentation will get credit for time served in the program. Many will have their case(s) heard and settled in one hearing

Alternative Sentencing:

The HCP sentences you to activities in the shelter program. This replaces the traditional court sentence options of fines, public work service and custody

Process:

You sign up for court at the shelter. There is a four-step process from sign-up to court hearing

- WEEK ONE: The program submits to the Office of the Public Defender (OPD) the list of the participants who have requests court access. The OPD delivers the list to the court and prosecution
- WEEK TWO: The court and prosecution prepares cases on the list for the next scheduled Homeless Court at the shelter.
- WEEK THREE: The assigned defense attorney meets with you one week before the court hearing to review and prepare cases.
- WEEK FOUR: Court personnel arrive at the shelter and hear your case

If you are living in a shelter, or working with a rehabilitation agency you can approach the court and appeal for justice.

Sign up:

Ask your shelter representative how you can sign up to appear at Homeless Court. The North County HCP hearings alternate between the New Resolve and Brother Bennos residential facilities. Shelters include, but not limited to, Interfaith Community Services, Casa Raphael, Alpha Project and Turning Point.

Caution

The HCP cannot resolve felony cases, cases outside the city of San Diego, or parking tickets. However, attorneys can provide general information and will discuss these matters with you.

Bringing the law to the streets, the court to the shelters, and the homeless back into society

THESE 12 STEPS CAN LEAD YOU FROM THE THREAT OF JAIL TO A NEW HOME.

1. Sign up for the Homeless Court in the shelter and set a date to hear your case.
2. Meet with your defense attorney from the Law Offices of the Public Defender.
3. The court staff and prosecution team review your records and prepare cases for court.
4. Create a life plan and work a program for rehabilitation, counseling, recovery, life skills or employment training.
5. Meet with your caseworker to prepare all necessary documents and letters of support for your hearing at the Homeless Court held in the shelter
6. Your defense attorney will negotiate, on your behalf, with the prosecutor, before the hearing.
7. Attend the Homeless Court and consult with your defense attorney. Bring evidence of your accomplishments and other important documents.
8. The judge comes to the shelter, where the prosecution and defense present your case.
9. Approach the bench, face the judge, confront your past and look the future.
10. If you accept responsibility for the offense, the court offers you an alternative sentence to complete your rehabilitation program.
11. Once your case is resolved, another hurdle has been cleared.
12. You are free to follow the steps of your life plan, and move toward a new home in the community

" I had four outstanding warrants for sleeping on the beach and open containers of alcohol. I was surprised by the court's willingness to work with me and allow me to continue my program without the burden of legal problems. I felt like a tremendous weight had been lifted. It just gave me the confidence to deal with whatever I had to."

John MacKanin
VVSD alum and HCP participant
celebrating 10 years sobriety in January 2009

" Homeless Caring Court provides an opportunity for the justice system to remove barriers to individual recovery that the system sometimes creates. The homeless court process recognizes that each individual, in the circumstances in which she/he finds herself/himself, can attain a sense of self worth and recovery that the justice system will affirm. At the same time, the "pay it forward" approach still holds individuals accountable for their actions, while recognizing that "one size" (to recovery) does not necessarily "fit" everyone. We provide not only access, but (in many instances) fairness and justice."

Hon. Gordon Baranco
Alameda County Superior Court



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