SAN DIEGO HOMELESS COURT PROGRAM: A PROCESS AND IMPACT EVALUATION

San Diego

ASSOCIATION OF GOVERNMENTS

401 B Street, Suite 800
San Diego, CA 92101
(619) 595-5300

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Nancy Kerry
Susan Pennell

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ABSTRACT

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ABSTRACT: The Homeless Court in San Diego County was an outgrowth of Stand Down, an annual three-day event held in the City of San Diego since 1988. The event was initially created by the veterans of the Vietnam War to provide a myriad of services, including housing, health, and employment to homeless veterans. Those who attended identified their greatest need as the resolution of minor misdemeanor matters (e.g., warrants, fines, etc.). In 1989, criminal justice agencies began informal proceedings to include court services to the homeless as well as other needed services to resolve cases and prevent further involvement in the justice system.

In 1999, the San Diego County Public Defender's Office received funding support from the Bureau of Justice Assistance (BJA) to create a monthly "homeless court" to be conducted at local homeless shelters in San Diego.

The public defender contracted with the San Diego Association of Governments' (SANDAG) Criminal Justice Research Division for the purpose of documenting the progress and the impact of the homeless court program on the justice system and the participants themselves.

The findings suggest that the Homeless Court program developed a successful collaborative effort that has had positive impacts on the homeless participants as well as the efficiency of the court system.

ACKNOWLEDGEMENTS

Many individuals deserve acknowledgement for their efforts to implement the Homeless Court Program and coordinate the process as well as document the progress through the evaluation. Foremost, funding support from the Bureau of Justice Assistance (BJA), Office of Justice Programs, brought this project to fruition. The dedication and commitment of the collaborative partners, including the San Diego Superior Court, the San Diego City Attorney's Office, the homeless shelters including Vietnam Veterans of San Diego, and the St. Vincent de Paul Village provided the solid foundation from which the Homeless Court evolved. Without their support, the project would not have been initiated. Others, including shelter case managers, drug treatment providers, and counselors provided the homeless individuals the services they needed to resolve their cases with the court, and encouraged lifestyle changes to reduce future criminality.

Steve Carroll, Director of the San Diego County Public Defender's Office, is acknowledged for his willingness to go forward with this pilot and provide his staff with the necessary resources.

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

INTRODUCTION

Homeless Court is an outgrowth of Stand Down, a unique three-day event held in the City of San Diego. The annual event was created by veterans of the Vietnam War to address the specific needs of the homeless community. At the very first Stand Down in 1988, it was learned that a significant need existed among the homeless community to resolve their outstanding misdemeanor criminal cases and warrants. As a result, informal court services were offered at subsequent Stand Down events.

In 1999, the San Diego County Public Defender's Office applied for and received a grant from the Bureau of Justice Assistance (BJA) to create a "Homeless Court" to be held each month at local homeless shelters in San Diego. The public defender's office contracted with the San Diego Association of Governments (SANDAG) to evaluate the implementation efforts and the impact of the program on participants and the criminal justice system.

PROGRAM DESCRIPTION

Homeless Court is a unique program aimed at a segment of the population that typically has no means for making reparations to the criminal justice system for misdemeanor criminal conduct. As a result, misdemeanor citations and infractions are often overlooked by these individuals. Unfortunately, this compounds the problem by generating warrants and additional fines. Homeless Court was created to offer individuals an opportunity to resolve their outstanding criminal cases by exchanging fines, community service, and custody for their participation in treatment programs.

The Homeless Court program is fundamentally different than a traditional criminal court due mainly to the fact that participants surrender themselves to the court for prosecution without knowledge of all the pending charges (if any exist). In addition, defendants come to the Homeless Court program with a substantial portion of their sentence already completed. As a result, there are no further hearings to verify compliance with a court order. In general, the program focuses on what the defendant has accomplished on the road to recovery rather than penalizing him/her for mistakes made in the past.

FINDINGS

Overall, the Homeless Court program exceeded its expected benefits to participants. A substantial number of outstanding cases were resolved, access to the courts was improved,

participants reported a reduced fear of law enforcement, and collaboration was high among court personnel, the community, and the defendants. As a result of the successful implementation of Homeless Court, the San Diego County Public Defender's Office and a case manager from the Vietnams Veterans of San Diego (VVSD) were awarded the Unsung Hero Award from the National Coalition of Homeless Veterans in March 2001. The Homeless Court will be recognized nationally as well as a recipient of the Hodson Award to be presented by the American Bar Association at their annual meeting in August 2001.

Participant Characteristics

- The average age of those who participated in Homeless Court was 43 years; and most (85%) of the participants were men.

- A little more than half (54%) of the participants were White; more than a third (34%) were Black; 8 percent were Hispanic; and four percent were Asian.

- Individuals participating in the Homeless Court program were asked if they had any prior experience with the court. Most (92%) of the participants did have prior experience with the court.

- Participants came to Homeless Court to resolve a variety of offenses. Nearly two thirds (60%) had at least one case dealing with an unresolved citation for riding the San Diego Trolley or loitering in the trolley station without a valid ticket. One in five had cases only dealing with vehicle code violations; the remaining proportion had various other case types: penal code violations (8%), health and safety code violations (6%), or municipal code, and business and professions code violations (8%).

- Most participants had one (41%) or two cases (22%). Overall, the average number of cases was 2.77 (range from 1 to 26).

Access to Courts

Homeless Court improves access to the courts for persons living in homeless shelters.

- Without the availability of Homeless Court, nearly all of the Homeless Court participants interviewed stated that they would not have gone to court on their own. Many of the defendants indicated that they had no method of traveling to a traditional court. In most cases, defendants resided at the shelter where the hearing was held and therefore, transportation was not an issue. Of those who did not live at the shelter, they were either brought by van from another shelter, walked, or took the bus.

- After participating in the Homeless Court hearing, most defendants indicated that their fear of the court and its processes had been reduced.

- Most of the Homeless Court participants interviewed stated that their fear of being arrested typically resulted in their fleeing from law enforcement officers. However, after their participation in the program, respondents reported they are no longer afraid.

- After participating in the program, most individuals said that they would be more likely to handle any future criminal citation through a traditional court.

Resolving Cases

Program participants are able to resolve outstanding warrants and misdemeanor criminal cases.

Two-thirds of those who participated in Homeless Court had at least one case involving their failure to purchase a valid pass or ticket before riding the trolley. Typically, these types of cases are handled through traffic court or payment made to the City Treasurer. However, given that most homeless individuals are not employed, these fines usually are not paid, which then result in a bench warrant.

- Over 700 cases were resolved between October 1999 and February 2000.

- Fewer cases are set for a continuance in Homeless Court compared to traditional court due the negotiations between prosecutors and defense attorneys that are completed in advance of the hearing.

- Ninety-six percent (96%) of the cases in Homeless Court were resolved through creative alternative sentencing that exchanges treatment services for traditional sentences (community service, fines, and custody). The alternative sentences require the defendant's participation in treatment programs designed to address the underlying issues that are likely to be associated with their conduct and behavior; that is, unemployment, mental illness, and substance abuse.

Community Collaboration

Collaborative efforts were extensive between the San Diego Superior Court, shelter staff, prosecutors, and the Public Defender's Office.

- The public defender's office, city attorney's office, and court personnel developed close working relationships to locate participants, formulate alternative sentences, document residents' participation in shelter programs, and coordinate hearings.

- A multitude of private and community organizations routinely supply counseling, volunteer opportunities, and substance abuse treatment to residents at local shelters and coordinate with the Homeless Court program in providing verification of the defendant's treatment or activities to the court.

- Collaboration is also high among staff at participating homeless shelters.

- At least eight shelters and service agencies located throughout the City of San Diego participated in the Homeless Court program.
- Case managers and administrative staff at various shelters in and around San Diego County pooled resources to locate interested residents, increase attendance, schedule meetings, and arrange transportation to enhance program effectiveness.

Participant Perspective

Homeless Court participants feel more positive about their future after resolving their cases.

- Nearly all of the individuals interviewed said that they would have "waited until arrested," to take care of their criminal case(s) and in fact, had not attempted to handle the matter on their own.

- After participating in Homeless Court, most defendants reported feeling more positive about themselves and their future. Many said "a weight had been lifted off their shoulders."

- Homeless Court participants had many words of praise for their treatment by court personnel, the public defender, and the prosecutor.

- About one-third of homeless individuals who sign up to participate in the program learn they have no cases pending in criminal court. This finding coupled with interviews of participants who stated they were fearful of law enforcement suggests that a significant portion of the homeless community may fear arrest *without reason*. Therefore, it is likely that this news brought relief to those who learned they had no outstanding cases and thus, no need to fear law enforcement.

Cost Benefits

There is a cost benefit to the criminal justice system for resolving cases through the Homeless Court program.

Although actual cost savings may be difficult to calculate, it is evident that Homeless Court provides a cost benefit to the criminal justice system. Homeless Court participants indicated that they would not have surrendered themselves to the court for prosecution until picked up by law enforcement, placed into custody, and brought before a judge. Thus, the cost of law enforcement booking the defendant into jail (average daily cost is $72.84) is not incurred, and the cost of housing a defendant in jail for several days is not incurred. In addition, resolving a large number of cases for multiple defendants in one setting reduces the number of court appearances and therefore reduces costs to the court.

Furthermore, without the use of alternative sentences, persons living in the shelters would not likely resolve their cases. This precludes them from receipt of financial support from

the federal or state government possibly extending their homelessness. It is hoped that restoring their criminal record in exchange for participation in treatment services will reduce criminal conduct and therefore reduce costs to the criminal justice system.
Recidivism data collected show that those who appeared for hearings (experimental group), compared to those who did not (comparison group) were less likely to have contact with law enforcement 90 days after the hearing. A greater proportion of those in the experimental group (80%) compared to the comparison group (71%) had **no** post-hearing criminal activity 90 days *after* the hearing. When the **types** of post-hearing criminal activity are compared (arrests and citations), the most notable difference between the two groups is found among the proportion arrested.

Outgrowth of the Homeless Court Program

As a result of the success of the Homeless Court program, a method to collect delinquent child support from parents living in homeless shelters was initiated.

- Due to the success of Homeless Court program, case managers and shelter staff from the VVSD approached the San Diego County District Attorney's Office to find a solution to the problem of homeless persons who were delinquent in their child support payments. It was learned that some homeless individuals who owed child support and arrearages were working under the table at low wage jobs to avoid wage garnishment by the district attorney's office.

- The Non-Custodial Parent Program provides individuals living in homeless shelters who are participating in treatment services, enrolled at the Employment Development Department, and actively seeking full-time employment, an opportunity to work out a manageable payment plan. The district attorney agreed to reduce the amount of arrearages to a payment of about $50 per month, develop a payment schedule based on their current income, and reinstate (or not suspend) the drivers license of those who had one.

- The program, which began in March 2001, is expected to bring another segment of the homeless population back into the working class through employment/training programs, treatment services, and acceptance of financial responsibility.

Overall, the program was implemented successfully with a positive impact on the participants and the criminal justice system. Most of the research objectives were met or exceeded through collaboration among partner agencies, meaningful alternative sentences, and finding the nexus between justice and fairness for homeless misdemeanants.

RECOMMENDATIONS

As the program proceeds, the following suggestions based on the program evaluation are offered for consideration.

- Improve record keeping to document the exchange of traditional sentences for treatment services.
- Develop a program protocol to solidify agreement regarding the types of cases to be handled through the program and acceptable alternative sentences.
- Develop procedural standards to institutionalize the process and to prepare prosecutors and defense attorneys who are unfamiliar with the program.
- Encourage judicial consistency to strengthen the connection between accountability and resolution of criminal records.
- Continue outreach efforts into the homeless community and among various shelters to increase program participation.
- Expand the program to include other jurisdictions within San Diego County so that all homeless misdemeanants can resolve their case(s) through Homeless Court regardless of jurisdiction.

CHAPTER 1
PROGRAM BACKGROUND AND INTRODCUTION

PROGRAM BACKGROUND AND INTRODUCTION

PROGRAM BACKGROUND

In 1988, a unique event was held for the first time in San Diego County. Developed by the Vietnam Veterans of San Diego (VVSD), a three-day temporary tent-city was constructed to provide a multitude of services in one location for homeless veterans. In the military, when a soldier is removed from the combat field to rest and recover from battle he or she is said to "Stand Down." The event, which is meant to provide a place for homeless veterans to rest and recover from their day-to-day battle with life on the streets, is referred to as Stand Down San Diego. Services offered include medical assessment and treatment, counseling, life-skills classes, job training, haircuts, clothing, assistance with housing, veterans-related assistance, and much more.

At the conclusion of the first Stand Down San Diego, 116 of the 500 homeless veterans who attended the event identified their *greatest need* as the resolution of outstanding misdemeanor warrants. Stemming from this request, the San Diego County Public Defender's Office and the San Diego Superior Court (formerly Municipal Court), began working together to offer court services at Stand Down. Between 1989 and 1992, 942 homeless veterans resolved 4,895 outstanding cases through the informal court proceedings held at Stand Down. During the ten years of Stand Down, program staff learned from listening to homeless veterans explain why they did not appear in traditional court that it was not due to a lack of respect for the courts. Homeless veterans explained that it was due to their living conditions, lack of resources, and their inability to keep track of the documentation necessary for a court appearance. With an estimated 8,000 homeless (San Diego Regional Task Force on the Homeless, 1999) living in the City of San Diego, a proposal to formally bring the courts to the homeless population was developed.

Homeless Misdemeanants: A Real Issue

San Diego County's Regional Task Force on the Homeless in 2001 reports that there are approximately 5,100 single homeless adults, 2,100 homeless families, and 800 homeless youth living in San Diego County. These figures do not include the day-laborer population, which adds approximately another 7,000 individuals to the total homeless population in the region (SDRTFH, 1999). The Regional Task Force also estimates that about half of all homeless women are victims of domestic violence; about 30 to 40 percent of urban homeless persons may actively abuse alcohol and drugs; and about 2,000 homeless persons are "severely mentally ill" (SDRTFH, 2001).

To assist the homeless population, San Diego County has many shelters throughout the region; some are open all year and some are only open during the winter season. The

SDRTFH reports that there are 3,641 shelter beds available on a regular basis in San Diego County (See Appendix Table B-1). This means that approximately 4,359 persons (54%) are left to sleep outdoors each year, which is illegal. The San Diego Police Department issued 1,129 illegal lodging citations (penal code §647j) to homeless persons in year 2000. This citation carries a $135 fine; in addition, failure to pay the fine may result in six months incarceration and/or an additional $500 civil assessment penalty. A $135 fine is costly for persons who can not afford lodging in the first place. As a result, the fine typically goes unpaid, the citation is ignored, the individual does not appear in court, and a warrant is issued along with an additional penalty.

Other citations received by homeless persons are associated with their lack of finances (unemployment), substance abuse, or mental illness, such as riding the trolley without purchasing a valid ticket, public intoxication, public urination, and loitering. These violations also carry fines; and for those who disregard the fine and court date, a civil assessment penalty and warrant for their arrest is usually entered into their criminal case history. The violations, fines, and penalties compound over time. Ultimately, failure to resolve these criminal charges inhibits their ability to obtain a drivers' license, financial assistance, and employment once they are mentally and emotionally ready to do so.

PROGRAM INTRODUCTION

To extend the success of the misdemeanor court initiated at Stand Down, the San Diego County Public Defender's Office applied for and received a grant in 1999 from the Bureau of Justice Assistance (BJA) to create a "Homeless Court" to be held each month at local homeless shelters in San Diego. The public defender's office contracted with the San Diego Association of Governments (SANDAG) to evaluate the implementation efforts and the impact of the program on participants and the criminal justice system.

Homeless Court is designed to assist individuals living in shelters that are already working with a case manager or representative to overcome the conditions which contributed to their homelessness. Many of the shelters offer a variety of programs to address issues believed to be a factor in a persons' ability to obtain employment and find housing such as substance abuse counseling, mental illness treatment, anger management, and job training. The Homeless Court program staff believed that individuals working with case managers and residing in a shelter would be in a better position to make agreements with the court regarding alternative sentences than homeless individuals who are still living on the streets.

During the first few months of the program, the public defender's office conducted extensive outreach efforts to inform various shelters around San Diego County of the program, its goals, and expected benefits for participants. Outreach efforts included a video presentation describing the program at various shelters to groups of residents and shelter staff, meetings with local judges who might be available to preside over the hearings, and developing partnerships among shelters to increase communication, provide transportation, obtain interested participants, and coordinate the hearings.

Program Goals

The initial goals of the Homeless Court program were to:

- conduct monthly outreach sessions to inform potential participants of the program;
- implement and operate a monthly court hearing for at least ten individuals each month;
- resolve a minimum of 20 cases per month;
- develop alternative sentencing options for program participants;
- improve homeless individuals' overall satisfaction with court process;
- reduce the number of hearings required to resolve cases;
- reduce costs associated with homeless misdemeanants; and
- improve rates of successful completion of sanctions without incarceration.

Results from the evaluation (presented in Chapter 4) indicate that the program successfully achieved most of its goals. Outreach was conducted at various shelters to inform potential participants of the program, although, as expected, the number of hours was higher during the implementation phase compared to later stages. However, the total number of outreach hours was not documented. At each monthly hearing, at least ten defendants appeared and a minimum of 20 cases were resolved. Nearly all cases were resolved in one hearing using alternative sentencing options. Almost all of the participants interviewed had a more positive view of court processes after their participation in the hearing than prior to the hearing. It is difficult to verify whether or not *tangible* costs associated with homeless misdemeanants were reduced. However, because most cases were resolved in one hearing without the cost of an arrest, detention, or booking, there is likely to be a financial benefit to the criminal justice system.

Other goals were identified as a result of problems encountered and successes realized. As news of the project began to spread, newspaper reporters appeared at hearings to learn more about the program (local and national news organizations). Interviews conducted by reporters with defendants and court personnel indicated that they were very positive about their experiences in the hearings and the results achieved (Grinfield, 2000; Jimenez, 1999; Perry, 2000). As a result, other court jurisdictions sent representatives to the hearings to determine if similar programs could be implemented in their areas. As the news media and other jurisdictions became more interested in the program, more in-depth supporting documentation was requested with respect to alternative sentencing, case disposition, and long-term program effects. This resulted in the following additional goals being identified:

- improve consistent application of alternative sentences;
- improve documentation of alternative sentences;

- reduce the proportion of persons who fail to appear (FTA) at the homeless court hearings; and

- utilize the success of the San Diego Homeless Court program as a platform to educate and inform other jurisdictions about the difficulty encountered by the homeless population in accessing the criminal courts.

The Homeless Court program met most of these additional goals as well. As judges, prosecutors, and the public defender became more familiar with the programs offered by the homeless shelters to their residents, alternative sentencing became more consistent, record keeping improved somewhat over time, and the number of failure to appears (FTAs) was reduced. Program staff members were successful in assisting other jurisdictions as they implemented similar programs and educated many on the unique situation of the homeless court misdemeanant population through presentations at national and state conferences.

PROGRAM DESCRIPTION

Homeless Court is designed to provide individuals living and working within shelters who are actively engaged in treatment programs an opportunity to resolve outstanding misdemeanor cases and warrants. In 1999, the San Diego County Public Defender's Office received a grant from BJA to implement the program. The first hearing was held in October 1999 and thereafter, hearings were held once each month (except July 2000 when the annual Stand Down event was held). This section of the report describes how the program operates and how eligible program participants are identified.

Multi-agency Collaboration

Homeless Court is a unique criminal court that requires extensive collaboration between various public agencies, privately operated homeless shelters, and community organizations. The San Diego County Public Defender's Office, San Diego City Attorney's Office, and San Diego Superior Court all actively participate in the monthly operation of Homeless Court. Homeless shelters and treatment service providers also participate in the program. Most shelters have a case manager who oversees the defendant's medical, emotional, and/or physical condition, and treatment services. In addition, shelter staff must be able to communicate effectively with the court and public defender's office regarding the status of the defendant's case plan. A multitude of private and community organizations routinely supply counseling, volunteer opportunities, and substance abuse treatment to residents at local shelters and work with the Homeless Court program in providing evidence of the defendant's treatment or activities of importance to the court.

Each of the organizations has a distinctive function within the Homeless Court and each is dependent upon the other to ensure that the process operates smoothly. The success of the program is due in large part to the collaborative efforts of these agencies and their staff.

Exceeding expectations, at least eight different shelters participated in the Homeless Court program. Shelters participated by hosting outreach sessions, posting informational flyers,

obtaining the names of interested persons, and coordinating with other Homeless Court program staff. When possible, shelters also provided transportation to those who needed it in order to attend a hearing or a consultation session with the public defender.

Program Overview

The Homeless Court program is fundamentally different from the process that occurs in a traditional criminal court. First and foremost, Homeless Court is unique because, generally, defense attorneys rarely surrender their client for prosecution prior to an arrest or demand by the court. However, that is exactly what occurs in the Homeless Court program. An individual living in a homeless shelter that wishes to participate provides their name, date of birth, and other personal information on an "Interest List," which is forwarded to the San Diego Superior Court. By doing this, they surrender themselves to the court and also agree to prosecution. In a traditional court, a defendant who is arrested on an outstanding warrant is *compelled* to come to court because they have been detained; or if given a citation, they must appear in court or pay the fine.

The physical set-up at the Homeless Court hearing is also quite different than a traditional court hearing. On the day of the hearing, a temporary courtroom is constructed at one of the two largest homeless shelters in the City of San Diego (either St. Vincent de Paul Shelter or Vietnam Veterans of San Diego). The 'courtroom,' is held in a meeting room at one of the shelters. It consists of a table in the front of the room for the judge and court clerks and tables for the prosecutor and public defender. The California and American flags are brought in to 'dress' the room for court. Once all of the courtroom personnel arrive, a sheriff's officer calls the court to order and administers the oath. The judge who is seated at the head table along with the court clerk must look up to the defendant and the attorneys who stand before them, rather than down from a judge's bench as in traditional court. The fact that the informal proceedings are held in a location familiar to the participants helps to relieve participants' fear of the process.

As each case on the court calendar is called, the public defender submits advocacy letters from counselors, drug-treatment professionals, or shelter staff describing the defendant's participation in treatment programs. The judge formally enters the agreement between the public defender, prosecutor, and defendant into the record or determines a sentence for those cases without an agreement. Often, the judges dispense sentences along with words of wisdom, encouragement, and advice.

The Process

Each month staff from the public defender's office, city attorney's office, various shelters, and the San Diego Superior Court carry out a series of synchronized steps which eventually culminate in the Homeless Court hearing. These steps are illustrated in the flow chart presented in Appendix A and described in detail below.

Step One: Outreach

In an effort to inform potential participants about the Homeless Court program, a comprehensive outreach plan was developed by shelter staff and the public defender assigned to the program. A 30-minute video was created which showed how the misdemeanor court at Stand Down operated as an example of how the Homeless Court hearing was expected to function. The public defender set up "outreach meetings/sessions" at homeless shelters and presented the video, fielded questions from the shelter residents, and encouraged interested persons to sign up. In the beginning, comments made by persons who attended the outreach sessions suggested that there was a high degree of uncertainty and fear among the homeless population that might discourage participation. Out of the numerous people who attended outreach meetings and others who were informed individually about the program, just 17 people signed up for the first hearing in October 1999.

The hesitation was not completely unexpected due to the uniqueness of the program in that participants surrender themselves to the court for prosecution without an obligation to do so. Later, interviews with Homeless Court participants revealed that prior to the hearing, most were fearful of law enforcement and would "run from police" if approached. By submitting to the court, these same individuals needed to reverse this thinking and offer themselves for prosecution in the hope that their participation would not result in an arrest or other significant penalties. Thus, the outreach component of Homeless Court was enormously important to encourage participation not only in the beginning as the program was implemented, but also on a regular basis.

After the first few months of the program, a second, shorter version (15 minutes) of the video was prepared incorporating excerpts from the original video.

Step Two: Interest List

After learning about the program through an outreach session or from shelter staff, shelter residents sign-up on a "Homeless Court Interest List" (Appendix C). Potential participants provide their name (including aliases), date of birth, gender, and ethnicity for purposes of identification. The agency fills out contact information (agency name, case manager, and contact person's phone number) and forwards the list to the San Diego Superior Court at least two weeks prior to the next hearing for a search of open case files.

Step Three: Records Search

Using the information on the Interest List, the Deputy Clerk of the San Diego Superior Court conducts a criminal history search for open cases, warrants, and pending civil assessment penalties. Persons identified as having active cases are placed on the next Homeless Court calendar; however, only outstanding warrants and criminal cases within the jurisdiction of the San Diego City Attorney's Office are included on the Homeless Court calendar (i.e., persons cited for misdemeanors committed in the City of San Diego).

The court clerk records each case number onto the Interest List and indicates whether or not the defendant has had any prior experience with the court (previous cases). The completed Interest List and prepared court calendars are sent back to the originating shelter and the public defender's office. The court calendar is also forwarded to the city attorney's office for review and plea negotiations.

Step Four: Plea Offers and Negotiations

The city attorney's office reviews the case files of the defendants who are placed on the court calendar and generates an offer for disposition of the cases to the public defender. The prosecutor makes offers for resolution of the cases based on criminal history, impact of criminal behavior on the community, and the number of outstanding cases. Progress made by defendants in their respective treatment programs is also considered once it is provided by the public defender.

The public defender may negotiate further with the prosecutor after learning more about the defendant's individual situation during a pre-hearing consultation. In most instances, an agreement is reached. The cases for which no agreement can be reached are reserved for sentencing and resolution by the judge.

Step Five: Active Cases Set for Hearing

The San Diego Superior Court clerk prepares a court calendar/docket for the Homeless Court hearing based on the individuals who signed up on the Interest List and who were determined to have outstanding active cases with the court. The court calendar/docket lists each defendant, all of their open cases, warrants, fines, civil assessment penalities, and any other pertinent information. The calendar is forwarded to the city attorney's office, the public defender's office, the host shelter, and any other shelters that submitted a list of potential participants and wish to see the docket.

Step Six: Defense Attorney Consultations

One week prior to the hearing, the public defender schedules a meeting at the host shelter and asks that case managers notify each defendant who has open cases to come to the meeting so that they can review their case(s) and the offer(s) from the prosecution (if available). Sometimes, the disposition offers from the prosecution are not finalized prior to the consultation meeting, however this is a rare occurrence. The public defender meets with the defendant to review their case(s) and to learn about the individual's participation in substance abuse classes, counseling, volunteer service, and other activities which may be offered to the court as an alternative sentence to a fine, community service, probation, or in some cases, custody. During the consultation, the public defender also explains the importance of the advocacy letters each participant is required to bring to court to show proof of their participation in classes, counseling, and community service. Initially, the advocacy letters were form letters. To strengthen the program and encourage the recording of attendance, it was agreed to have letters with specific information including the total number of hours that the defendant participated in treatment, counseling, or volunteer service as well as the *type* of programs or community service.

The consultation meeting between the public defender and the defendant a week before the Homeless Court hearing is unlike the process in a traditional misdemeanor court setting where it is customary for the public defender to meet a defendant just prior to an appearance in court. Although this does occur in the Homeless Court program if the defendant does not appear for the consultation meeting, the fact that they have the opportunity to review their case(s) a full week before the hearing is unusual. The consultation also provides the public defender important information to negotiate a settlement with the prosecutor.

Step Seven: The Hearing

The hearing is scheduled for the third Wednesday of each month. Hearings are alternately held at one of the two largest shelters in the San Diego area (St. Vincent de Paul or Vietnam Veterans of San Diego) to accommodate the defendants, shelter staff, court personnel, and visitors. Due to advanced planning by all involved parties, the hearing moves rather quickly. In an effort to generate an atmosphere similar to traditional court: the California and American flags are placed in the front of the room, the sheriff calls the court to order as the judge enters the room (in traditional dress), administers the oath, and the judge greets the courtroom as s/he is seated.

The defense attorney formally calls each defendant to come before the judge. The public defender, prosecutor, and defendant stand in front of the room, however, the judge is seated below eye level. The defense attorney states the agreement, presents the letters, and states whether the recommendation is a dismissal or a plea. The court clerks give the case files to the judge and the public defender asks that advocacy letters be formally entered into evidence. Unlike a traditional court, the judge communicates more often with the defendants than with the public defender assigned to represent them. The judge asks the defendant about the situation that brought them to the court, as well as their participation in programs, counseling, or classes, to improve their life style, education, substance abuse, or other such conditions which may have contributed to their homelessness. The judge consults the city attorney with respect to an offer for disposition and, in most cases, the charges, warrants, and penalties are formally exchanged for the alternative sentences that have already been completed.

Similar to a traditional court, the judge may continue a case until the appropriate documentation is provided to the court to satisfy the alternative sentence agreement (such as advocacy letters). Cases with defendants who fail to appear for the hearing are taken 'off-calendar'. Any agreements that have been negotiated between the prosecutor and public defender are withdrawn.

Step Eight: Dispositions

The deputy court clerk transfers the case disposition information written on the court calendar at the hearing into the court's database, files the advocacy letters, and closes the case files if warranted. Defendants who fail to appear are not automatically placed on the

Homeless Court calendar for the following month. They must begin the process again at step one: signing up on the Interest List.

The public defender records the following information onto the Interest List for record keeping: whether or not the defendant appeared, whether or not the case was satisfactorily resolved, and whether or not the defendant was counseled by the public defender prior to the hearing.

SUMMARY

The Homeless Court program has its roots in a unique three-day event that began in 1988. Sponsored by Veterans of the Vietnam War, the annual event, "Stand Down," provides information and assistance to homeless veterans living in San Diego. At the very first event, participants indicated that they needed assistance in clearing up outstanding criminal cases, warrants, fines, and civil assessment penalties. Each year thereafter, an informal court was held at Stand Down to try and resolve these issues for the homeless veterans who participated. The success of Stand Down birthed the idea to create a similar court available to all homeless persons on a more regular basis.

In 1999, the San Diego County Public Defender's Office received a grant from the Bureau of Justice Assistance to test the feasibility of a monthly hearing conducted in local homeless shelters: Homeless Court. The program is different from a traditional court in that the participants must surrender themselves for prosecution prior to an arrest, and without an obligation to do so. It is also different in that the defendants are able to exchange their fines, penalties, and other traditional sentences for recent participation in counseling, substance abuse treatment, and community service.

To produce the monthly hearings, the Homeless Court process requires extensive coordination and collaboration among the city attorney's office, the public defender's office, the San Diego Superior Court, and staff at many different homeless shelters, as well as other private and community organizations supplying services to homeless clients.

CHAPTER 2
RESEARCH METHODOLOGY

RESEARCH METHODOLOGY

INTRODUCTION

The Homeless Court pilot project was funded by a grant from the Bureau of Justice Assistance (BJA) to the San Diego County Public Defender's Office, in collaboration with the San Diego Superior Court and the San Diego City Attorney's Office. The public defender's office contracted with the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG) to conduct a process and impact evaluation. This chapter describes the procedures utilized to evaluate the effectiveness of the implementation process and the impact on the participants. Also included are the research questions, data sources, and data measures for both the process and impact assessments.

PROCESS EVALUATION

Effective implementation of a new program requires planning, flexibility, openness to change, and on-going assessments to advance the overall success of the program. In an effort to assist other jurisdictions that have interest in implementing a similar program, and to evaluate the ability of the pilot program to meet intended implementation goals, the following research questions were addressed.

Collaboration and Outreach

Research Questions

- Are the various agencies and shelters able to collaborate effectively to implement and operate a monthly court hearing at a local homeless shelter?
- Is the public defender able to conduct a sufficient number of outreach sessions to obtain the desired number of interested participants?

Data Sources

On a monthly basis, the public defender was asked to provide a list indicating the number of outreach sessions, the number of persons who attended, and the total number of hours spent at each shelter providing outreach services.

In addition, because the implementation of the program depends on a variety of agencies working together, interviews with agency staff were used to assess the collaboration efforts of those involved in the Homeless Court program. Interviews included the public defender

assigned as project manager, case managers from Vietnam Veterans of San Diego and St. Vincent de Paul, and judges who had presided over cases involving the homeless.

Also, all of the agencies and shelters that participated in the Homeless Court process completed forms to document the related activities performed by members of their staff. Finally, observations made by evaluators at the monthly court hearings were used to assess implementation efforts. The data and observations provided the necessary information to answer the research questions.

Caseload and Appearance Rate

Research Questions

- Is the program able to handle at least ten defendants each month?
- Is the program able to hear at least 20 cases (total) each month?
- Are program staff able to reduce the proportion of participants who fail to appear at the hearings?

Data Sources

On a monthly basis, court forms and data collection instruments utilized by program staff were collected by SANDAG researchers. The data include the number of persons who sign up to attend a Homeless Court hearing and the proportion of those interested with an active case on file, as well as the proportion of those who attend the hearing and participated in the program. The data also reflect the number of active cases and types of charges for each potential participant. The data collected were coded and entered into a database and analyzed using SPSS software. In addition, changes in the proportion of eligible participants who appeared and those who did not appear were also assessed.

Alternative Sentences

Research Questions

- Are the prosecutor and the public defender able to develop alternative sentencing options and plea agreements?
- Are program staff able to improve their documentation of alternative sentences?

Data Sources

As part of the evaluation, SANDAG researchers utilized data collected from the Interest List and the San Diego Superior Court calendar to record the disposition of cases, either through sentences imposed by the court or sentences exchanged for alternative agreements. In addition, interviews were conducted with prosecutors and the project manager from the

public defender's office to obtain information regarding the alternative sentences. Finally, evaluators compared efforts of program staff to document case disposition over time.

Platform for Education

Research Question

- Are program staff able to utilize Homeless Court as a platform to educate and inform other court jurisdictions about the needs of the homeless misdemeanant population?

Data Sources

As part of the evaluation, SANDAG conducted interviews with program staff to learn about their plans to inform others about the program and the issues facing the homeless misdemeanant population. In addition, news articles and observations of program staff at local conferences were utilized by evaluators to assess education efforts.

IMPACT EVALUATION

To determine what effect the Homeless Court program has on participants' opinions and behaviors and how it impacts costs related to the criminal justice system, individuals who are eligible and participate were compared to those who are eligible but did not participate. The following research questions were addressed to determine the overall impact of the program, both on participants and on the criminal justice system, as well as the ability of the program to meet its proposed goals.

Impact on Participants

Research Questions

- Does participation in the program improve homeless individuals' overall satisfaction with court processes?

- Does participation in the program improve homeless individuals' attitudes toward law enforcement?

- What type of behavioral changes do participants expect to make after participating in the program?

- Does the Homeless Court program increase accessibility to the courts for homeless misdemeanants? If so, is there a likelihood that program participants may attempt to resolve any future criminality through a traditional court?

Data Sources

As part of the evaluation, SANDAG conducted interviews with a sample of program participants. In the original research design, interviews were scheduled to include individuals who participated in the program during the fifth and sixth months of court operation (February and March 2000). The fifth and sixth months were chosen to give the program sufficient time to standardize the hearing format and resolve early implementation issues which might impact participant responses. This plan was modified after the first set of interviews was completed because of the ease with which interviews could be conducted. It was decided to expand the interviews to include participants in April, May, August, and September 2000. No interviews were conducted in June 2000 to allow evaluators an opportunity to observe activities inside the Homeless Court hearing. In addition, the Homeless Court hearing was suspended in July 2000 because program staff were busy with responsibilities associated with the annual Stand Down event.

The data collected from the interviews included responses to questions about participant opinions and program impact on their behavior. The data were coded, entered into a computer database, and analyzed using SPSS software. Interviews with case managers at participating homeless shelters provided supplemental information with respect to behavioral changes they noticed among their clients who participated in the program.

Impact on the Criminal Justice System

Research Questions

- Are defendants able to achieve a high rate of resolution of their court cases?
- Are recidivism rates for program participants reduced?
- Are defendants able to complete alternative sentences (or sanctions) in a timely manner, thereby reducing the number of hearings needed to resolve cases?
- Are court costs associated with homeless misdemeanants reduced?
- Are jail costs associated with homeless misdemeanants reduced?

Data Sources

On a monthly basis, court forms and other data collection instruments utilized by program staff were collected by SANDAG researchers. The data collection instruments included information with respect to case disposition (traditional or alternative sentences imposed and proportion of cases resolved). Disposition data was recorded by court clerks and the public defender. SANDAG researchers coded the data, entered the data into a computer database, and analyzed the data using SPSS software.

Recidivism rates were determined by extracting data from the Automated Regional Justice Information System (ARJIS) database. ARJIS provides a variety of information regarding contact with law enforcement in San Diego County. For purposes of this evaluation, arrests and citations were examined. The Homeless Court Interest List and court documents were used to match participants' date of birth, name, gender, and ethnicity to the identity of individuals in the ARJIS database. If the information obtained from the ARJIS database could not be precisely ascribed to an individual in the sample, the data were excluded. ARJIS data for individuals who are eligible and participate were compared to those who were eligible, but did not participate. The time period examined included 90 days prior to and 90 days following the hearing date for which potential participants signed up on the Interest List. Though more long-term measures would have been helpful in assessing program impact, the short duration of the grant for this project did not allow for longer follow-up.

In addition, the two groups (those who appeared and those who did not) were compared with respect to persons incarcerated for misdemeanors and infractions. These data, which were obtained from the San Diego County Sheriff's Department database, include length of incarceration and associated costs.

CHANGE IN RESEARCH DESIGN

The initial research design included a comparison of homeless misdemeanant cases resolved through Homeless Court (experimental group) and those resolved through traditional adjudication (comparison group). The comparison group data were expected to be obtained from the San Diego Superior Court database and the Automated Regional Justice Information System (ARJIS). However, several factors influenced the need to change the research design with respect to the comparison group. It was originally proposed that persons cited for a violation of penal code §647j (illegal lodging: e.g., sleeping on the street) would be used to identify "homeless misdemeanants." However, an examination of the information in the databases revealed that, although persons cited for §647j could be identified, the data do not consistently reflect a person's housing or economic status (e.g. "homeless" or "indigent"). In other words, there was not sufficient information to infer that all persons given a citation for this violation were indeed "homeless."

In addition, only individuals living in homeless shelters and working with a case manager are eligible to participate in the Homeless Court program. The program is offered to these individuals because they are in a better position to comply with court orders than "homeless" persons living on the streets. Individuals living in shelters are in a more secure environment and are working with staff to overcome conditions of their behavior that may have contributed to their homelessness (such as unemployment or substance abuse). It was determined that "persons who reside in homeless shelters" are not wholly comparable to "persons cited for §647j" who might not be living in a shelter and therefore, not eligible to participate in the program. Furthermore, data from the first few months of the evaluation revealed that very few persons in the Homeless Court program came to court to resolve a §647j citation.

Without certainty that a similar group of "homeless misdemeanants" adjudicated through the traditional court system could be identified, a change in the comparison group was required.

New Comparison Group

Individuals eligible to participate in the Homeless Court program are those who reside in local shelters and have outstanding misdemeanor charges, infraction citations, or warrants. The data collection process revealed that those who express interest and participate in the program (e.g., the experimental group) are more comparable to those who express an interest but fail to appear at the hearing than the comparison group as it was originally planned. As a result, the research design was modified to compare individuals who are eligible, sign up to participate, but fail to appear at Homeless Court to those who do participate in the program.

Table 3.1 illustrates the enhanced comparability achieved through making the adjustments in selecting the comparison group.

Table 2.1
DESCRIPTION OF GROUPS
San Diego Homeless Court Evaluation, 2001

Characteristic	Experimental Group	Comparison Group	Initial Comparison Group
Sleep/live/work at shelter	Yes	Yes	Unknown
Eligible to participate	Yes	Yes	No
Informed about program	Yes	Yes	Unknown
Opportunity to participate	Yes	Yes	No
Sign up on Interest List	Yes	Yes	Unknown
Surrender to court for prosecution	Yes	Yes	No
Known number of outstanding cases	Yes	Yes	Obtainable
Known charges pending	Yes	Yes	Obtainable
Opportunity for consultation with public defender	Yes	Yes	No

ANALYSES

Frequencies and measures of central tendency were calculated to determine if the two sample groups were comparable, which is expected. Chi-squares were used to answer the research questions with respect to comparisons regarding the impact on participant recidivism and costs to the criminal justice system.

CHAPTER 3
SAMPLE DESCRIPTION

SAMPLE DESCRIPTION

INTRODUCTION

This section describes and compares the characteristics of the sample populations, including their demographics and prior court experience.

CHARACTERISTICS

Each person residing in a homeless shelter who wished to participate in the Homeless Court program signed up on an Interest List (Appendix C). They provided their name (including aliases), date of birth, gender, and ethnicity. Clerks at the San Diego Superior Court used the information on the Interest List to determine if there were active cases or warrants on file for the individual, transferred that information onto the Interest List, and generated a Homeless Court calendar. The court calendar listed each active case and the types of charges pending. This section of the report compares the experimental and comparison groups with respect to these characteristics.

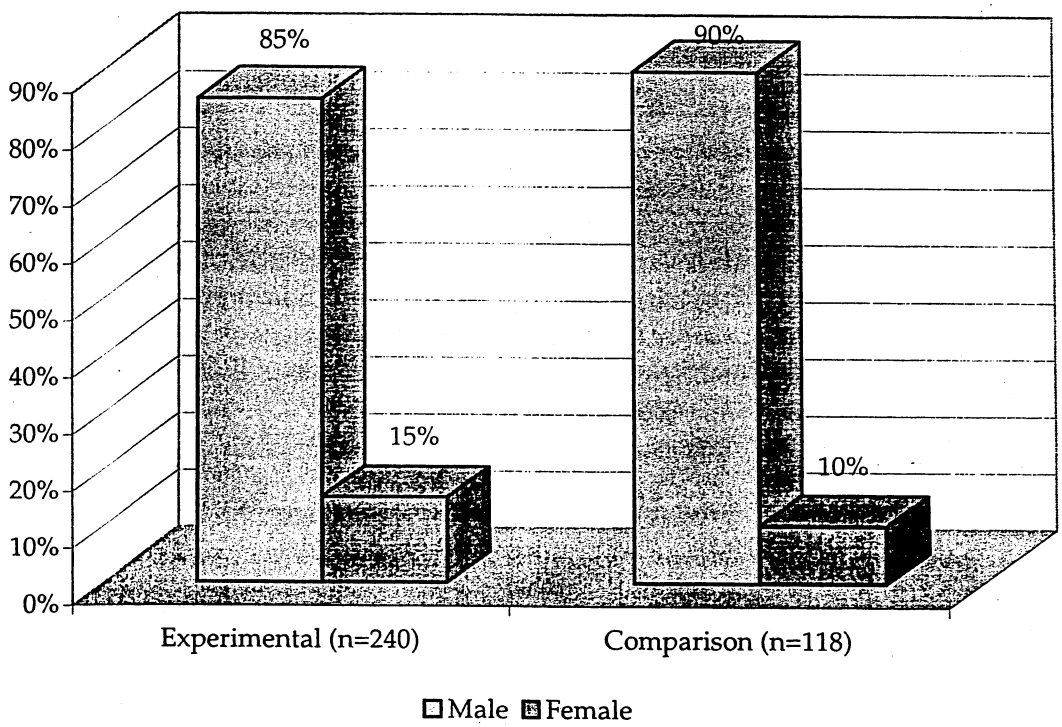
Age

On average, individuals interested in participating in the Homeless Court program are 43 years old. Based on the birth dates on the Interest List, the youngest person who signed up was 16 and the oldest person was 75 years of age. There is no statistically significant difference between the groups with respect to average age. The average age of the experimental group (those who appeared) is 43 years of age, compared to 44 years of age for the comparison group (those who did not appear) (not shown).

Gender

There is no statistically significant difference between the two groups with respect to gender. Figure 3.1 shows that of the 240 individuals in the experimental group, 85 percent were male and 15 percent were female. Similarly, of the 118 individuals in the comparison group, 90 percent were male with active open cases and 10 percent were female.

Figure 3.1
GENDER BY GROUP
San Diego Homeless Court Evaluation, 2001



Ethnicity

Overall, of those who were eligible to attend the hearings, 54 percent were White, 35 percent were Black, 7 percent were Hispanic and 4 percent were Asian or other ethnicity. Table 3.1 shows that the two groups are similar with respect to ethnicity.

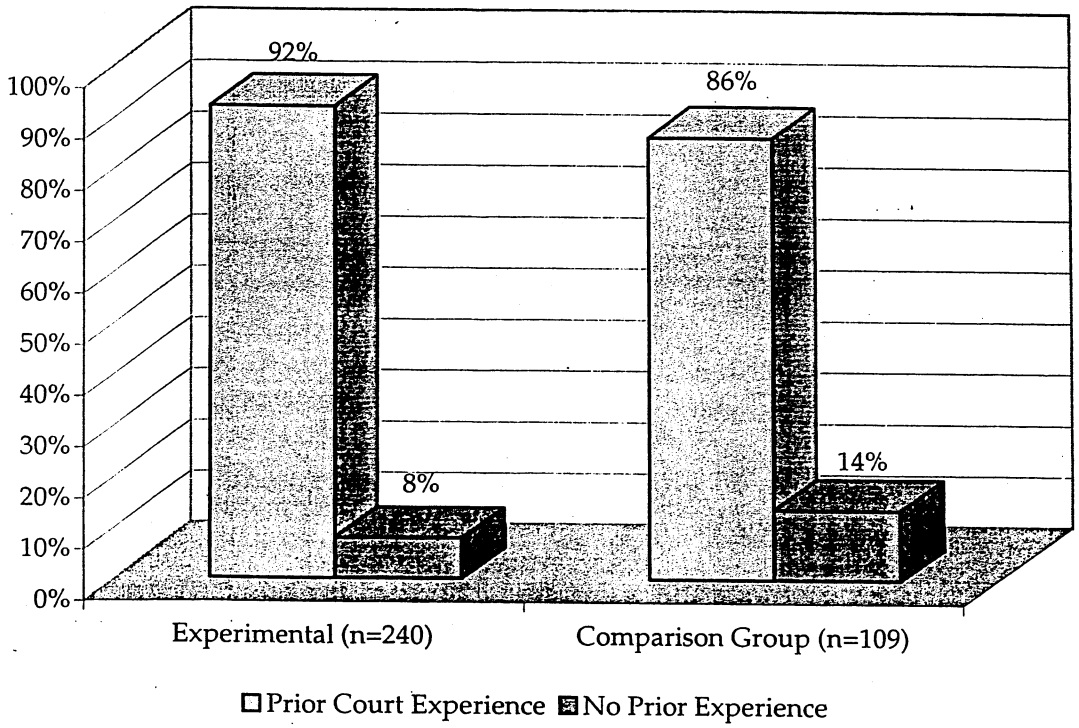
Table 3.1
ETHNICITY BY GROUP
San Diego Homeless Court Evaluation ,2001

	Experimental Group	Comparison Group	Total
White	54%	53%	54%
Black	34%	38%	35%
Hispanic	8%	4%	7%
Asian/Other	4%	4%	4%
TOTAL	**266**	**118**	**384**

Prior Court Experience

Individuals interested in participating in Homeless Court were asked to indicate whether or not they had any prior experience with the court. Although a greater proportion of individuals in the experimental group (92%) compared to those in the comparison group (86%) had prior court experience, the differences are not statistically significant (Figure 3.2).

Figure 3.2
PRIOR COURT EXPERIENCE BY GROUP
San Diego Homeless Court Evaluation, 2001



Types of Offenses

As shown in Table 3.2, individuals who signed up to attend Homeless Court had a variety of open cases pending. Overall, the majority (58%) of interested participants had at least one case dealing with a Metropolitan Trolley District (MTD) violation or an outstanding warrant for not paying their fine associated with a citation for riding or loitering in the trolley station without having paid the trolley fare. Of the remaining individuals, 20 percent had cases dealing with vehicle code violations, 7 percent had cases dealing with penal code violations and another 7 percent had cases involving health and safety code violations (e.g. possession of or under the influence of a controlled substance).

There is no statistical difference between the two groups with respect to types of offenses. Nearly two-thirds of both groups (59% of the experimental group and 56% of the comparison group) had at least one case dealing with MTD violations (Table 3.2). Both groups were similar with respect to the percentage of persons with vehicle code violations, penal code violations, and health and safety code violations.

Table 3.2
TYPES OF OFFENSES BY GROUP
San Diego Homeless Court Evaluation, 2001

	Experimental Group	Comparison Group	Total
MTD (Trolley)	59%	56%	58%
Vehicle Code	20%	20%	20%
Penal Code	8%	6%	7%
Health & Safety	6%	7%	7%
Other[1]	8%	11%	9%
TOTAL	**266**	**118**	**384**

[1]*Other includes non-trolley municipal code violations and business and professions (BP) code violations.*

Number of Cases

Overall, the average number of open cases per defendant was 2.8 (range from 1 to 26) (Table 3.3). The majority had either one (42%) or two cases (22%). As noted by the data presented, both groups are very similar with respect to the number of cases per defendant, as well as the average number of cases and the range of cases for each group.

Table 3.3
NUMBER OF CASES BY GROUP
San Diego Homeless Court Evaluation , 2001

	Experimental Group	Comparison Group	Total
One	41%	43%	42%
Two	22%	23%	22%
Three	17%	11%	15%
Four	5%	8%	6%
Five	5%	7%	5%
Six or More	11%	8%	10%
Average	2.8	2.7	2.8
Range	1 - 26	1 - 23	1 - 26
TOTAL	266	118	384

SUMMARY

Based on the data collected, the experimental and comparison groups are similar in demographic characteristics, type of offenses, prior experience with the court, and number of cases. Therefore, it does not appear that a potential participant's decision to attend the hearing (experimental group) was based on any of these factors.

CHAPTER 4
EVALUATION FINDINGS

EVALUATION FINDINGS

INTRODUCTION

This section of the report discusses the overall findings from the program evaluation, including both the process of program delivery and the impact on participants and the criminal justice system. The research questions are answered and the ability of the program to meet its goals and objectives are discussed. Finally, lessons learned from the implementation of the pilot project are presented at the conclusion of this chapter.

PROCESS EVALUATION

Collaboration

Are the various agencies and shelters able to collaborate effectively to implement and operate a monthly court hearing at a local homeless shelter?

The Bureau of Justice Assistance (BJA) awarded a grant to the San Diego County Public Defender's Office in June of 1999 to establish the Homeless Court program. By August 1999, when the grant funds had been received, the public defender's office set up a meeting between all of the collaborative partners: the San Diego City Attorney's office, the San Diego Superior Court, case managers from the two shelters that would host the hearings, and the San Diego Association of Governments (SANDAG). At this initial planning meeting, each partner's role was discussed and a plan of action drafted. Topics included fiscal management issues (submitting financial invoices for payment), the process of obtaining interested participants, creating a monthly court docket of open cases, and data collection needs for the evaluation. Over the course of the grant project, many formal and informal meetings were held between collaborative partners and various shelters in order to effectively implement the Homeless Court hearings. The number of meetings varied across months, with more in the beginning as the program was initiated, and less as the program continued.

At least eight different shelters eventually participated in the program. The two largest shelters in San Diego (Vietnam Veterans of San Diego and St. Vincent de Paul) agreed to host the hearings on alternate months. Initially, the public defender's office assigned one attorney to oversee the program and represent the defendants who participated. Likewise, the city attorney's office assigned one deputy to prosecute the cases and negotiate alternative sentences.

For ten years prior to the Homeless Court program, these partner-agencies had worked together at the annual Stand Down San Diego events. During Stand Down, a similar misdemeanor court for homeless veterans was temporarily set-up each year. This prior working relationship helped to facilitate a quick start-up time for the Homeless Court program. Only two months after the grant funds were received from BJA, the first hearing was held (October 1999) and each month thereafter the program was successful in implementing a monthly court hearing at a local homeless court shelter (excluding July 2000 when the annual Stand Down event was held).

Due to the extensive interaction required of each partner agency to accomplish the various steps needed to obtain interested participants, research case files, generate the court docket, and conduct the hearing (Chapter 2), continuous collaboration between all partners proved necessary throughout the time period of the evaluation (August 1999 to February 2001). Interviews conducted with program staff revealed that conversations between partner agencies became so regular, that it was routine to speak several times a week. In addition, program staff met on several occasions to review the process and procedures, review the results of the data collected to date, and learn about new programs offered at shelters that could be offered as alternative sentences. This constant communication became essential among program staff. Often, the prosecutor, public defender, and court personnel traveled together to and from the court hearings. This proved to be an important opportunity for reflection and dialog about "what worked and what didn't." Issues regularly discussed ranged from the procedures to the negotiation of alternative sentencing agreements. Over time, these impromptu meetings helped facilitate agreements for changes in the program and cultivate working relationships among program staff.

As a result of the Homeless Court's staffs' commitment to effective collaboration and their ability to quickly adapt to necessary changes, the program has been successful at meeting their objective to hold monthly court hearings.

This success is more significant when consideration is given to the results of many informal interviews conducted with program staff over the course of the evaluation. Researchers learned that the perception of the goals of the program were somewhat varied among agencies, adding to the importance of persistent collaboration. Interviews with court personnel revealed that one judge thought the program provided an excellent method to "give this population a step-up when they usually feel 'let-down' by the system" and "to show the homeless we care." Another judge thought the program was a good way to "clear the backlog of open warrants, which is not conducive to a productive court system." Still other court personnel thought the program was "good for community relations" and "provided a way for [homeless persons] to get into court easier." Other program staff indicated that they thought the goal was "accountability, with an understanding."

Case managers thought the program was "good because these folks need a second chance, and it helps us offer them an incentive for staying 'on their program.'" (Program in this sense is their substance abuse classes/counseling, anger management, and job training.) Staff from the public defender's office indicated that they hoped this program "would resolve cases that otherwise would not have been" and provide these defendants "an opportunity to re-enter society by giving them credit for their progress."

Although these program objectives are similar, it became clear they were also, sometimes, at odds. For example, prosecutors stated that defendants should be "held accountable" for their actions and that their office would meet that objective by negotiating an acceptable alternative *sentence*. The public defenders and case managers at the shelters, indicated that they believed "accountability" meant that individuals would be recognized for their willingness and efforts to *accept responsibility* for their actions by addressing the issues that resulted in their criminal charges, e.g., unemployment and substance abuse. Ultimately, these differences provided a framework for the type of negotiation that takes place in a traditional court setting among principal advocates and therefore, did not impede the implementation process.

Finally, it should be noted that the public defender indicated that the case managers from the two host shelters proved to be extremely valuable in the successful implementation of the program. They worked very closely with participants to assist them in obtaining advocacy letters, transportation to the hearings, promoting the program, and staying in touch with the court staff to get an accurate docket for the hearings. In addition, these case managers also provided assistance on the day of the hearings, including setting up the 'courtrooms' and helping participants or visitors as needed.

Outreach

Is the public defender able to conduct a sufficient number of outreach sessions to obtain the desired number of interested participants?

In developing a plan to implement the Homeless Court program, it was decided that a significant amount of outreach needed to be conducted by the public defender's office in order to inform both potential participants and shelter staff of the expected benefits and program procedures. SANDAG staff worked with the public defender to devise a form to track the number of attendees at outreach sessions (via a sign-in sheet) and the number of hours spent visiting shelters. The forms were collected by SANDAG staff and the number of attendees counted. However, after the first few sessions, it was learned that not all attendees signed in, and in addition, numerous "informal" outreach meetings were conducted by the public defender's office without the use of sign-in sheets. Therefore, the total number of persons who heard about the program and total hours spent conducting outreach is unknown, although given that the desired number of participants was exceeded, the outreach efforts appeared successful and sufficient.

Overall, the outreach plan was two fold: (1) to inform shelter staff about the process, and (2) to generate interested participants. To meet the first outreach objective, immediately after receiving the grant funds from the BJA, the public defender set up numerous appointments with staff at various shelters. Forms used to collect information on the number of attendees at these initial sessions indicate that attendance varied from a few individuals to as many as 30. Shelter staff were informed by the public defender about the target population (homeless misdemeanants), the process, the expected benefits (clearance of outstanding warrants and cases), and how they could help generate interest among the homeless individuals who come into their shelters. The two largest homeless shelters in San Diego Vietnam Veterans of San Diego and St. Vincent de Paul agreed to host the hearings

because they had the facilities to accommodate court personnel, program staff, at least ten defendants, and some visitors.

The second outreach objective was expected not only to generate interest, but also to cultivate trust among potential participants. The Homeless Court program requires participants to submit themselves to the court for prosecution *prior* to a court hearing. This policy is contrary to traditional adjudication practices where a defendant is usually compelled to come to court by an arrest, a summons, or a citation. It was thought that the uniqueness of this process would require a special approach in order to obtain a sufficient number of participants. The public defender's office successfully solicited additional grant funds from the San Diego County Board of Supervisors to create documentary-style videotape. Downtown Productions was hired to produce the videotape incorporating photography from the 1998 and 1999 Stand Down events and actual events from the first few Homeless Court hearings. The final product was a 30-minute videotape that included interviews with participants, judges, and program staff. The video was shown at numerous outreach sessions and generated enthusiasm and interest among potential participants. A shortened version of the video has since been shown at conferences and other events to promote, educate, and inform others about the program.

Case Load

Is the program able to handle at least ten defendants each month?

At least ten defendants participated in the program each month (excluding the first hearing in October 1999 when only nine individuals participated) (Table 4.1).

As the data indicate, the number of individuals who participated varied widely, ranging from nine in October 1999 to 45 in January 2000. Several discussions were held with Homeless Court program staff to determine the reason for the increase in January 2000, especially as those numbers dropped off in subsequent months. Although there is not a definitive reason for January's increase, several ideas were suggested such as "the winter weather brought in more homeless persons off the street." The public defender's office also indicated that a significant amount of outreach was conducted in October, November, and December when January participants would have been signing up, which may have led to the increase in the number of participants.

As shown by the data presented in Table 4.1, the program easily met its objective of handling at least ten defendants each month and exceeded this objective in all but two occasions (October 1999 and November 2000).

Table 4.1
NUMBER OF PARTICIPANTS BY MONTH
San Diego Homeless Court Evaluation, 2001

Month	Number of Participants
October 1999	9
November 1999	11
December 1999	11
January 2000	45
February 2000	17
March 2000	17
April 2000	17
May 2000	14
June 2000	13
August 2000	12
September 2000	20
October 2000	13
November 2000	10
December 2000	20
January 2001	19
February 2001	18
TOTAL	266

Is the program able to hear at least 20 cases (total) each month?

As of February 2001, at least 20 cases were presented at each hearing (Table 4.2). The number of cases presented varied across months, which is not surprising since the number of individuals who participated also varied.

Table 4.2 also presents the range of cases per participant and the overall average number of cases. As shown, the number of cases ranged from one case per Homeless Court participant (every month) to a high of 26 cases for one defendant at the December 1999 hearing. The overall average number of cases between October 1999 to February 2001 was 2.8 per participant.

Table 4.2
NUMBER OF CASES PRESENTED BY MONTH
San Diego Homeless Court Evaluation, 2001

Month	Total Cases Presented	Range of Cases Per Participant
October 1999	22	01 – 08
November 1999	34	01 – 16
December 1999	61	01 – 26
January 2000	118	01 – 09
February 2000	54	01 – 09
March 2000	44	01 – 08
April 2000	53	01 – 09
May 2000	27	01 – 05
June 2000	42	01 – 12
August 2000	32	01 – 06
September 2000	51	01 – 07
October 2000	31	01 – 09
November 2000	21	01 – 04
December 2000	56	01 – 19
January 2001	44	01 – 09
February 2001	46	01 - 10
TOTAL	736	Average = 2.8

Improving Attendance

Are program staff able to reduce the proportion of participants who fail to appear at the hearings?

During November 1999 and December 1999, program staff noticed that only about half of those who had open cases appeared at the hearing (Table 4.3). This rate was a decrease from the 75 percent who had appeared at the first hearing. To improve this unexpected result, the public defender's office increased communication efforts among various shelters, case managers, and program participants. The appearance rate began to increase in January, 2000 (76%), but dropped off again over the next few months (from 59% in February 2000 to 50% in May 2000). Researchers from SANDAG conducted preliminary analysis on the data during the early part of 2000 to assist program staff in uncovering a possible explanation for the variance in appearance rates. It was learned that the most significant factor as to whether or not a participant appeared at the hearing was whether or not they met with the public defender one week prior to the hearing (Figure 4.1).

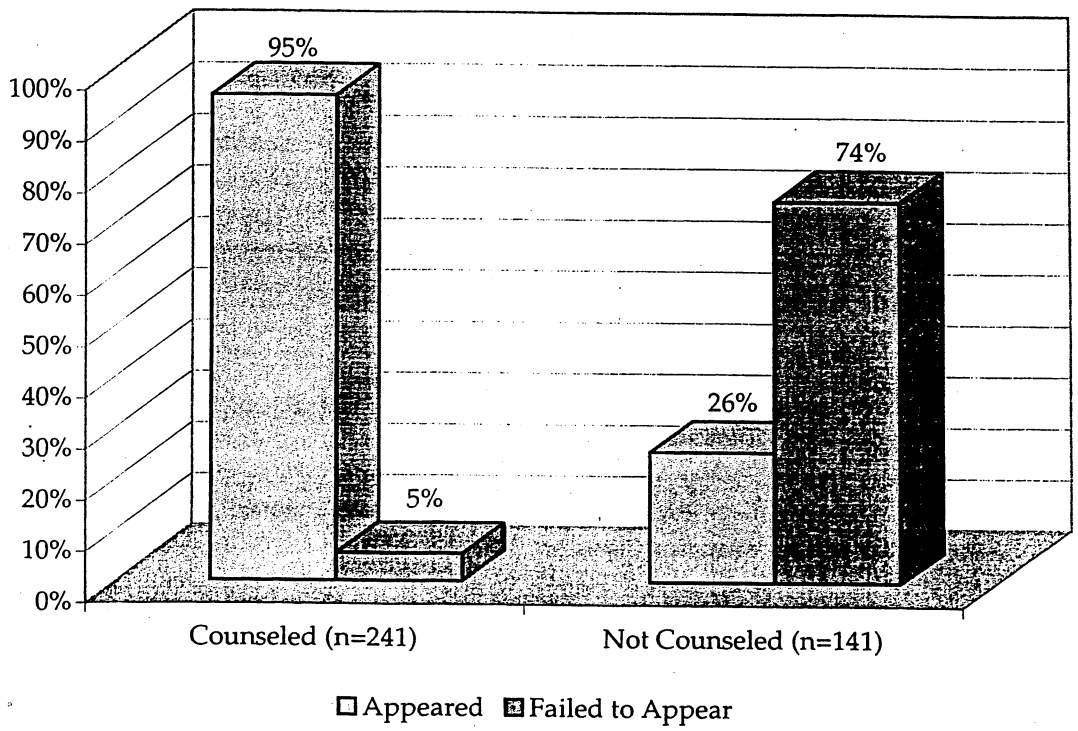
Table 4.3
APPEARANCE RATE BY MONTH
San Diego Homeless Court Evaluation, 2001

Month	Number Interested[1]	Number with Open Cases	Number Appearing	Appearance Rate[2]
October 1999	17	12	9	75%
November 1999	23	21	11	52%
December 1999	29	22	11	50%
January 2000	71	59	45	76%
February 2000	39	29	17	59%
March 2000	48	27	17	63%
April 2000	28	23	17	74%
May 2000	38	28	14	50%
June 2000	35	19	13	68%
August 2000	37	22	12	55%
September 2000	37	22	20	91%
October 2000	22	13	13	100%
November 2000	19	13	10	77%
December 2000	26	23	20	87%
January 2001	30	23	19	83%
February 2001	41	28	18	64%
TOTAL	**540**	**384**	**266**	**69%**

[1]*Excludes persons incarcerated prior to the hearing.*
[2]*Appearance rate is based upon number with open cases only.*

Figure 4.1 presents the comparison of those who appeared at the hearings to those who did not appear based on whether or not the participant met with the public defender one week prior to the hearing to review their case(s). Clearly, this meeting impacted the appearance rate. Ninety-five percent (95%) of those who were counseled by the public defender appeared at the hearing compared to 26 percent of those who were not counseled by the public defender.

Figure 4.1
APPEARANCE STATUS BY COUNSELED STATUS
San Diego Homeless Court Evaluation, 2001



No other factors contributed so significantly to the appearance rate of the participants when the data were examined by demographic characteristics, case types, number of cases, or any other variables. Researchers shared this information with Homeless Court program staff as the data became available; it remained consistent over time. The public defender's office implemented routine counseling sessions to be held each month at the host shelters.

By September 2000, the appearance rate began to improve (91% appeared) and at the October 2000 hearing, a 100 percent appearance rate was achieved. The rate began to drop off again as other calendar obligations were required of the public defender's office and outreach efforts were slowed. However, overall, the Homeless Court program staff met their objective of increasing the appearance rate. Furthermore, program staff learned that the counseling sessions with the public defender were key in encouraging the defendant's appearance in Homeless Court. As funding becomes stabilized for the program, it is

expected that routine counseling sessions at the host shelters prior to the hearing will alleviate fluctuations in the appearance rate.

Alternative Sentences

Are the prosecutor and the public defender able to develop alternative sentencing options and plea agreements?

Using the annual Stand Down events as a foundation for potential alternative sentencing options, the San Diego City Attorney's Office and the public defender's office were able to develop a set of alternative sentencing guidelines. In general, alternative sentences allow a defendant's participation in substance abuse treatment, mental health counseling, and volunteer work to substitute for the fines, public-work service (also known as community service), and custody. However, because of the ten-year history between these two agencies of conducting similar hearings at Stand Down and the desire to consider each participant on a case-by-case basis, no written guidelines were deemed necessary.

Memorandums produced by the public defender's office indicate that "the alternative sentencing structure is not coercive or punitive in nature but designed to assist the individual with reintegration into society" (San Diego County Public Defender's Office, 2000). These goals are similar to those stated by the San Diego City Attorney's Office in a presentation of the Homeless Court program at the California Judicial Administration Conference. The city attorney's office prepared a written statement which stated in part, that the goal of the program is to provide an opportunity to resolve outstanding misdemeanor criminal warrants and cases which are a "significant barrier to homeless individuals who are attempting to reenter society, seek employment, and lead productive lives." The city attorney further explained that the offers for alternative sentences are based on criminal history, progress made by defendants in their respective treatment programs, and the impact of the criminal behavior on the community.

Interviews conducted with prosecutors indicate that typically, Homeless Court participants who have less than five misdemeanor municipal violations and are active in their treatment programs will have their cases dismissed. If a defendant has more than five cases, negotiation between the public defender, the participant, and the prosecutor will be required. In some cases, statutory guidelines may require minimum jail time. If an individual interested in Homeless Court has one of these cases, plea agreements are reached among all parties that reduce the charge and acknowledge the defendant's participation in the program as an alternative to custody.

The exchange of traditional sentences for treatment programs differs greatly from the judgment a defendant might have received in traditional court adjudication. For example, as previously discussed, 59 percent of Homeless Court participants had at least one case that resulted from riding the trolley without a valid ticket that usually results in a $60 fine. However, because persons living in homeless shelters are often unable to afford the fine, it does not get paid and a $250 Civil Assessment Penalty (CAP) is added to their case. In Homeless Court, defendants who participate in drug and alcohol treatment programs, counseling sessions, and volunteer work offer letters from their counselors and supervisors

indicating the number of hours and types of treatment they have completed. The judge compares the fines, civil assessment penalties, and open cases with the amount of treatment completed and either exchanges the treatment for the fines entirely, or reduces the fine(s) based on the completion of treatment programs. Moreover, the alternative sentence (treatment), having already been completed prior to the court appearance, provides additional benefits for the defendant *and* the court system: (1) the treatment has been suggested by a service provider after an assessment of the individual; (2) the treatment program is related to the conditions that resulted in their homelessness and/or criminal behavior; and (3) the treatment program is feasible for the participant to complete whereas fines, and civil assessment penalties are often not practical for homeless individuals.

Table 4.4 provides a cursory list of some of the treatment programs exchanged as alternatives to traditional sentences. The list is not comprehensive. It is presented to reflect an *example* of the varied time commitments, issues addressed, and programs available.

Table 4.4
TYPES OF PROGRAMS EXCHANGED AS ALTERNATIVE SENTENCES
San Diego Homeless Court Evaluation, 2001

Program	Program Description	Hours required
VVSD	A number of programs are available through the Vietnam Veterans of San Diego (VVSD): Post Traumatic Stress Disorder Counseling, Alcohol and Drug Counseling, Group Therapy, Anger Management, Family Relationship Counseling, and Job training.	Weekly meetings for 12 month program; daily meetings for 8 week program; and other classes.
St. Vincent de Paul	Many programs are available at the St. Vincent de Paul Homeless Shelter: Substance Abuse, Emotional Distress, and Self-esteem Counseling, Literacy training, volunteer service, work experience, and Life-Skills classes (community college classes, Employment Skill Training and Assessment).	From 25 to 100 hours per program.
Friend to Friend	A day program for mentally ill homeless adults. Services include housing, vocational, and daily living assistance.	Various hours.
VA Medical Clinic	Various programs are available at the VA Medical Center, which are typically related to substance abuse and mental health counseling.	From 5 hours to 30 hours or more.

Are program staff able to improve their documentation of alternative sentences?

Initially program staff recorded the disposition of cases (i.e. alternative sentences) on the Homeless Court disposition calendar as "DISM" meaning "case dismissed." However, interviews conducted by evaluators with the public defender's office revealed that this documentation did not accurately reflect the exchange of a traditional sentence for the defendant's participation in treatment. Therefore, the data collected from the Homeless Court calendar only indicated the proportion of cases dismissed without justification for the dismissal.

Although Homeless Court defendants were asked to provide an "advocacy letter" from their counselor, treatment professional, or supervisor to the judge as evidence of their completion of an alternative sentence, the information contained in the letters was not recorded on court documents. Therefore, no data were available to verify the alternative sentencing agreements or conduct comparisons by case types and treatment programs.

To correct this issue and conduct a more complete evaluation of the alternative sentences utilized, SANDAG researchers met with Homeless Court program staff to create more accurate reporting methods. Various forms and databases were designed to record the exchange of alternative sentences, but limited resources did not allow for the implementation of new data collection instruments.

Furthermore, although there was some improvement in the documentation of case disposition (dismissed, continued, pled guilty, etc.), the improvements did not include a complete record of alternative sentencing exchanges. Therefore, comparisons of specific criminal charges and traditional sentences that Homeless Court participants exchanged for treatment programs are not available.

Homeless Court as a Platform for Education

Are program staff able to utilize Homeless Court as a platform to educate and inform other court jurisdictions about the needs of the homeless misdemeanant population?

The Homeless Court program staff have had several requests for information from around the country. At the 2001 California Judicial Administration Conference, located in San Diego, California, prosecutors, program staff, and Homeless Court defendants participated in a panel discussion about the program to approximately 50 California judges interested in starting similar programs.

An indication of the ability of Homeless Court staff to inform others is evidenced by the fact that several other jurisdictions have implemented similar programs during the past year. There are programs in the following California counties: Alameda, Los Angeles, and Ventura.

The success of the Homeless Court program caught the attention of local and national media (both print and television), although the total number of newspaper articles and news stories written/produced is unknown. Conference presentations as well as the media

coverage of the program enabled the Homeless Court program staff to inform other jurisdictions about the needs of the homeless misdemeanant population.

Outgrowth of Homeless Court

Interviews conducted with program staff revealed that as a result of the Homeless Court program, other concerns facing the homeless population have surfaced. One issue of importance to both the community and the court system is the child support debt of homeless parents.

In San Diego County, cases of parents who are delinquent in their child support payments are submitted to the district attorney's office for criminal prosecution and collection of the payments (beginning in the summer of 2001, this will become a function of a new county agency). In an effort to encourage the motivation of delinquent payers, the district attorney may suspend their drivers license, set fines, and collect payment for the arrearages through wage garnishment (if the delinquent payer is employed). Furthermore, parents who are delinquent in child support are precluded from receipt of financial assistance through most government programs.

New Child Support Collection Program

Due to the success of Homeless Court program, shelter staff and case managers approached the district attorney's office to find a solution to the problem of delinquent child support from homeless parents. The district attorney's office agreed to reexamine each case, reduce the amount of arrearages to a payment of approximately 50 dollars per month and develop a manageable payment schedule based on their current income (if they have an income). In addition, the prosecutors agreed not to suspend the drivers' license of those who had one.

The program operates similar to the Homeless Court program. On a monthly basis, a lawyer (Family Law Specialist) from the San Diego Volunteer Lawyers Program will meet with shelter staff, develop a list of persons willing to submit themselves to the district attorney's office for mediation of their case, and provide the list of interested persons to the district attorney. The volunteer lawyer will negotiate an agreement regarding child support payments. Once an agreement is reached, the case will be placed on a calendar for the next month's mediation hearing where a deputy district attorney, a volunteer lawyer, a case manager from the shelter where the defendant resides, and the defendant formally agree to the payment schedule and the order is entered into the record. The program is expected to bring another segment of the homeless population back into the working class.

Process Evaluation Summary

The Homeless Court project successfully implemented a new court process to improve access to the courts for the homeless misdemeanant population. The project required extensive collaboration among various agencies and substantial outreach efforts to inform individuals residing in homeless shelters about the program. Each month, beginning just one month after receiving grant funds, a Homeless Court hearing has been held in a local shelter.

The Homeless Court program exceeded expectations to operate a monthly court hearing that would handle at least ten defendants and 20 cases each month. Between October 1999 and February 2001, 266 individuals participated in the program. During that same period, 736 cases were presented. In addition, efforts were successful in reducing the proportion of eligible participants who failed to appear at the hearings.

The various collaborative partners (the San Diego City Attorney's Office, San Diego County Public Defender's Office, shelter staff, and case managers) worked together to determine the types of counseling and physical/emotional treatment services available which could be used as alternatives to traditional court sentences. As a result, each month numerous alternative sentences were negotiated between the prosecutor and public defender on behalf of the participants. However, a comprehensive method for documenting the alternative sentences has not been established.

The Homeless Court program staff have utilized the project as a forum to inform other jurisdictions about the unique issues facing the homeless misdemeanant population. Further indication that the implementation process has been successful is that it has been provisionally institutionalized into the San Diego Superior Court's regular calendar. A Homeless Court hearing continues to be held each month at local shelters without additional grant funding.

Finally, the program's success has brought national attention to the project. In March, 2000 the National Coalition of Homeless Veterans awarded the *Unsung Hero Award* to the San Diego County Public Defender's Office and the Vietnams Veterans of San Diego in recognition for their work to develop the Homeless Court program. In addition, the San Diego County Public Defender's Office was nominated for the American Bar Association's *Hodson Award* which is given for "extraordinary performance by a government or public sector law office" (ABA, 2001), again in recognition of their work to create the program.

IMPACT ON PARTICIPANTS

During the Homeless Court hearings held in February, March, April, May, August, and September of 2000, all defendants were asked to complete a brief interview with research staff. (During the month of June, evaluators were observing events inside the Homeless Court hearing and in July, the Homeless Court hearing was suspended to allow program staff to participate in the annual Stand Down event). Fifty-nine (59) of the 97 defendants who appeared during these months agreed to participate. The following findings related to the impact of the Homeless Court program on participants are based on these interviews.

Satisfaction with Court Processes

Does participation in the program improve homeless individuals' overall satisfaction with court processes?

Interview respondents were asked if their participation in Homeless Court changed their attitude about the court system. All but three respondents answered affirmatively. When questioned further as to "How has your attitude changed?", the most often repeated comment was that their "fear" of the court system was reduced or eliminated. Respondents also provided a variety of other statements such as the following.

- "It has taken away my fear of going to court."
- "I feel like I can now believe more in the system, it works."
- "It's good that the court system helps us folks out, I mean we have nothing."
- "I trust the system a little more."
- "I can't believe that the court would come to this shelter, it must mean that they care."
- "I think that now I see the court can be a place to get help... I thought I was going to get into trouble."
- "If all courts were like this, there wouldn't be warrants."
- "This has helped to take the fear off my shoulder."
- "I believe this is a good system for those of us in recovery."

Respondents were also asked about their opinion specifically of the public defender and of court personnel to learn about their attitudes toward courtroom advocates and determine if they impacted their overall opinion of the court system.

Respondents were asked a series of questions and whether or not they strongly agreed, agreed, neither agreed nor disagreed, disagreed, or strongly disagreed with the statements. To ensure that respondents' choices were accurately reflected, if a respondent answered "agree" or "yes" to one of the statements, researchers probed by asking, "Is that 'strongly agree,' or 'agree?'" The same procedure was applied if the respondent answered, "disagree" or if they simply said "no."

Homeless Court respondents were asked if the public defender:

- accurately described the hearing format;
- took the time to discuss your case (or cases) with you;
- treated you with respect; and
- fairly represented you to the court.

Homeless Court respondents were also asked if court personnel:

- listened to you, or the public defender's, explanations of your case;
- took time to explain the reasoning behind their decision of your case; and
- treated you with respect.

For both sets of questions, nearly all of the respondents (excluding two or three, depending on the question), strongly agreed with *all of the statements*. In addition, many of the respondents offered additional praiseworthy comments about the public defender, the judge, or other court personnel such as the following.

- "It's nice to see a judge relate to me like a whole person."
- "The judge made me feel good."
- "The public defender came to see me last week and told me what was going to happen... it did, just like he said."
- "The judge seemed real passionate, it would have been different in another court."

When asked about their overall satisfaction with the Homeless Court process, all except one participant, whose case was lost, were "very satisfied," or "satisfied," and most "accomplished what they had hoped."

Overall, the comments and data collected from the interviews suggest that participation in the Homeless Court program increases the likelihood that homeless individuals' satisfaction with court processes, court staff, and the court system as a whole, improved relative to the past.

Attitudes Toward Law Enforcement

Does participation in the program improve homeless individuals' attitudes toward law enforcement?

To determine if participation in the Homeless Court program impacted respondents' attitudes toward law enforcement, respondents were asked a series of questions about their knowledge of their outstanding cases, and the impact of that knowledge on their behavior. In addition, respondents were asked if their participation in the program would affect their attitude toward law enforcement.

Respondents were asked, "Prior to coming here today, were you aware of your outstanding warrants, or criminal cases?" If they responded affirmatively, respondents were also asked, "Did knowing you had outstanding warrants or cases cause you to..."

- be afraid of the police; or
- run from the police.

Sixty-one percent (61%) (36 respondents) said their outstanding cases did cause them to be afraid of the police. Most said they were afraid of "being arrested." Similarly, 51 percent (30 respondents) said that knowing about their outstanding cases *caused them to run from the police* when they encountered them on the street.

Later in the interview, respondents whose cases were resolved (57 of 59) were also asked to complete the following sentence: "As a result of my participation in Homeless Court, my fear of police officers..."

- remains the same;
- has increased; or
- has been reduced.

Of the 57 respondents whose cases had been resolved, 75 percent (43 respondents) indicated that their fear of police officers had been reduced as a result of their participation in Homeless Court.

Data collected from survey responses suggest that individuals' participation in the program may improve their attitude toward law enforcement.

Behavioral Changes

What types of behavioral changes do participants expect to make after participating in the Homeless Court program?

To compare respondents' behavior prior to and after their participation in the Homeless Court program, respondents were asked a series of questions about their knowledge of their outstanding cases, and the impact of that knowledge on their actions. Respondents were also asked about any changes they expected to make in their behavior as a result of Homeless Court.

Respondents were first asked, "Prior to coming here today, were you aware of your outstanding warrants, or criminal cases?" If they responded affirmatively, respondents were also asked, "Did knowing you had outstanding warrants ..."

- cause you to lose a job;
- cause you to lose your place of residence;
- prevent you from filling out an application for a place to live; or
- prevent you from filling out an application for a job.

Only one respondent said that knowing he had outstanding cases did *cause* him to lose a job or a place to live. However, nearly all respondents said that knowing they had outstanding cases *did* prevent them from filling out applications for either a place to live or employment. One respondent explained, "Of course I didn't fill out an application, I was afraid the cops would find me."

Respondents whose cases were resolved in Homeless Court (57 of 59) were also asked how they thought their participation in the program would impact these same issues. As a result of "clearing their warrants or cases," 46 percent said they would now look for a permanent place to live; 38 percent said they would now look for a job. Thirty-nine percent (39%) said that after clearing their cases, they would now apply to get a drivers' license (if

they did not already have one). Other comments made by survey respondents include the following.

- Most agreed that they "felt better about themselves."
- Nearly all agreed that they "feel more positive about their future."
- Only two respondents agreed that as a result of participating in the Homeless Court program, they felt "no different than before. "

Interviews with case managers (2) at the two host shelters support many of the participants' comments that their participation in the Homeless Court program would bring about positive changes in their behavior. Both case managers reported to evaluators that after participating in the Homeless Court program, some of their clients did go to the Department of Motor Vehicles and apply for and receive a drivers' license. In addition, some who were not eligible to receive government financial aid because of their outstanding criminal charges, did apply for and receive financial assistance after completing the Homeless Court program. In addition, case managers said that most of the participants reported feeling extremely positive about their experiences in the program.

Does the Homeless Court program increase accessibility to the courts for homeless misdemeanants? If so, is there a likelihood that program participants may attempt to resolve any future criminality through a traditional court?

Only 17 percent (10 respondents) of the participants interviewed said that they had previously gone to court in an attempt to handle the matter themselves prior to the Homeless Court program. More than half (32 respondents) said that if they had not come to the Homeless Court program, only an arrest would have forced them to address the issue.

Finally, respondents were asked a series of questions to determine if their participation in the Homeless Court program would increase the likelihood that they might handle any future criminality through a traditional court.

All except two of the 59 respondents interviewed said it was either "very likely" or "likely" that they would handle any future criminal matters through a traditional court. In addition, many respondents offered unsolicited additional comments such as "but I don't think I'll have any more problems," or "if I need to, but I won't." The other two respondents were extremely agitated about the program. One of the respondent's files had been misplaced by the court. The other said that they thought their case would be dismissed in traditional court, yet in Homeless Court, they were expected to do "a lot more work" so, "no, I won't come back to this court."

Summary of Participant Impact

Homeless Court program benefits extend beyond the process of clearing up outstanding cases or warrants. The data suggest that individuals who participate in Homeless Court are likely to make changes in their behavior that will help them reintegrate back into society. First, because their fear of being arrested is reduced or eliminated, they feel less apprehensive in filling out applications for employment or to obtain a drivers' license. Most

participants said fear constrained them in the past, in that they would have waited until they were arrested to handle their case(s) had the Homeless Court program not been available.

Respondents also indicated that they would be more likely to handle any future criminal charges through a traditional court that will reduce the possibility of additional penalties and warrants. Respondents also provided sufficient information from which to conclude that their opinion of the court processes has been improved as a result of their participation in program.

In addition, there was an unexpected benefit for a large percentage of the individuals who signed up to participate. About one-third (29%) of those who submitted themselves to the court learned that they did not have *any* pending charges or warrants (not shown). Based on the reported fears of those who participated in the survey, this finding was likely a great relief to the individuals it impacted.

IMPACT ON THE CRIMINAL JUSTICE SYSTEM

Case Resolution

Are defendants able to achieve a high rate of resolution of their court cases?

Overall, 96 percent of cases were resolved between October 1999 and February 2001 (Table 4.5). At over half of the hearings, 100 percent of the cases presented were concluded. The public defender's office reports that most of the cases *not* resolved were cleared as soon as the defendant provided documentation to the court of their participation in treatment programs, volunteer service, or counseling.

Table 4.5
PROPORTION OF CASES RESOLVED IN HOMELESS COURT
San Diego Homeless Court Evaluation, 2001

Month	Cases Presented	Cases Resolved	Percent Resolved
October 1999	22	22	100%
November 1999	34	34	100%
December 1999	61	61	100%
January 2000	118	108	92%
February 2000	54	53	98%
March 2000	44	44	100%
April 2000	53	52	98%
May 2000	27	27	100%
June 2000	42	42	100%
August 2000	32	26	81%
September 2000	51	50	98%
October 2000	31	31	100%
November 2000	21	21	100%
December 2000	56	54	96%
January 2001	44	33	75%
February 2001	46	46	100%
TOTAL	736	704	96%

The following may partially explain why there is a high proportion of cases resolved through Homeless Court:

- Homeless Court defendants come to court with the alternative sentence agreement already negotiated in most cases and furthermore, the sentence has already been completed (treatment participation). This situation eliminates the need to set a case for continuance to verify completion of the sentence at a later date.

- Case managers at the shelters work closely with Homeless Court staff to ensure accountability among defendants. Support letters are required from treatment providers to show evidence of the defendants' participation. Case managers assist Homeless Court participants in obtaining the letters prior to court, scheduling appointments to complete the treatment, or locating approved treatment programs.

Case Disposition

This high resolution of cases is evidenced by the case dispositions recorded by the court clerk. Cases that were "resolved," were dismissed by the court. However, 71 defendants had other case dispositions. Of these, 65 percent pled guilty to at least one of their cases.

The remaining 25 defendants had their cases continued until they provided the court with the necessary supporting documentation of their participation in treatment services.

Sentencing for the defendants who pled guilty varied widely. A few of the defendants were ordered to perform additional community service hours, six individuals were ordered to pay a small fine ($100 or less), and one defendant was ordered to pay restitution in the amount of $100. However, most of these sentences (excluding the restitution) were stayed pending no further criminal activity on the part of the defendant. Seven defendants were formally sentenced to custody time, although all of these sentences were also stayed pending no further criminal activity.

Recidivism

Individuals eligible to participate in the Homeless Court program are those who reside in local shelters and have outstanding misdemeanor charges, infraction citations, or warrants. To compare the impact of the Homeless Court program on the recidivism of participants, two groups of homeless misdemeanants were identified (see Chapter 3 for a detailed description of the two groups). The experimental group consisted of those who express an interest, have open cases, and appear at the hearing. The comparison group consisted of those individuals who express an interest and have open cases, but fail to appear at the hearing. Recidivism data and costs are compared for the two groups and presented in this section of the report. Individuals who signed up on the Interest List but who did not have any open cases and persons incarcerated prior to the hearing, were not included in the sample groups.

Are recidivism rates for program participants reduced?

The two groups are compared with respect to their criminal activity three months prior to the Homeless Court hearing, as well as three months following the hearing. Criminal history information was obtained from the Automated Regional Justice Information System (ARJIS) database, including the number of arrests and citations. Birth dates provided on the Homeless Court Interest Lists were matched with birth dates in the ARJIS database. In some cases, no birth date was in the ARJIS database. In that instance, name, gender and ethnicity were matched, if possible. If it could not be precisely established that the data in ARJIS represented the person on the Interest List, the data were excluded.

The date of the hearing, for which potential participants signed up on the Interest List to attend, was used as the marker for the 90 days prior to and following the hearing date. Only data within the 90-day window (pre and post hearing date) were included, all other activity was excluded. To allow sufficient time to collect post-hearing activity, individuals who signed up to appear at the Homeless Court hearing between October 1, 1999 and November 30, 2000 were included in the comparison. Field Interviews (FIs) with law enforcement personnel were excluded. Although a law enforcement officer interviews the person and enters that information into ARJIS, this does not constitute criminal activity.

Both groups are similar with respect to the proportion of those who were contacted by law enforcement due to criminal activity 90 days before the hearing (not shown).

Overall, a greater proportion of those in the experimental group (80%) compared to the comparison group (71%) had no post-hearing criminal activity 90 days after the hearing. When the types of post-hearing criminal activity are compared, the most notable difference between the two groups is found among the proportion arrested. Specifically, fewer persons in the experimental group (14%) compared to the comparison group (20%) were arrested within 90 days after the hearing date (Table 4.6).

Table 4.6
POST-HEARING CRIMINAL ACTIVITY BY GROUP
San Diego Homeless Court Evaluation, 2001

	Experimental Group	Comparison Group	Total
No Activity	80%	71%	77%
Arrests	14%	20%	16%
Citations	9%	10%	9%
TOTAL[1]	**209**	**101**	**310**

[1]*Individuals who signed up to participate and who had open cases through November 30, 1999.*

Number of Arrests and Citations per Defendant

In an effort to learn more about the post-hearing criminal activity of participants in both groups, the number of arrests and citations cases for each individual was examined (Table 4.7). As evidenced by the data, the two groups are similar with respect to the number of law enforcement contacts.

Table 4.7
NUMBER OF POST-HEARING LAW ENFORCEMENT CONTACTS PER INDIVIDUAL BY GROUP
San Diego Homeless Court Evaluation, 2001

	Experimental Group	Comparison Group
Arrests		
None	86%	80%
One	11%	15%
Two	1%	3%
Three	1%	2%
Citations		
None	91%	90%
One	6%	5%
Two	2%	2%
Three	0%	3%
TOTAL[1]	**209**	**101**

[1]*Individuals who signed up to participate who had open cases through November 30, 1999.*

Types of Post-Hearing Offenses

The post-hearing criminal activity was further compared by level and type of offense (misdemeanor or felony; property, drug, or violent). Table 4.8 shows that there are some variances between the two groups. For example, most arrests in the experimental group were for misdemeanor and municipal code violations, compared to about half the arrests in the comparison group. However, differences should be interpreted with caution, given the small numbers.

Table 4.8
LEVELS AND TYPES OF POST-HEARING OFFENSES BY GROUP
San Diego Homeless Court Evaluation, 2001

	Experimental Group	Comparison Group
Arrests		
Municipal Code Violation	6	5
Misdemeanor Property	1	0
Misdemeanor Drug	13	5
Misdemeanor Violent	4	0
Felony Property	0	2
Felony Drug	2	4
Felony Violent	3	4
TOTAL	**29**	**20**
Citations		
Municipal Code Violation	13	9
Misdemeanor Property	2	1
Misdemeanor Drug	3	0
Felony Violent	1	0
TOTAL	**19**	**10**

Costs

Are defendants able to complete alternative sentences (or sanctions) in a timely manner, thereby reducing the number of hearings needed to resolve cases?

The Homeless Court process is unique to the criminal justice system in that the defendants complete their sentence *prior* to it being ordered. In a traditional court setting, a defendant is sentenced by a judge and then presents proof that the sentence was completed at a second or third hearing. When the defendant has completed their sentence, the judge formally declares the case "satisfied." Sentences for misdemeanor cases in a traditional court typically range from probation and community service up to 365 days in jail (depending on the charge).

In Homeless Court, cases are negotiated between the city attorney and the public defender prior to the hearing. Defendants are permitted to exchange traditional sentences for their participation in substance abuse rehabilitation treatment, mental health counseling, and volunteer service. Most of the Homeless Court defendants are able to reach an agreement for the alternative sentence prior to the hearing. On the day of the hearing, defendants submit letters from their treatment providers to the court and the sentence is formally exchanged.

Sometimes Homeless Court defendants are only able to exchange a *portion* of their sentence and are then ordered to complete a reduced, traditional sentence. The judge makes this decision and often grants Credit for Time Served (CTS) and determines which program activities satisfy the plea. The city attorney's office and several judges who were interviewed indicated that some charges or certain circumstances do not warrant an alternative sentence. Prosecutors indicated that they might request a traditional sentence for defendants "with more than five cases," or for "health and safety code" violations. Although the prosecutor's request is not always granted, Homeless Court judges said that they do consider the charges and circumstances of each defendant in much the same way they would in a traditional adjudication proceeding.

Overall, there is a high resolution of cases in Homeless Court. Most of the cases are dismissed at the first hearing in which the defendant appears and provides evidence of their participation in treatment, counseling, or volunteer services. This process results in no additional hearings.

The factors that contribute to the success of resolving a high majority of cases at one hearing include the following:

- All outstanding criminal cases, warrants, and civil assessment penalties for each defendant are grouped into one package for negotiating an alternative sentence.
- Most Homeless Court defendants are able to negotiate an alternative sentence with the prosecutor prior the hearing.
- The treatment programs utilized as alternative sentences are similar among Homeless Court defendants which, reduces the time needed in negotiating sentences.
- Case managers at the shelters assist Homeless Court defendants to get the appropriate documentation from their treatment providers prior to the hearing.
- Alternative sentences are completed prior to the hearing.
- At the hearing, one prosecutor and one public defender handle all of the cases on calendar for that day which increases the efficiency of the hearing.

Are court costs associated with homeless misdemeanants reduced?

As previously discussed, the majority of cases in Homeless Court are resolved in one hearing. Reducing the number of hearings needed to resolve cases will likely result in a long-term cost savings to the court system.

Fiscal costs to operate the monthly Homeless Court hearing include the following:

- Clerks from San Diego Superior Court research the case files of those who sign up on the Interest List and then generate a court docket of those with open cases. Following the hearing, the clerks update the court's database and maintain the case files. The court provides a judge, two court clerks, and a bailiff at each hearing.

- Staff from the city attorney's office research the criminal history files of Homeless Court defendants. Prosecutors negotiate plea bargains with the public defender and appear in court.

- Attorneys from the public defender's office meet with interested participants a week before each hearing to discuss the prosecutor's offer and the defendant's circumstances. Each month a public defender negotiates plea bargains with the city attorney's office and appears in court.

In addition, the public defender's office, as the initiator for this project, spent a considerable amount of time conducting outreach in the early phases of the program.

For this project, grant funds were used to reimburse these agencies for their expenditures. The city attorney's office received about $8,000 and the San Diego Superior Court received approximately $10,000. The public defender's office received about $30,000 to manage the project. However, if the Homeless Court hearing is institutionalized as part of the permanent operations of these agencies, the costs would be absorbed into their annual budgets and would be offset by the high resolution of cases and fewer hearings.

Are jail costs associated with homeless misdemeanants reduced?

It was expected that jail costs with respect to the length of stay and the daily cost of housing an inmate would be compared for both groups. However, as previously noted, differences between the two groups with respect to the number of persons arrested were not significant. Furthermore, few persons were arrested, however their length of stay in the local jail varied widely. Therefore, the data could not be utilized to support a conclusion as to whether or not jail costs associated with homeless misdemeanants were reduced as a result of Homeless Court. However, if the Homeless Court continues, then participants will not be likely to go to jail at an overall average cost of $72.84 per day, so a cost savings may be assumed.

Summary of Impact on Criminal Justice System

There is a positive impact on the criminal justice system as a result of the Homeless Court program. A high proportion of cases are resolved in one hearing through the use of creative plea bargain negotiations and alternative sentencing. Homeless Court participants stated that they would not have resolved these cases on their own and would have "waited until arrested" to go to court.

Recidivism data suggests that participation in the Homeless Court program may reduce contacts with law enforcement. A greater proportion of the individuals who participated in Homeless Court compared to those who had the same opportunity but failed to appear, did not have any contacts with law enforcement during the 90-days post hearing evaluation period. There are also some variances between the two groups with respect to the types of law enforcement contact.

Although there are insufficient data from which to conclude that there are measurable cost savings to the criminal justice system, the following benefits are a positive impact on the system and may reduce costs over time.

- Cases are negotiated for all outstanding cases, warrants, and penalties as one package for each defendant.

- Alternative sentences are completed prior to the hearing which reduces the need for future hearings.

CONCLUSIONS

Homeless Court is a unique program aimed at a segment of the population that typically has no means for making reparations to the criminal justice system for misdemeanor criminal conduct. As a result, misdemeanor citations and infractions are often overlooked by these individuals. Unfortunately, this compounds the problem by generating warrants and additional fines. Homeless Court was created to offer individuals an opportunity to clear their criminal record by exchanging fines, community service, and custody for their participation in treatment programs.

The implementation of Homeless Court has been successful due to the frequent collaboration among several criminal justice agencies, shelter staff, and treatment providers. Each month a court hearing is held at a local shelter that is the culmination of weeks of preparation among the collaborative partners. Interested persons sign up in advance of the hearing; the court and prosecutors research criminal histories and case files; attorneys negotiate cases that are constructive, and the alternative sentence becomes the measure that satisfies the court order.

Most Homeless Court participants came to the hearing with fines for riding the trolley without a valid ticket, public urination, being under the influence of a controlled substance in public, and other crimes related to their unemployment, mental condition, substance abuse, or lack of permanent housing. The alternative sentences agreed to by the judge require the defendant's participation in treatment programs designed to address the underlying issues that cause their homelessness. Treatment services are suggested by a service provider after an assessment of the individual and are feasible for the participant to complete whereas traditional court fines and penalties are often not practical for homeless persons. Furthermore, this distinctive sentencing structure gives individuals who are working to re-enter society a chance to offer what they have accomplished as an alternative to punishing them for what they have not been able to do (face their fears, pay their fines, and resolve their case(s)).

The impact on Homeless Court participants is very positive. Most said that they had been constrained by fear in the past: afraid of the police and of the court system. Nearly all of the individuals interviewed said that they would have "waited until arrested," to take of their criminal case(s) and in fact, had not attempted to handle the matter on their own. After participating in Homeless Court, most said they felt more positive about themselves and their future, less afraid of being arrested, and more satisfied with the court processes.

Interestingly, about one-third of the people who sign up to participate in Homeless Court have no criminal cases pending. This unexpected result is an added benefit of the program because it provides relief to those who were apparently uncertain of their criminal status.

Overall, the program was implemented successfully with a positive impact on the participants and the criminal justice system. Most of the research objectives were met or exceeded through collaboration among partner agencies, meaningful alternative sentences, and finding the nexus between justice and fairness for homeless misdemeanants.

LESSONS LEARNED

During implementation of the Homeless Court program, several issues were identified as potential challenges. Therefore, they are presented here to assist other jurisdictions interested in establishing a similar program.

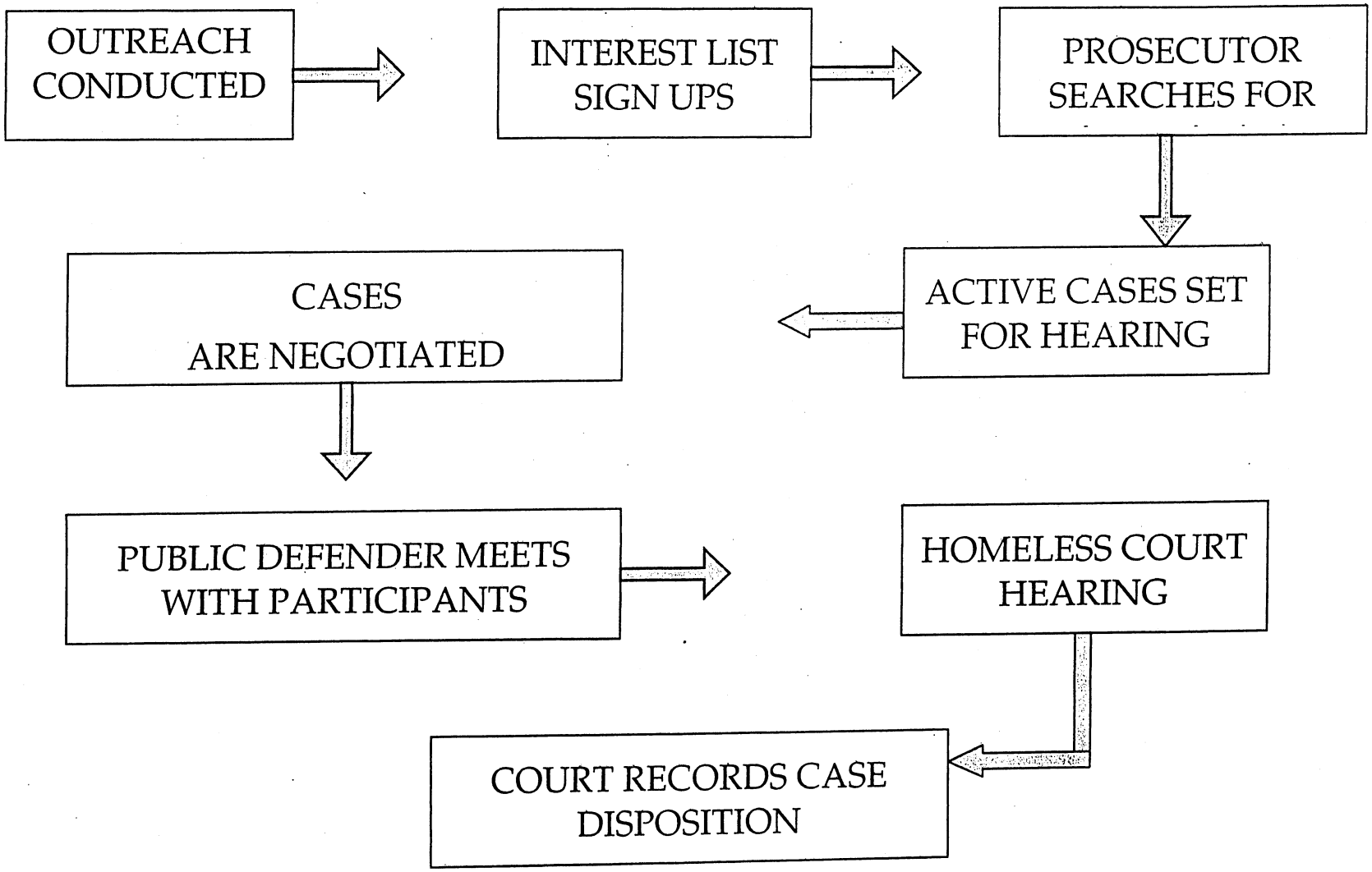
- The treatment services which are exchanged for traditional sentences should be documented completely in court (e.g. "50 hours of community service are exchanged for 50 hours of mental health counseling "; "One day in jail is exchanged for 10 hours of group therapy."). This improved record keeping of the accountability among Homeless Court participants will also increase support for the program by the law enforcement community.

- The public defender's meeting with the defendants one week prior to the hearing was determined to be one of the most important factors in whether or not a potential participant appeared in court. Assistance from shelter staff to arrange transportation to this meeting for the participant should be encouraged. In addition, when possible, the

pubic defender should be provided with the resources necessary to meet with potential participants who are unable to make the scheduled conference one week prior to the hearing.

APPENDIX A
HOMELESS COURT PROCEDURES FLOW CHART

HOMELESS COURT
PROCESS FLOW CHART



APPENDIX B
ADDITIONAL TABLE

APPENDIX B: ADDITIONAL TABLE

Appendix Table B-1
HOMELESS POPULATION AND AVAILABLE BEDS
San Diego Regional Task Force on the Homeless, 2001

	Estimated Population	Beds Available[1]	Unmet Need	% Unmet Need
Single Adult Male	4,500	1,159	3,341	74%
Single Adult Female	600	328	272	45%
Youth Without Adults	800	191	609	76%
Children with Adults	2,100	1,238	862	41%
Total [1]	**8,000**	**3,641**	**4,359**	**54%**
"Special Need" Subgroups [2]				
	Estimated Population	**Beds Available**	**Unmet Need**	**% Unmet Need**
Severely Mentally Ill	1,900	157	1,743	92%
Substance Abuse	3,000	862	2,138	71%
Victims of Domestic Violence	500	246	254	51%
Persons with AIDS without Shelter	2,100	1,238	862	41%

[1] *"Total Beds Available" include 662 additional beds that can be used for any homeless person, and 63 that can be used for the general population.*

[2] *These groups are not additional persons or shelter beds: they are subgroups of the categories above and the numbers are included in the totals above.*

SOURCE: San Diego County Regional Task Force on the Homeless, 2001

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REFERENCES

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