

**TAKING
THE
COURT
TO
STAND DOWN**

**HOMELESS COURT AT STAND DOWN:
A COLLABORATIVE EFFORT TO ASSIST HOMELESS VETERANS,
STRENGTHEN COMMUNITIES AND MAXIMIZE COURT RESOURCES**

**JULY 11-13, 2008
SAN DIEGO, CA**

PRESENTED BY

**THE AMERICAN BAR ASSOCIATION
COMMISSION ON HOMELESSNESS AND POVERTY**

AND

THE NATIONAL COALITION FOR HOMELESS VETERANS

*Join us at San Diego's Stand Down
to observe the nation's first Homeless Court in action
and learn how to replicate the program in your community.*

HOMELESS COURT

THE HOMELESS COURT PROGRAM AT SAN DIEGO'S STAND DOWN

Stand Down is a tent community designed to relieve the isolation of homeless veterans while facilitating their re-entry into society. This three-day event, coordinated by the Vietnam Veterans of San Diego, provides comprehensive services for homeless veterans, including employment, housing, medical, legal (civil and criminal), mental health, and numerous social services. An estimated 750 participants are expected this year at San Diego's 21st annual Stand Down.

To counteract the effect of criminal cases pushing homeless defendants further outside society, this Court combines a progressive plea bargain system, alternative sentencing structure, assurance of "no custody" and proof of program activities, to address a full range of misdemeanor offenses.

Resolving criminal matters is a very real benefit for these veterans. At the conclusion of the first Stand Down in 1988, one hundred and sixteen of the five hundred participants stated their greatest need was resolving outstanding bench warrants. Court proceedings were held on site during Stand Down 1989 as 130 veterans resolved 451 cases with benefit of liberal plea bargains and alternative sentencing tailored to the needs of the individual. The court resolved 4,895 cases between 1989 and 1992 for 942 homeless veterans through Stand Down.

The alternative sentencing structure is not coercive or punitive in nature, but designed to assist the individual with reintegration into society. With this in mind, the individual, not the court, selects the service agency that will address his/her greatest need. That selection becomes the court sentence/order. For many participants who have already determined which agency they desire assistance from, it is simply a matter of designating that agency as the court sentence.

The Problem:

People experiencing homelessness often receive citations for public nuisance offenses and then fail to appear in court. Homeless defendants fail to appear in traditional courts, not because of a disregard for the court system, but due to their status and condition. For many homeless people, their day is consumed with a search for food, clothing and shelter. Most homeless persons are not in a position to fight the procedural or substantive issues a case presents.

People experiencing homelessness are aware that the court requires a decent appearance. Not wanting to make a bad first impression, a homeless person with poor hygiene or without a place to store belongings may choose not to appear in court at all. Many homeless people are reluctant to attend court given the uncertainty of court proceedings and the threat of custody. Unresolved legal issues can ultimately preclude homeless people from accessing desperately needed services such as employment, housing, public assistance and treatment programs.

Benefits of the Homeless Court Program:

Homeless Courts expand access to justice and reduce the number of hearings necessary to successfully complete court orders by integrating the shelter system into the "currency" participants present for sentencing. Advanced preparation and fewer hearings translate into efficiency during courtroom hours and reduced court costs.

Shelters and service agencies save precious resources when clients move toward self-sufficient lives with cleared criminal cases. Before the Homeless Court Program, a client might successfully complete the agency program only to be incarcerated on an outstanding criminal case and, afterward, return to homelessness. When cases are resolved through the Homeless Court the homeless service providers do not have to redouble their efforts. The shelters address the underlying problems homelessness represents.

For **participants**, the Court hearing is an opportunity to separate the past, as represented by the cases before the Court, from the present (and future) by presenting the accomplishments described in the advocacy letters, along with plans for future improvement.

For the **community**, the Homeless Court helps the community by engaging homeless people in gainful activity, thereby removing them from doorways, parks and gathering places where they are unwanted and susceptible to arrest. It helps homeless people move back into productive lives by addressing the legal issues that often create barriers to accessing employment, housing, public assistance and treatment programs.

Anyone interested in access to justice and innovative responses to homelessness should attend this event.

SCHEDULE OF EVENTS

FRIDAY, JULY 11, 2008

9am – 12pm

Participants will be organized into teams to observe the different stages of the Homeless Court process, which include the following:

- **Clerk's Station** – Participants will meet the lead clerks and learn about the necessary preparation leading up to bringing the court on-site. They will be given a tour of the clerk's set-up and the case flow process will be explained. Clerks will describe preparations for Saturday's Homeless Court session along with how they will input negotiations and court orders post-Stand Down.
- **Prosecutor's Station** – Participants will meet the prosecuting attorneys and learn about their role in Stand Down, including their case review, considerations for plea bargains and their preparations for the Homeless Court session.
- **Defender's Station** – Participants will meet the public defenders and learn about their role in Stand Down, including case review, negotiations and development of alternative sentencing through interaction with the Stand Down community.
- **Stand Down Community** – Participants will tour the site, meet with tent leaders and service providers and observe the community in action.

SATURDAY, JULY 12, 2008

9am – 12pm

Homeless Court Session

Participants will observe San Diego's Homeless Court Program in action, including defendants checking in for court, preparations for the court hearing, standing before the judge, and gathering their court dockets from the court at the bail office in the handball court next door. The key players will be available for informal review after the court session.

SUNDAY, JULY 13, 2008

9am – 11am

Homeless Court Program Training

Key players from San Diego's Homeless Court Program will provide participants with a review of the history and the development of homeless court at Stand Down, answer questions from observers and discuss what resources are needed to replicate the program in their communities. Afterwards, observers are invited to participate in Stand Down's open mike and closing ceremony.

REGISTRATION INFORMATION

REGISTRATION: No registration fees. This training event is free, but participants must pre-register. We request that all registrations be made in advance by completing the registration form below and faxing it to (202) 638-3844. The deadline for receipt of advance registrations is June 27, 2008.

Participants are required to provide their own travel and hotel arrangements. Participants will not be reimbursed for travel.

HOTEL INFORMATION: Hotel rooms have not been secured. Stand Down is held at San Diego High School's athletic field located on the southeast corner of Park Boulevard and Interstate 5. The nearest hotels are located in downtown San Diego and Balboa Park.

AMERICANS WITH DISABILITIES ACT: If special arrangements are required for individuals with disabilities to attend this event, please contact Amy Horton-Newell in writing at the American Bar Association Commission on Homelessness and Poverty, 740 15th Street, NW, Washington, DC 20005, by June 27, 2008.

QUESTIONS? Please call Amy Horton-Newell at (202) 662-1693 or e-mail hortona@staff.abanet.org.

Please register me for the FREE Homeless Court Training at San Diego's Stand Down.

NAME _____

FIRM/COMPANY/AGENCY _____

ADDRESS _____

CITY _____ **STATE** _____ **ZIP** _____

PHONE _____ **FAX** _____

E-MAIL _____

I plan to observe the following events:

Court set-up, intake and counseling on Friday, July 11, 2008. YES _____ NO _____

Homeless Court Session on Saturday, July 12, 2008. YES _____ NO _____

I plan to participate in the free training on Sunday, July 13, 2008. YES _____ NO _____

FAX registration form to (202) 638-3844.

DIRECTIONS

Stand Down is held at San Diego High School's athletic field located on the southeast corner of Park Boulevard and Interstate 5. Parking is available off of Park Boulevard and Presidents Way (by the old Navy Hospital). Participants will enter the Stand Down event by walking over the footbridge over Interstate 5. Participants must check in at the Volunteer Desk and identify themselves as Homeless Court Observers. Security will then direct participants to the handball courts where the Homeless Court Program is held. If you have any difficulty locating the Stand Down event, please call Steve Binder on his cell phone at (858) 504-3111.

From 163 South:

Exit at Interstate 5/Park Boulevard and follow signs for I-5 South/Park Boulevard. Turn left on Park Boulevard. Turn right on Presidents Way. Park anywhere in the lot on the right. The Stand Down event is located on the opposite side of Interstate 5. Take the footbridge to crossover I-5 and walk to the event.

From Interstate 5 South:

Exit at Pershing/B Street and follow signs for B Street. Turn right on Park Boulevard and follow past Stand Down event, crossing Interstate 5. Turn right on Presidents Way. Park anywhere in the lot on the right. The Stand Down event is located on the opposite side of Interstate 5. Take the footbridge to crossover I-5 and walk to the event.