

**TAKING  
THE  
COURT  
TO  
STAND DOWN**

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

PREPARED BY

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

AND

**THE NATIONAL COALITION FOR HOMELESS VETERANS**



**Homeless Court**

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# CONTENTS

<b>Introduction</b> .....	v
<b>About the ABA Commission on Homelessness &amp; Poverty</b> .....	vii
<b>ABA Policy on Homeless Courts</b> .....	ix
<b>Chapter 1:</b>	
<b>Taking the Court to Stand Down in San Diego</b> .....	2
Steve Binder, <i>Deputy Public Defender</i> , San Diego County	
<b>San Diego Stand Down Court: Homeless Veteran Outreach Court</b> .....	9
Mark Urry, <i>Director of Criminal Operations</i> , San Diego Superior Court	
<b>Purpose of Stand Down Court</b> .....	16
Hon. Roger W. Krauel, <i>Judge of the Superior Court</i> , County of San Diego	
<b>From a Prosecutor’s Perspective: Collaborative Community Justice</b> .....	18
Angie Reddish-Day, <i>Head Deputy City Attorney</i> , Neighborhood Prosecution Unit	
Lea Fields, <i>Neighborhood Prosecutor</i> , San Diego’s Central Division	
<b>A Personal Perspective</b> .....	21
Richard McCue, <i>Deputy District Attorney</i> , San Diego County	
<b>Stand Down 2006 Memos: Case Dispositions Defined &amp; Tent Leader Training</b> .....	24
Steve Binder, <i>Deputy Public Defender</i> , San Diego County	
<b>Letter to Judge Krauel</b> .....	37
Marsha Duggan, <i>Deputy Public Defender</i> , retired	
<b>Chapter 2:</b>	
<b>The Importance of Stand Down</b>	
<b>Stand Down: A National Program for Homeless Veterans</b> .....	40
Dr. Jon Nachison, <i>Founder/Director</i> , Stand Down	
<b>Creating Community at Stand Down</b> .....	44
Marilyn Cornell, <i>Tent Leader Coordinator</i> , San Diego Stand Down	
<b>From a Service Provider’s Perspective: Veterans Village of San Diego</b> .....	47
Al Pavich, <i>CEO</i> , Veterans Village of San Diego	
Andre Simpson, <i>Vice President and COO</i> , Veterans Village of San Diego	
<b>They Live in Canyons</b> .....	49
Darcy Pavich, <i>Chaplin/Stand Down Coordinator</i> , Veterans Village of San Diego	

**Homeless Courts Rise as Institutions of Redemption** ..... 51  
John Driscoll, *Vice President*, National Coalition for Homeless Veterans

**From the Participant’s Perspective** ..... 56

**Appendix**

**Stand Down Misdemeanor/Infraction Offer Sheet** ..... 59

**Stand Down Work Sheet** ..... 60

**Stand Down Court Calendar Script** ..... 61

**Map of Criminal Legal Services Complete Site Set-Up**.....62

**Map of Clerk’s Office Set-Up**.....63

**Map of Courtroom Set-Up** .....64

# INTRODUCTION

Thank you for your interest in developing a Homeless Court Program (HCP) at your local Stand Down event for homeless veterans. By simply reviewing this booklet, you have expressed an interest and willingness to reach out to others, work to develop an innovative and expansive judicial system and seek to build a stronger and ordered community. You have found a way to say “yes” to others, to show faith in human potential and the power of change; to help the homeless participant working to break free from the chains of life on the streets, to transcend the traditional adversarial criminal justice system and reach out to a community of experts in service agencies who deal with the problems homelessness represents on a daily basis.

There are many ways to say “no” when someone is asked to form a Homeless Court Program. There are plenty of reasons to support saying “no.” It’s a risk, it’s different and there are no guarantees it will work. Somehow, somewhere, you found the way to “yes.” With every “yes,” each of you has a story to tell.

“United We Stand” expresses our sincere commitment to each other. It is a loud call to action telling the world we are powerful when we work together. The people who come together in the Homeless Court Program represent the strength of community. The HCP is a window of opportunity.

United We Stand! The promise and spirit of these words fulfilled the Stand Down event which gave rise to the HCP. Two Vietnam Veterans, Dr. Jon Nachison and Robert Van Keuren, created “Stand Down.” They explain that Stand Down is a military term signaling the removal of exhausted combat soldiers from battle to provide them an opportunity to rest and recover in a place of relative safety and security. They emphasize the importance of creating a community that transformed the frustration and despair of homelessness to self-respect and opportunity for integration back into society. They built a three-day tent community with a cornucopia of services and applied this concept to 700 homeless veterans doing battle on the streets. They distributed an eight-page exit survey, tallied by the Department of Veterans Affairs (VA), from the first Stand Down, in which 116 of 500 homeless veterans stated their greatest need was to resolve outstanding bench warrants.

The Homeless Court Program is a direct response to the voice of homeless veterans and their request for assistance with outstanding criminal warrants. Their response to the VA survey addressed the need for a solution to resolve outstanding bench warrants. The next year the San Diego Superior Court set up a special court at Stand Down. The court resolved 4,895 cases between 1989 and 1992 for 942 homeless veterans. Because of the participants' increased demand for the Homeless Court Program, it has expanded from annual, to quarterly, and now monthly sessions – in San Diego and across the nation.

The Homeless Court Program is structured to maximize the participant's representation in court. The participant signs up for the program from his/her chosen homeless shelter/agency. The participant decides which shelter and what program activities best meet his/her needs in transition from the streets, through the program toward self-sufficiency.

When the participant stands before the Homeless Court, he/she stands before the court as a human being. The court sees the participant as someone who has struggled through hard times and is making a great effort to overcome hardship, be it problems with addiction, mental health, economic calamity, or a host of other issues. The court acknowledges each participant's accomplishments. It is with this understanding that the Homeless Court Program states, "No one is going into custody." At Homeless Court, it is not uncommon for the court and participant to engage in conversation, or for the judge and participant to shake hands at the conclusion of proceedings.

Homeless Court promotes access to court – meeting homeless defendants where they are in a program and reconciling their offenses with their progress, removing an obstacle represented by their criminal cases (a broad range of misdemeanor offenses), and giving voice to the participants. The Homeless Court Program does not pretend to stand as the solution to homelessness. There are no promises of a home upon resolution of cases, of employment with a living wage, or universal health care.

Each of us has a story. Stories fill our lives. Art and literature give us stories that inspire us to look beyond ourselves, to see the world in a different way, in a new language or context. Charlie Chaplin gave us the Little Tramp, innocent and misunderstood on appearance, who is (literally) seen in the end of the movie *City Lights* as a person. In *Les Miserable*, Victor Hugo introduced Jean Val Jean, imprisoned for stealing a loaf of bread, who is later given a second chance when the Monsignor hands him two silver candle sticks, saying, "Go in peace. By the way my friend, when you come again ... you can always come and go by the front door." And finally, in *The Wizard of Oz*, an uncertain and vulnerable Dorothy calls out, "There's no place like home" and finds hope and dreams on the other side of the rainbow. Each of us has a story. Some long to be understood, others want or need a second chance; all seek hope and opportunity.

When homeless people request help with criminal cases, they seek justice and respect. They want to take responsibility while looking for opportunity. While the continued problem homelessness represents is discouraging and frustrating, it is important to remember: it is the condition of homelessness that is undesirable, not the people.

The challenge and opportunity facing us today is to read the story and breathe life into our daily lives and commitment in delivering justice for all by bringing law to the streets, the court to shelters and homeless people back into society.

*Steve Binder, Office of the San Diego Public Defender*

# **AMERICAN BAR ASSOCIATION COMMISSION ON HOMELESSNESS & POVERTY**

In 1991, The Commission on Homelessness and Poverty was established by the Board of Governors of the American Bar Association (ABA). The Commission is charged with the following tasks: (1) Educating members of the bar and the public about legal and other problems of poor and homeless people and ways in which lawyers can assist in solving or ameliorating them; (2) training lawyers in areas needed to provide pro bono legal assistance to homeless people and those at risk of becoming homeless; (3) working with all ABA entities on issues arising in their jurisdiction that affect poor and homeless people; and (4) engaging in such further activities as may be necessary and proper for the fulfillment of these responsibilities, including working with state and federal executive branches and legislative bodies concerning matters relating to the poor and homeless. These tasks are carried out by one staff attorney and 13 volunteer members appointed by the ABA President.

The Commission is committed to educating the bar and the public about homelessness and poverty, and the ways in which the legal community and advocates can assist those in need. To achieve this goal, the Commission drafts publications and conducts training sessions across the country to equip the legal community to advocate on behalf of people who are homeless or poor. The Commission also coordinates with national, state and local advocates and organizations to facilitate the exchange of information and resources.

One of the Commission's current priorities is to facilitate the creation of homeless courts throughout the country. Why the need for homeless courts? People who are homeless are routinely issued citations for such minor offenses as illegal lodging, jaywalking, and drinking in public. Caught up in the daily struggle for food, clothing, and shelter, a person who is homeless has few resources to draw upon in order to respond properly to the criminal justice system. Consequently, misdemeanor citations and infractions are often not dealt with, compounding the problem as warrants are issued and additional fines are assessed, which often preclude the homeless from accessing desperately needed services such as public benefits and mental health and/or substance abuse treatment—not to mention employment and housing. The Commission is proud to be the leader in fostering replication of this innovative program that expands access to justice, reduces court costs, and helps homeless people move towards self-sufficiency.

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resources. Recent publications prepared by the Commission include the following: *Lawyers Working to End Homelessness* (2006), *Educating Children without Housing: A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers* (2002), *The Homeless Court Program: Taking the Court to the Streets* (2002), *Representing the Poor and Homeless: Innovations in Advocacy* (2001), and *NIMBY: A Primer for Lawyers and Advocates* (1999).

For more information about the Commission, please visit [www.abanet.org/homeless/](http://www.abanet.org/homeless/) or call (202) 662-1694.



# AMERICAN BAR ASSOCIATION HOMELESS COURT POLICY

## RECOMMENDATION

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

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

# CHAPTER 1

## TAKING THE COURT TO STAND DOWN IN SAN DIEGO

# TAKING THE COURT TO STAND DOWN IN SAN DIEGO

## **Introduction**

Three gray concrete handball court walls on San Diego High School's athletic field surround fold out tables and chairs. Desert military camouflage netting shelters them from the sun. The flag of the United States anchors one corner; the State of California flag anchors the other. The defendants appearing before this outdoor Homeless Court are veterans who live outdoors on the streets of San Diego, but for three days they are sheltered in tents, receive employment counseling, housing referrals, medical care, mental health and other social services.

The Veterans Village of San Diego, sponsors of Stand Down, builds a three-day tent city designed to relieve the isolation of homeless veterans while assisting their re-entry into society. The annual event provides comprehensive services for homeless veterans, including employment, housing, medical, legal (civil and criminal), physical and mental health treatment, and numerous social services. But the event is more than a collection of services. The sponsors concentrate on building community and developing the strengths of the participants as members of the community.

## **Brief History of the Homeless Court Program (HCP)**

At the conclusion of the first Stand Down in 1988, 116 of 500 homeless veterans surveyed said their greatest need was to resolve outstanding criminal cases. The homeless veterans of Stand Down recognized that their outstanding warrants were one large roadblock in the way of addressing their problems and achieving independence. They told the sponsors of Stand Down of their willingness to take responsibility for outstanding offenses and asked for assistance. Homeless veterans of San Diego inspired the misdemeanor criminal Court to leave the courthouse and join the Stand Down effort by holding a special session for homeless veterans at the handball courts.

In 1989, San Diego started the first Homeless Court Program in the nation, a special Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases. This effort recognized the value of working with homeless service providers who address the varied issues associated with people living on the street. Acknowledging an abundance of criminal actions in an already overburdened court system filed against those who are either unable to pay fines or unwilling to appear in court, the HCP worked with providers to find solutions that came closer to resolving those issues that lie at the heart of why a person might find themselves without a home, a job, or the support of a family. These might include substance abuse, economic catastrophe, the inability to work and truly survive because of child support owed, employment that does not pay enough to rent an apartment or serious mental health issues.

From day one, the HCP at Stand Down was a community effort. Early on, local attorneys on the homeless subcommittee approached the court, presenting a sound proposal to move the court to Stand Down. The lead clerk of the court, D. Kent Pederson said, “Yes, we can pick up the court and move it to a handball court,” making sure to transport case files without losing them. The court provided an on-site computer, court dockets, and clerks to complete vital tasks. And so the HCP conducted its first session mirroring exactly what happens inside a courthouse, only this time it came to order under camouflage netting on an outdoor handball court at San Diego High School.

Following the first Homeless Court session, the San Diego Court reported that 130 defendants had 451 cases adjudicated through Stand Down in 1989. Between 1989 and 1992, 942 homeless veterans resolved 4,895 cases in Stand Down courts.

Because of participants’ increased demand, the HCP expanded. In 1990, it began to serve battered and homeless women; in 1994, it included residents at the city-sponsored cold weather shelter, and by 1995, it encompassed the general homeless population served at local San Diego shelters. It went from a court that convened once a year at Stand Down, to meeting quarterly, and since 1999, it has held monthly sessions. Thanks to a grant from the Bureau of Justice Assistance and the Department of Justice, the Court alternates between two shelters (St. Vincent de Paul and Veterans Village of San Diego) in order to resolve outstanding misdemeanor criminal cases.

The continued large numbers of homeless people participating in the Homeless Court Program, coupled with their efforts to overcome the obstacles their condition represents, fostered the program’s expansion from an annual, to a quarterly, then a monthly schedule. Cities such as Ann Arbor, Houston, Phoenix, Milwaukee, Minneapolis and Sarasota have since replicated the program.

### **Stand Down in San Diego**

First, the event is set up as a community. Upon entering the Stand Down encampment, each veteran receives a tent assignment. Each tent houses 30 veterans and has a tent leader—usually a Stand Down alumni—who greets each veteran assigned to the tent and introduces them to services on site. Welcome home. The tent participants attend meals, showers, and clothing services as a group. Each tent is a community unto itself. The participants come to rely on each other and realize they are not alone. At the end of the first day, each tent chooses a new leader from its ranks.

Participants use down time to talk to each other. The act of talking itself relieves the isolation of the streets, and these interactions showed that there were indeed alternatives to that lifestyle.

This is an important connection. Simply being assigned to a tent helps participants feel they are involved in something bigger than themselves. They also realize that they are not the only people suffering from adversity. They meet fellow veterans suffering from PTSD, medical conditions, mental and social health issues, etc.

Stand Down also provides basic necessities to veterans. When requirements for basic survival are taken care of, they can ask questions like “Who am I?” and “Where am I?” They are able to ask, “Now that my basic survival needs are being met, how do I take care of my medical problems? How do I find long-term solutions for these problems, or even think about solving these problems?” These questions come directly out of their growing self-actualization, and asking them can move them to the next step.

At Stand Down, we discovered a larger community. The event offers a window of opportunity to address the problems homelessness represents. The Stand Down slogan reads, “A Hand Up, Not a Hand Out.” The event strives to empower its participants, providing them with support to achieve readily attainable goals, to make the transition from the streets to self-sufficiency. “There is more to Stand Down than meets the eye,” wrote Jonathan Freedman, Pulitzer Prize winning journalist. “Showers and shaves can wash off the dirt; new clothes can spark a physical transformation. But wounds of a lifetime heal slowly, and the dark night of the human soul is not banished by three days in the sun. Only people who have shared a common experience can overcome the destruction...by coming together. Coming home.”

From this community, the homeless veterans of San Diego seek to reenter society. Their first step, raising a hand and answering a survey, caught the attention and imagination of the San Diego criminal justice system.

### **The Homeless Court at Stand Down**

The Homeless Court Program (HCP) success at Stand Down starts with its sponsors, Veterans Village of San Diego, who reach out to homeless veterans living on the streets, advertising the event and inviting them to attend. The outreach campaign includes the distribution and collection of participant “applications” for Stand Down. This application is really a mechanism for participants to signal their intention to attend Stand Down and express their interest in having their misdemeanor cases pulled by court clerks and heard on site. It should be emphasized that participation in the Homeless Court Program at Stand Down is voluntary.

Before the HCP, homeless veterans who lived on the street were subject to citations and arrest that propelled them into the criminal justice system. If the court sentenced them to custody, they returned to the street after they were released, still unable to address the root causes of homelessness. The HCP gives them a means to deal with practical matters, but also to address the deeper issues at work.

The Court clerks research and pull each participant’s misdemeanor cases for review by the prosecution and ready the docket for resolution of these cases on site during the Stand Down event.

On the day before the actual court session at Stand Down, the prosecution and defense attorneys commence the disposition of cases at 8:30 a.m. When the participants

arrive on the handball court to address their misdemeanor case(s), the court clerks check them in, pull their cases and deliver the court file to the prosecution. Due to budget constraints, participants are not able to sign up for court on site. However, defense attorneys counsel Stand Down participants to plea bargain and sign an alternative sentencing agreement, directing them to the next month's HCP calendar. Participants sign up for on-site programs designated for alternative sentencing, which facilitates compliance with the disposition of cases.

The defense attorneys review cases with participating veterans, formalize plea bargains, suggest/recommend terms and conditions of probation and set matters for trial as appropriate. Problem cases (e.g. felonies, threat of custody, domestic violence. or Proposition 36 cases) are counseled for a court date in the downtown courthouse.

The participants who will have all of their cases dismissed and are not entering a plea to any charge or case move to the on-site "bail office" to receive a court docket. The court clerks generate court calendars to ensure a smooth court session the following day.

On the day of the court session, the on-site proceedings are held from 9:00 a.m. until noon. The disposition of cases continues while court is in session. The court clerks prepare cases (negotiated pleas and further proceedings) for court and walk the participants into the handball court while HCP is in session. The court clerks set a future hearing/follow-up calendar in the courthouse for complicated cases and cases not heard during this Saturday session.

### **The Importance of Service Providers**

Certainly, Stand Down provides a respite from the loneliness of the street, and offers basic survival needs like food and shelter. More crucial, perhaps, to resolving issues that initially compelled an individual to live on the street, is that Stand Down encourages and challenges people to take the opportunity to find and use services that enable them to complete the first step in putting their lives back together. The Homeless Court is but one of those services.

We recognized early on that homeless service providers are the eyes and ears of the court and as such fill out the program's mission by serving as key links between the court and the street. The providers offer concrete and alternative solutions to the person on the street not available in traditional legal proceedings. Considering the time a provider spends with a client, they know that client better than anyone in the criminal justice system.

Providers challenge the client to address their basic needs and reach their fullest potential. They advocate for the client; reporting on the client's time in program activities and accomplishments. The homeless service providers ensure their and the court's precious resources are used effectively. The providers work to ensure the participant is ready to successfully resolve their court cases and reintegrate into society.

## **A Window of Opportunity: Mr. James**

In 2005, Mr. James (a pseudonym) appeared before the court with 21 cases. He was a little wobbly and in need of undivided attention. He was the last person to come before the court. At the conclusion of his hearing, during which he pled guilty to riding the trolley without fare, the court order provided “credit for time served” in activities at the Stand Down event. The judge added, “Mr. James, now that you have a clean slate, don’t ride the trolley without fare again.” Mr. James replied, “Or don’t get caught.” Court adjourned and the judge signaled for him to approach the bench with his attorney. The judge explained, “When we say don’t ride the trolley without proper fare it is as much for your benefit as it is for ours. You do not want to see us again. We do not want you to commit another offense and end up back in court.”

Mr. James returned to the 2006 court session at Stand Down, this year carrying only 4 cases. He was working at one of the homeless service agency day centers and had recently been awarded volunteer of the month. He approached the court, had his cases resolved and asked to address the judge. Mr. James apologized for his appearance before the court the previous year, talking an entire paragraph...and adding a number of heartfelt lines to back it up, to which the judge responded, “Sir, I remember you. I was not sure if you remembered me.” The gentleman said, “Your Honor, I do not remember you, only that I behaved badly during last year’s court session. For that, I am sorry.” Later, he apologized to the court bailiff, engaging her in conversation and telling her he was not sure if he had given her a hard time or not but wanted to make sure she knew he felt badly for his behavior.

## **Security at the HCP at Stand Down**

Security has always been a concern and is addressed at Stand Down. The community is committed to providing a safe environment for the participants along with the volunteers. The commitment to a secure environment involves planning and the assurance that everyone keeps their eyes and ears open to the potential for someone causing problems. This is first addressed when the Stand Down event commits to a course of action that honors and recognizes everyone has good and positive aspects in their lives...the potential in everyone to respond to positive

Additionally, the Stand Down event provides a security network of enlisted men and women who volunteer around the clock during the three-day event. Throughout the course of the weekend, from the time an individual enters Stand Down to register for the event through assignment to a specific tent, being welcomed by the tent leaders and joining peers who become a community within their tent, participants live in a secure community. This extends to the other service providers overseeing their participation in the community, the defense attorneys who counsel these homeless veterans prior to their appearance at the Homeless Court session, and the court bailiffs on site.

This does not mean the Stand Down event is a military zone, or that the movements of the participants are strictly prescribed, but that the event organizers and the volunteers are constantly aware of the potential for something to happen.

Interestingly enough, in all our years since 1989, we have never had a security problem. This is largely explained by the interest of the homeless veterans to participate in society more fully, to utilize the services offered on site, and to make the most of their time at Stand Down. The homeless veterans realize the volunteers at Stand Down are there to help to remove obstacles from their lives. The homeless veterans are more concerned and scared of something adverse happening to them than they are of acting out. They are not used to people responding to their needs and being receptive, open and accepting of them as people. They welcome the opportunity that comes with participating in Stand Down, and may consider the land on which the event is located sacred ground; that acting out would desecrate the land, the event and their opportunity to make something positive happen.

We realize the potential for something to go wrong is ever present. We live in a society where violence plays out on a daily basis. At Stand Down, we plan for all types of exigencies and stand ready to respond.

We realize the day may come when someone acts out on site or commits a serious crime afterwards. If, unfortunately, something does occur in your Homeless Court Program please share this with us in order for us all to be alerted to the dangers and learn how to respond. We must continuously strive to do better, to improve the delivery of services and ensure our community – both in the HCP setting and the streets at large – are safe for everyone.

### **Homeless Court Program - Monthly Session Described**

The HCP is a mobile, formal court. It guarantees the constitutional rights of all who sign up for the HCP, veterans and non-veterans. Their cases are pulled and reviewed by the Court and prosecution. The defense attorney counsels and interviews each participant. Together they review cases and options under the criminal justice system then move to address accomplishments in homeless service agency programs. The counseling session addresses the cases and the participant's fears of the criminal justice system while reassuring them that a reasonable solution is at hand. At the assigned date, the Homeless Court convenes at one of two shelters.

Shelter workers deliver their agency sign up list for the HCP to the Office of the Public Defender on the last Wednesday of the month. After the defense attorney reviews the list, he or she forwards it to the court and prosecution. The court then prepares the calendar for the hearing. The prosecution runs each person's criminal record, produces a list of their misdemeanor cases (with discovery), and offers a plea bargain for disposition on the first Wednesday of the month. The prosecution provides the list and plea bargain to the deputy public defender on the second Wednesday of the month.



The deputy public defender goes to the host shelter one week before the actual court session to prepare the participants for court. The one-week advance in preparation provides a number of advantages for the actual hearing. It demystifies the court process. It helps the person anticipate what will happen in court and mentally prepare to face the judge. It strips away the fear of the unknown. It helps to overcome the distrust of being set up for certain failure through a sentence he/she cannot afford. The attorney and client review cases and the plea agreement. They talk about the client's activities in the shelter, what part of their program has been most meaningful, and their plans for the future.

The attorney then instructs the participants to return to their caseworkers for advocacy letters, to gather any certificates and tokens awarded, and bring them to court. The advocacy letter is symbolic of the relationship between the client and the program while providing an important source of information to the court. These documents are the independent verification the court needs to address and resolve pending cases. The court sentence might give credit for time served in chemical dependency or anger management classes, training or seeking employment, literacy or computer education, life-skills and more.

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

## **Conclusion**

The San Diego Homeless Court Program now reaps the advantages of having built up considerable trust in the community between the Stand Down community, alumni veterans, and new people who come in for the first time. Wherever you start in the planning and development of a HCP in your community, you will be further ahead than San Diego's humble beginnings in 1989. The continued development of HCP and its expansion across the country helps to ensure homeless veterans receive a proper "Welcome Home." The promise of United We Stand the American Dream is woven into the window of opportunity found in bringing law to the streets, courts to Stand Down and homeless people back into society.

*Steve Binder is a deputy public defender in San Diego and the founder of the nation's first Homeless Court Program.*

# **SAN DIEGO STAND DOWN COURT**

## *Homeless Veteran Outreach Court*

When one considers the fact that the National Coalition for Homeless Veterans conservatively estimates that 45% of veterans suffer from mental illness, 50% have substance abuse problems and countless others lack social or family support networks, it is not surprising to learn that a large number of homeless veterans have problems with the law. While many of the crimes committed by these former military members are low-level misdemeanors, these transgressions not only hold them back from rejoining society but congest an already encumbered criminal courts system.

In San Diego, a nationally recognized program has tackled both those issues and has become a “win-win” not only for homeless veterans looking to clear their criminal records and move off the streets but for the community and the court as well. In the pages to follow, you will learn about the benefits of a Stand Down Court and how a court can create this valuable program.

### **STAND DOWN AND THE COURT**

In 1989, the San Diego Superior Court became the first court in the nation to develop a program that, in conjunction with service agencies, offered a way for homeless veterans to clear their minor offenses. Called *Stand Down Court*, the program gives homeless veterans an opportunity to dispose of a full range of misdemeanor crimes, citations and warrants on adjudicated cases. A majority of the offenses are public disturbance issues such as drinking in public, illegal lodging and trolley tickets.

The court services are offered during the annual San Diego Stand Down event, a three-day program where homeless veterans receive a variety of services designed to get them off the streets. The court services are not offered to just any veteran who comes to the event, only those who have shown a real effort to improve their lives. “Court for Stand Down is a formal court hearing in an informal setting where, prior to placing their name on the court interest list, the homeless veteran participants have completed the required programs offered by a Stand Down sponsor which, in our case, is the Veteran’s Village of San Diego,” says Karyn Frawley San Diego Superior Court Operations Supervisor

The popularity of the San Diego Stand Down Court has grown tremendously over the years. More than 1,500 homeless veterans have had their cases adjudicated through the court program and the numbers keep growing. Steve Binder, a County Public Defender, has been actively involved in the program, “After the first group of homeless veterans

appeared before the Stand Down Court in 1989, word spread throughout the tent community this was not a sting operation but a real opportunity to resolve misdemeanor cases; and other veterans reached out to the court to resolve their cases. The continued large numbers of participating homeless veterans illustrates they want to participate more fully in society while they need meaningful opportunities to do so. The Stand Down Court provides those meaningful opportunities for them because it acknowledges their efforts to overcome the obstacles their condition represents.”

Below are the 2004/2005 statistics for San Diego’s Stand Down court event.

### Stand Down Case and Defendant Report 2005

Number of pre-registered participants:	2004	364	Number of cases researched for the participants:	2004	1081
	<b>2005</b>	256		<b>2005</b>	787
Number of Participants that signed up and actually appeared:	2004	188	Number of Participants that signed up and did not appear:	2004	176
	<b>2005</b>	122		<b>2005</b>	134
Administrative Dismissals Participants	2004	80	Administrative Dismissals (cases) includes fines satisfied	2004	300
	<b>2005</b>	46		<b>2005</b>	118
Defendants who appeared in Court on Sat:	2004	48	Cases that went into Court on Sat.:	2004	274
	<b>2005</b>	60		<b>2005</b>	336
Defendants who <u>did not</u> return to Court on Saturday when scheduled	2004	8	Number of participants who did not give enough info to research	2004	3
	<b>2005</b>	2		<b>2005</b>	3
Number that had cases not fitting the Stand Down Criteria	2004	8	Number of applicants that had “No Open or Pending Cases”	<b>2005</b>	56
	<b>2005</b>	10			
Total Defendants whose cases were adjudicated at Stand Down	2004	180	Total Cases adjudicated at Stand Down	2004	576
	<b>2005</b>	108		<b>2005</b>	454
Number of applicants that appeared but had no open or qualifying cases	<b>2005</b>	14	Total number of <i>court only</i> cases heard	<b>2005</b>	104
			Total number of Admin. Dismiss. or Fines Satisfied cases of participants	<b>2005</b>	350

## **STAND DOWN COURT BENEFITS**

The benefit of a Stand Down Court for homeless veterans is obvious: the veterans have a program to clear their record of misdemeanor offenses. Binder says the *Stand Down Court* also benefits the community, “Many veterans feel a tremendous weight lifted from their shoulders after attending court at Stand Down, allowing them to focus on the rest of their lives and move into more intense programs geared toward gainful employment, housing, public assistance, or a number of treatment programs.”

As for the justice system, Stand Down Court expands access to the system and reduces the number of hearings necessary to monitor a defendant’s successful compliance with court orders. Fewer hearings reduce the case load of a busy legal system and reduce court costs. “There is an obvious value derived from expending court resources on this program. The veteran defendant who comes before the Stand Down Court is less likely to re-offend. He or she is more likely to assist others in leading a law abiding life,” says Judge Roger Krauel, a Vietnam veteran with 35 years’ service in the U.S. Army and who has presided over the Stand Down Court for several years.

## **DEVELOPING A STAND DOWN COURT**

So how does one start a homeless veteran’s court program? There are two important ingredients: “collaboration” and “teamwork.” Developing a successful and meaningful Stand Down Court is a cooperative effort between the court system, veterans groups and secondary court agencies.

The important components in the coordination of a Stand Down Court are:

1. Buy-in and full cooperation from the court and both prosecution and defense agencies;
2. A good working relationship with the directors and staff of the veteran’s organization orchestrating the Stand Down event;
3. The involvement of ancillary court agencies which may be involved in any sentencing options (e.g. collections, service providers).

## **THE PLANNING PROCESS**

A large majority of the work poured into a *Stand Down Court* is performed well before the actual event. In San Diego, planning for court participation begins approximately **six months** prior to the Stand Down. At that time, the Superior Court designates a chairperson to represent the court and coordinate court services during the planning process.

The *Stand Down* chairperson coordinates the following:

- Establishes court budget, including staffing resources, supply items and food for the event;
- Sets monthly meeting schedule with ancillary agencies;
- Arranges for interest lists to be provided to court personnel;
- Arranges for court staff to prepare cases prior to Stand Down, including running record checks, requesting cases from other divisions, producing and preparing calendars and minute sheets;
- Verifies judge to conduct hearings and court staff to check-in participants and monitor case process;
- Verifies court staff to update court orders;
- Ensures court staff has access to DMV and local law enforcement warrant system to recall warrants and DMV release holds (recall warrants following court appearance);
- Prepares statistical reports documenting number of defendants appearing at Stand Down;
- Conducts a de-briefing meeting following the event.

The actual group planning starts with a meeting attended by all key agencies: Court, prosecution, defense, veterans' organizations, medical and mental health providers and volunteers. This is the beginning of a long series of meetings to discuss every detail as it pertains to the court's participation in Stand Down. According to Mark Urry, Director of Criminal Operations for the San Diego Superior Court, the San Diego Stand Down Court meetings personify teamwork at its best, "A Stand Down kick-off meeting is held 3 months in advance of the event, and monthly thereafter, with representatives of the court, attorney agencies and the Vietnam Veterans of San Diego. This is a very collaborative atmosphere where all participants work together to ensure Stand Down is successful and as seamless as possible."

In the weeks before the Stand Down program, the court receives the names of homeless veterans who have signed up to have their cases resolved during the event. During this time, the court utilizes staff to conduct case research and set up. The number of staff hours required to perform these tasks varies based on the number of participants in Stand Down and the number of cases to be researched. In the case of the San Diego Stand Down event, the court brings in temporary staff. "To try to minimize the impact of Stand Down preparation on court staff and their daily responsibilities, the court brings back a retired worker who provides the majority of case research and case file preparation. Other court staff gets involved as the event grows closer and the number of registration applications increase," adds Urry.

## **STAND DOWN COURT SUPPLIES**

Staff is not the only consideration when developing the off-site court, one must also consider the materials and equipment needed to dispense justice. The supplies required to run a Stand Down Court are very similar to those supplies required in a traditional

courtroom. It's important for the court to work with the "host agency" to ensure the proper infrastructure of a traditional courtroom is provided (as noted):

- U.S. and state flags;
- Audio/microphone;
- Podium;
- Electrical hook-ups;
- Tables and chairs (judge, court clerks, prosecution, defense);
- Clerical work areas/stations (court, prosecution, defense);
- Standard office supplies;
- Light cleaning supplies (for personal use at work station);
- Transportation (either court or employee) and parking at the event site;
- Optional: Fans or other cooling devices, cold storage for lunches and beverages, water and lunch may be provided for court, prosecution, and defense staff.

In San Diego, each agency (prosecution, defense, and ancillary services) is responsible for providing the necessary staff it feels is appropriate to provide the assistance and services for the homeless participants.

Don Smith, who has served as a San Diego Superior Court Stand Down Court chairperson, says acquiring the appropriate number of staff is essential to operating a successful Stand Down Court operation: "We ensure we have the proper number of clerks to meet the demand. When choosing staff for an event like this, you not only want experienced staff, you want staff members who are comfortable working around a non-traditional court environment. In San Diego, the clerks who work this homeless event are at ease in the surroundings and come back year after year." That is true of San Diego Superior Court Clerk Frances Mercer, who has spent 10 years working with Stand Down Court: "It's a great way to provide court assistance in a community setting as well as reduce the court's backlog. The participants are very grateful for the opportunity to clear up their matters as well as receive treatment/services."

## **CONDUCTING STAND DOWN COURT**

In San Diego the actual Stand Down Court event is a two-day affair. After months of meetings and preparation, the Court is set up and ready to open its doors to the homeless veterans. On the days of the event, participants take the following steps to address their outstanding criminal cases:

### **Registration (Friday)**

The homeless veterans must check-in with the court to make sure their cases are present and available for negotiation of a plea bargain.

### **Plea Bargain Agreement (Friday/Saturday)**

Participating veterans meet with their defense attorney to review their case(s).

They are counseled by an attorney who explains the difference between a plea agreement and litigation.

### **Court Appearance (Saturday):**

Once counseling has been provided, participants must then appear before the judge to have their case(s) resolved. At Stand Down Court, the court provides a sufficient number of staff to perform various duties such as working the intake desk, administrative dismissals and case file set-up. The number of staff also covers back-ups and miscellaneous duties. Unless immediate on-site updating is possible, it's important that at least one court staff member is at a court facility to perform warrant recalls and online DMV updating.

Mercer explains the set-up for San Diego's Stand Down Court: "We have two long tables that serve as the "bench". The Judge is present; I'm there with one or two other clerks. We have an American flag and the California flag and we have one or two deputy sheriffs present. A deputy city attorney, along with one or two public defenders, is also present. The atmosphere is very relaxed and we are always courteous and professional."

The environment may be relaxed but the work is serious and moves smoothly because of the months of pre-planning. It is not unusual for the court to process approximately 1,000 cases in preparation for a Stand Down weekend.

### **A WORTHWHILE PROGRAM**

There is no doubt that the San Diego Superior Court's *Stand Down Court* is a well-established success. After 16 years, it is no longer unique in the San Diego legal community. While the preparations for this specialized court have become somewhat turn-key, the program has not lost its distinctive environment. Court staff participating in the *Stand Down* program find it a very rewarding and often a heart-warming experience. Don Smith has seen the touching exchange between homeless veterans and court staff. "It's not rare for staff to see veterans leaving their hearing with beaming smiles and looks of determination that exude an attitude of 'I can do this'. Veterans will often shake the hands of Court staff while saying 'thank you' or 'bless you.'"

While this specialized court has energized individual court staff members who have participated in it, the San Diego Homeless Court at Stand Down has also served as a bonding experience for all agencies involved. According to Binder, this teamwork effort strengthened relationships among court staff and the agencies involved. "In 1989, when the court, prosecution and defense attorneys developed the Stand Down Court, they worked on case disposition and alternative sentencing guidelines in addition to planning for any number of exigency that might arise in holding court proceedings on a high school handball court. Their collaboration, built on trust and respect, with an abiding conviction in the potential for homeless veterans to relieve the isolation of the streets and overcome great obstacles their homelessness represents, laid the foundation for greater opportunities,

including the growth of the Homeless Court Program from an annual to quarterly and then monthly sessions.”

Helping homeless veterans clean up their minor offenses is more than clearing a legal record; it is a chance for these individuals to re-join society with a clear conscience and tremendous weight lifted off their shoulders. Veterans who participate in these programs have a higher chance of becoming productive citizens again. Working together, service agencies, the community and the court can provide a successful and meaningful Stand Down Court program to help those who have served their country get off the streets and back into life.

*Mark Urry is the Director of Criminal Operations for the San Diego Superior Court.*



# **PURPOSE OF THE STAND DOWN COURT**

The Purpose the Stand Down Court is to remove judicial impediments to attaining the goal of the Stand Down Program and to develop the homeless veteran's confidence in the judicial system.

The goal of the Stand Down program is to support the homeless veteran in his or her effort to return to a more traditional, law abiding lifestyle. The Stand Down program includes components that address substance abuse, mental health, physical health, job acquisition resources such as interview skills and appropriate interview clothing, securing and retaining food, clothing and shelter, and developing self confidence. The Stand Down Court is based on the assumption that, as a result of veteran's deficiencies in each of those areas, the homeless veteran's view of the judicial system is negative; not the view of a citizen expecting just treatment, but the view of a powerless person simply being jailed and fined.

## **STRATEGY OF THE STAND DOWN COURT**

The Stand Down Court addresses the veteran's current cases that have arisen out of his or her homelessness. The cases involve unpaid fines, outstanding warrants, or other unsatisfied conditions that impede the veteran's (a) entry into certain support programs, (b) freedom of movement, and (c) employability.

The facility where the Stand Down Court conducts its calendar is arranged to be less intimidating for the veteran/defendant than a standard court facility.

The Court's action is taken in a manner that connects the veteran's efforts as a participant in the Stand Down Program with the positive Court result of having legal obligations deemed satisfied.

## **OPERATIONS OF THE STAND DOWN COURT**

1. Potential cases are triaged by defense and prosecution agencies so that only proper cases are placed on the Stand Down Court's calendar. The cases to be addressed by the Court do not involve physical injury, use of weapons or significant property damage. The litigants are in agreement as the proper resolution of the case. The veteran is participating in the Stand Down program.
2. The Defense agency determines the order in which cases will be presented to the Court and calls the calendar. Thus, the veteran is being guided thru the hearing by someone the veteran identifies as being on their side.

3. The Judge sits at ground level, at a table. The veteran/defendant stands on the opposite side of the table, facing the Judge. The Bailiff is well off to the side. This arrangement places the Judge and veteran/defendant in an immediate, face-to-face relationship, rather than in the traditional arrangement where the defendant would be looking up at the judge, across a bench, and the bailiff would be always in view. There is a definite security issue with this arrangement. The judge is so close to the defendant that the bailiff could not preclude an assault. This may cause some judges to feel uncomfortable presiding over the Stand Down Court. However, the persons on the calendar have been scrutinized and anyone who is potentially violent is excluded. Further, the “judicial closeness” alone fosters a mutual trust between the defendant and the Court.

4. When the case is called, the Judge has the defense attorney recite the accomplishments of the veteran/defendant as a participant in the Stand Down Program. The Judge then states something to the effect that, “In recognition of the defendant’s accomplishments, in Case #1 the fines are deemed satisfied. The conditions of probation are deemed meet and probation is terminated. In Case #2, the warrant is recalled and the case is dismissed.” This procedure is designed to give the veteran a reason to have a sense of self-confidence and success; and to see that society is acknowledging his or her efforts.

5. There are two responses to the concern that the government is loosing the revenue from the “deemed satisfied” fines. The first response is that the Stand Down Court procedure is based on the fact that there is little likelihood of the defendant ever paying those fines unless his current condition changes. The satisfying of fines is similar to bankruptcy; if you have done what you could and have no assets, the court relieves you of the financial obligation. The second response is that the veteran is paying the fine, but with different “currency.”

*The Honorable Roger W. Krauel is a Judge of the Superior Court, County of San Diego.*

**FROM A PROSECUTOR'S PERSPECTIVE:**  
*Collaborative Community Justice  
in the San Diego Homeless Court Program  
by the San Diego City Attorney's Office,  
Neighborhood Prosecution Unit*

Police officers receive a call about a homeless man sleeping in the doorway of a downtown business. The man has been lodging there for several nights without the business owner's permission. Trash is being left in the doorway during the day. There is also a strong smell of urine that can only be removed with bleach. The business owner is concerned that customers are being driven away. The police are asked to take care of the problem. Officers issue the homeless man a citation to appear in court for a violation of California's Penal Code section making it a misdemeanor to lodge in a public or private place without permission. Most misdemeanors in California are punishable by up to six months in County jail and a \$1,000 fine. The homeless man is given a court date, but fails to appear in court. A warrant is issued for his arrest. If he is contacted by police again and they check for outstanding warrants, the man will be arrested. Maybe he will be lucky and will not be contacted by police again, but the warrant may affect his ability to apply for employment in the future or perhaps even a driver's license.

This scenario repeats itself in the City of San Diego and in cities across the country every day as police officers and prosecutors are called upon to use the criminal justice system to solve what is more truly a social problem, a mental health problem, or a substance abuse problem. Homeless individuals can accumulate a number of citations and arrests for drinking in public, illegally lodging, failure to pay trolley fare, and other minor misdemeanors. In the City of San Diego, the San Diego Police Department has a long-standing tradition of being a law enforcement leader in the field of community policing. The Police Department has a nationally recognized Homeless Outreach Team, which is a squad of officers who partner with mental health professionals and social workers to get resources to homeless individuals contacted on the street. The Homeless Outreach Team is a proactive, prevention-oriented team working to curb recidivism by focusing on providing assistance instead of engaging in enforcement. The San Diego City Attorney's Office, the office responsible for prosecuting all state and local misdemeanors in the City of San Diego, is also community-minded, committed to proactive, early intervention lawyering and collaborative community justice.

In 1989, when staff members from the Vietnam Veterans of San Diego approached the San Diego Superior Court and the San Diego City Attorney's Office to bring the court to its annual Stand Down event, the City Attorney's Office joined the team immediately. It was the right thing to do in order to help those who had served their country.

The first Homeless Court at Stand Down was a collaborative effort involving the Superior Court, Office of the Public Defender, San Diego City Attorney's Office, and Vietnam Veterans of San Diego.

The monthly Homeless Court calendars, which began a few years later, were a natural extension of the Stand Down event. At the direction of California's Chief Justice Ronald George, courts throughout California were focusing on becoming more accessible and accountable to the needs of community members. The collaborative team of judicial officers, court administrative staff, prosecutors, and defense attorneys had to work out the logistics of holding a court session on a monthly basis at a local homeless shelter. Everyone involved felt it was worth the effort of overcoming any logistical complications to help clear the misdemeanor warrants of those who had been through rehabilitative programs and were getting their lives on track.

All of the criminal justice stakeholders involved in San Diego's Homeless Court Program benefit. Police and prosecutors feel like justice is served when people who are getting their lives together are given a second chance. The Homeless Court helps the Superior Court clear hundreds of outstanding misdemeanor warrants each year. The Homeless Court provides the Public Defender's Office with an important sentencing alternative to help clients who are engaged in rehabilitation.

The positive aspects of the Homeless Court program can also be seen on the participants' faces every time a court session is held. As the participants sit quietly before the hearing with paperwork in hand, waiting for their cases to be called, there is visible anxiety on their faces. One by one, they are called to stand before the judge. Soon they are talking with the judge about what they are learning in their treatment programs, or what classes they are taking in night school. Their cases are resolved, often with a handshake and a grateful look toward the prosecutor. The participants usually walk away smiling, and are always relieved.

The significance of this exercise is not lost on the prosecutors who work in San Diego's Homeless Court and at the annual Stand Down event. With each case that is resolved before the court, we are fostering a sense of accountability to society. By standing up before a judge and taking responsibility for their actions, the participants take a crucial step in the direction of developing a sense of personal responsibility.

The San Diego City Attorney's Neighborhood Prosecution Unit is responsible for managing the Homeless Court and Stand Down caseloads on behalf of the City of San Diego. The Neighborhood Prosecution Unit is a team of six deputy city attorneys, a legal assistant, and police officers who work in partnership with other agencies and the community to aggressively and creatively combat crimes that impact quality-of-life, while also seeking proactive, long-term solutions to a broad range of quality-of-life issues that impact the communities we serve. We use traditional prosecutorial tools, while also embracing alternative sentencing models. The Homeless Court is a perfect example of alternative sentencing that works.

Homelessness is a primary concern facing the communities in which we work. As partners in the Homeless Court Program, we reward those who are taking steps to better

themselves and become law-abiding citizens. It is our hope that those who benefit from the program continue on this path and no longer violate the law. We hope to curb recidivism as well as recognize the efforts of individual participants, encouraging them on their new-found paths.

San Diego's Homeless Court Program works, whether at the monthly sessions or at Stand Down, because there are structured guidelines and established expectations. While most misdemeanor crimes may be considered for alternative sentencing, some cases such as driving under the influence cases or domestic violence cases are not handled in Homeless Court. The prosecutors who review the cases maintain discretion to follow the established guidelines or deviate if appropriate based on criminal history or factors in aggravation. While we may not always see "eye to eye" with defense counsel on how certain cases should be resolved, we all support the concept and goals of the Homeless Court Program. We have an open dialogue with all of the criminal justice stakeholders involved, and we embrace the importance of all criminal justice representatives working more collaboratively to benefit the needs of the communities we serve.

For more information on the San Diego City Attorney's participation in the San Diego Homeless Court Program, please contact Lea Fields, Deputy City Attorney, at 619-533-5500.

*Angie Reddish-Day is the Head Deputy City Attorney of the Neighborhood Prosecution Unit. Lea Fields is the Neighborhood Prosecutor assigned to work in San Diego's Central Division and is the prosecutor assigned to Homeless Court.*

## A PERSONAL PERSPECTIVE

I have an older cousin who still smokes. He has a lighter which is inscribed with the insignia of the 101<sup>st</sup> Airborne under which are the words “date with destiny” followed by a date. It is an odd thing, really. After all it’s the date he lost his right eye to a piece of Warsaw Pact steel. He is always careful to point out that he was very lucky. That piece did not pierce both his eyes; it did not go through his temple and into his brain.

If there is any subject that a few decades of practicing criminal law has taught me it is homelessness. I have become habituated to the sight of the crazy man begging outside my courthouse; the bearded guy younger than me begging at a street corner lying about being a Viet-Nam vet, the bodies swaddled like mummies in the recessed entryways of the storefronts in the older part of town. I know the habits of the homeless guys who live in the bushes by the freeway next to the pedestrian overpass that I use. I’ve seen the dreamy eyed old drunks as they are shuffled into the afternoon arraignment court. I’m aware of the studies that show that they are all slackers, or all crazy, or all addicted, or all something else. The only thing that I really know is that the homeless are people who are living outside of society; like Le Carre’s spies they are out “in the cold.”

My cousin never became homeless. Surrounded with an extended family with its share of dysfunctions as well as its share of strengths, he went to law school, married, and raised a family. By every objective measure he has had a successful life. It is a life to be envious of. It is a life so good that some begrudge him his pittance of a disability check. But the horror every once and a while peeks through and scares the living daylight out of the rest of us. It’s a horror he can not speak about. It haunts him, it nearly broke him.

Some of the men who my cousin served with did go homeless. Not all, but some. They broke. They were not as lucky as my cousin. As a group they became a stereotype and a caricature. Pundits passed judgment and explained everything through the tiny lenses of their own miserly ideologies. The truth was and is that Life deals people different hands and then you have to play the game with what you have. Some really are dealt hands that are crushing. A lot of those people end up at the wrong end of a bottle or a needle or a pipe and a lot of them end up homeless and hopeless.

That is some of the background that has shaped the philosophy which I bring to my Stand Down and Homeless Court.

I am a prosecutor. It’s not just a job that I have. It’s almost a vocation. I embrace the stand that no murder goes unpunished, that no one can violate a child without punishment, that thieves go to jail, that drug dealers do time. I take that stand with the knowledge that humans are

fallible, that good is seldom unmixed with bad, and that evil both exists and is rare. In short, my stand is to do justice. Being able to stand up and say that I am appearing “for the people” is an honor. I review cases and exercise discretion to prosecute, and I do not issue cases in order to dismiss them. So how do I deal with a court where just about the only thing that I ever say is “dismiss?”

I go back to the beginning, to the fundamental division of criminal law – *mala prohibita* versus *malum per se*.

*Malum per se* crimes are bad in and of themselves. Simple crimes like murder, rape, theft, stabbing and shootings, burglary the dramatic stuff of TV shows, are *malum per se* crimes. With the progress of human ingenuity we have added to those crimes. Driving under the influence and distributing contraband substances are examples. These are the crimes that really deal with immediate impacts on Public Safety.

*Mala prohibita* crimes are not public safety crimes, they are bad things because we said they are bad, they are crimes of social regulation. They are crimes such as just walking through neighborhoods without having a destination, having a smoke outside, riding a motorcycle without a helmet, sleeping rough, illegal camping, or even eating ice cream on a public street in Carmel. Oddly enough these seem to end up in front of the U.S. Supreme Court much more often than crimes of violence.

Stand Down and Homeless Court only deal with *mala prohibita* crimes. Some like to call them, in a baroque contortion of euphemisms, “lifestyle crime.s” So by definition the thing that drives me as a prosecutor – public safety – has already been handled. Riding the trolley without a ticket is not a violent crime. Sleeping under a bridge is not a present danger to the society I am dedicated to protecting.

But, I hear someone say, don’t *mala prohibita* crimes serve a greater purpose? Isn’t the purpose of those laws to allow others to go about their own business unharmed and unimpeded? Aren’t these “the rules?” Isn’t this supposed to be a level playing field? Didn’t these people get away with it? Isn’t it unfair to give them a break?

No. Not when you look at who we are dealing with.

The majority of the homeless are broken in spirit. It really doesn’t matter if the wheel on which they were broken is called post traumatic stress, or alcoholism, or a long story about a bad marriage, or methamphetamine dependence or schizophrenia or bi-polar disease or depression. When their spirit broke they were broken and then they fell out of society. Read those words again. They fell out of society. They went “into the cold,” alone.

When people are in the cold they still need to survive. When you need to survive the pleasantries of life go to one side. When you need to survive alone there is no more “another person;” there is only oneself. There is no more need for Miss Manners because, gentle reader, there is no society that Miss Manners would recognize. The homeless are the ultimate expression

of a person alone against the world and outside of all society. It all sounds very romantic, but the reality is very cruel.

The purpose of the Stand Down and the Homeless court is to reintegrate into society those who want to come in from the cold. No one does that alone. The court alone certainly does not do it. But we can surely keep people out in the cold – open cases, fines and penalty assessments are an unforgiving barrier to re-entry. Stand Down and Homeless Court act to eliminate the petty cases that stand as barriers.

My initial great fear with Stand Down and Homeless Court was that we would just clean up the broken so they could get dirtied up again. Most of us have seen that. Dry out the drunk with 6 months in the jail. Sober up the dooper with a residential program. Then dump them back into the same old stuff and wait for them to show back up in jail. Maybe because it started with Stand Down – with that appeal to the discipline instilled in those who serve and have served their country, with that appeal to discipline that acknowledges responsibility – I have learned Homeless Court is not a futile exercise.

Those who come into Homeless Court or Stand Down to take care of their cases have already taken responsibility for themselves within the constraints of our society. They have taken the first steps in from the cold. That's huge. Homeless Court has the advantage for me that I know that the participants have already been in a program for three to six months. They are a couple of steps in the door. Stand Down is the first step in the door. Do we take a chance that veterans who have been homeless and hopeless but who have taken back command of their life might fall back? Is that a chance worth taking? What a question. It is a chance I am obligated to take in order to make my society work. It is a chance to serve justice.

My philosophy, my fundamental stand, doesn't change. In Homeless Court and at Stand Down I am still "for the people" and for justice. Justice is defined as moral rightness, equity and fairness. The bad and the evil I will seek to punish. The broken I will seek to give a hand up to help guide them back into the society I cherish.

*Richard McCue is a Deputy District Attorney in San Diego County, California. He has been prosecuting cases for 20 years of the 28 years he has been practicing law. He has also been in private practice where he was a criminal defense attorney and a civil litigator.*





## COUNTY OF SAN DIEGO

INTRA-DEPARTMENTAL CORRESPONDENCE

DEPARTMENT OF THE PUBLIC DEFENDER

**TO:** ALL ATTORNEYS

**FROM:** STEVE BINDER

**DATE:** October 15, 2006

**RE:** **STAND DOWN: July 14-16th,**  
**19<sup>th</sup> Annual Stand Down**  
**18th year of Homeless Court**

### **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 700 participants are expected to participate in the 18th annual Stand Down this year.

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. In 2004, 180 homeless veterans adjudicated 576 cases.

**Friday:** We will commence the disposition of cases at 8:30 a.m. (Please block this date off on your calendar.) **The participants will not be able to sign up for court on site.** However, we will still counsel participants to the Stand Down plea bargain and alternative sentencing agreement and direct them to court. (The City Attorney is expected to honor the Stand Down agreements when the participant brings his/her Stand Down registration card and court issued letter to "M" Court.) The City Attorney will be present offering plea bargains in accordance with the

attached cases disposition agreement. Programs designated for alternative sentencing are present on site to facilitate sign-up and compliance with plea bargains.

All envelope cases will be reviewed and negotiated off computer printouts. The actual envelope case will be produced on site (via fax) if we need to review it with our clients to address potential identity issues, defenses, etc.

We will review cases with participating veterans, formalizing plea bargains, suggest/recommend terms and conditions of probation and set matters for trial as appropriate. Problem cases (e.g. felonies, threat of custody, D.V. or Drug Court etc.) shall be continued to a future designated court date downtown in Presiding. This follow-up date will also address cases not resolved on site.

**No one will be taken into custody against their will.**

The participants who will have **all** of their case(s) dismissed and are not entering a plea to any charge or case, will be sent to the “bail office” on site to receive a court docket.

Appearances for court: The clerks will generate court calendars at night’s end Friday, together with a tent list to ensure a smooth session Saturday. Tent leaders will assist in getting participants to court.

**Saturday:** Court proceedings will be held on-site from 9:00 a.m. until noon. The court clerks will set a future hearing/follow-up calendar in the courthouse for complicated cases and cases not heard during the Saturday session at Stand Down.

## **ALTERNATIVE SENTENCING STRUCTURE:**

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 desired assistance from, it is simply a matter of designating that agency as the court sentence.

If the individual is already involved in a program or has recently completed one, verify this and integrate it into that plea bargain (e.g. credit for time served). The Alternative Sentencing list for Stand Down designates which agencies are on site and is not meant to be exclusive or preclude use of outside agencies.

Attorneys, service providers, and veterans should use the registration form (presented by V.V.S.D. upon admission to Stand Down) to designate the program each participant has signed up for. Attorneys should also note the individual's next court appearance (whether on site, with the follow-up calendar, or an outlying court).

## CASE DISPOSITIONS - STAND DOWN 2006

- 1 - 5 Convelopes: Dismiss
- 6 - 10 Convelopes: Plead to one, STC, dismiss balance
- Over 10 Convelopes: Plead to two, STC
- PC 484/488: Solo case: Plead to PC 602(j) as misd., STC
- HS 11550: Solo charge/eligible to divert: plead to PC 647(f)D, ISS 3:  
VNL, LFD, 8 hours CSW
- Multiple 11550's/11377's: Dismiss one for one
- First one defendant pleads to: PC 647(f)D, ISS 3: VNL,  
LFD, 24 hours CSW
- Subsequent charges: defendant pleads to charge, STC
- HS 11364/BP 4149: Solo charge and no significant drug history: dismiss
- Solo charge and significant drug history: Plead to charge, STC
- Multiple 1136's/4149's: dismiss one for one, STC
- PC 594, 242/243, 148(a): Over one year old: Plead to PC 415(1) as misd., STC
- Under one year old: Plead to charge, STC
- Note: Remember victim restitution, if applicable (if defendant pleads to PC 415(1), H/W needed)
- Weapon Charges: Non-firearm: Plead to PC 372, ISS 3: VNL, forfeit weapon, 24  
hours CSW
- Firearms: Standard offers
- PC 647(a) and 647(b): Solo charge, no priors: Plead to 415(3) as misd., STC
- Solo charge with priors: Plead to charge, STC
- Multiple charges: Dismiss one for one, STC
- Note: These offers are not intended for serious indecent exposure-type cases.

DUI's: Standard offers, no PWS. Custody enhancements, unless mandatory or egregious

VC 14601's: Plead to one VC 12500(a) charge as misdemeanor, STC, dismiss balance

CADV Cases: No deviation from standard policies

Note: Individuals with particularly egregious cases, or with serious misdemeanor or felony histories may not be eligible for these offers.

**STAND DOWN '06**  
Alternative Sentencing Agencies

I. **Veterans Village of San Diego (V.V.S.D.)**

Contact: Gary Parker  
4141 Pacific Highway  
San Diego, CA 92110  
Phone: (619)497 0142

Focus: Penny Almond

Type of Program: Offers counseling for alcohol and substance abuse, post traumatic stress disorder, and employment assessment and assistance. Transitional housing, counseling and therapy for vets.

**New Resolve (North County):**

Contact: Harry Hanson  
1207 South Escondido Blvd.  
Escondido, CA. 92025  
Phone: (760) 745-7829

Type of Program: Transitional housing with individual and group therapy, job training program (alcohol and drug program, and P.T.S.D., anger management, family-relationship counseling case management).

**They will also coordinate referrals to other shelters for placement.**

Number of referrals: unlimited

II. **Employment Development Department (E.D.D.)**

Contact: Rollie Arnold at (619)590 3951

Type of Program: Public Employment Service-Preregistration preferred for "job ready" applicants for programs with various levels of assistance, from dedicated California Veterans Representatives.

Number of referrals: Unlimited

III. **Family Resource Centers with Health and Human Services Agencies also known as Department of Social Services (D.S.S.)**

Contact: Martha Baylon-Futterman  
Metro Family Resource Center  
1130 10<sup>th</sup> Street  
San Diego, CA. 92101  
Phone: (619) 744 5135

Type of Program: (General Relief and Food Stamps)

- Distribute brochures and application packets; and
- Give out general information about our programs (CalWORKs, Medi-Cal, Food Stamps and General Relief.)
- Clear active cases for workers' names and phone numbers

If the person gets an application packet on Friday and they do not have an active case already, he/she may apply that same day at the corresponding office according to his/her zip code of residence (M-F from 7:15 AM to 3:15 or 4 PM.). Unfortunately we cannot screen and accept applications or make appointments to apply, on site.

Number of referrals: Unlimited

IV. **Vet Center**

Contact: Beau Tre at 294-2040  
2900 Sixth Avenue  
San Diego, CA 92103

Type of Program: Counseling for combat veterans, veterans exposed to military sexual trauma and bereavement counseling. Liaison with VA Medical Care, referral to VA benefits, assist in getting DD214 (P.T.S.D.; Anger Management, Relaxation).

Pre-screening required.

V. **Veterans Affairs/VA Medical Center**

Contacts: Jessica Brian, LCSW  
HCHV Program Coordinator  
Tel: (619) 400-5161

Ann Corbin-Fulchiron, LCSW and CADCI,  
Health Care for Homeless Veterans:

Program Tel: 400-5157  
VA Outpatient Clinic  
8810 Rio San Diego Drive, Ste. 2200  
San Diego, CA 92108

Requirements: Must pre-register to determine if eligible for VA benefits (Honorable discharge, serve two consecutive years of duty if entered after September 1980. Others are eligible for Grant and Per Diem housing opportunities in addition to Honorable Discharge upgrades) and appropriate for particular program service.

### **Type of Program**

1. VA Alcohol/Drug Program: Assessment and follow-up for inpatient or outpatient treatment.

#### Alcohol Drug Treatment Program (A.D.T.P.)

Contact: John Sevcik, Tel: (858) 552-8585 ext: 2253

Requirements: Participants must be pre-screened on site before signing up for alternative sentencing with the court.

Number of referrals: 30

2. Homeless Outreach Program: Outreach, on-going need assessment, case management and screening for residential treatment for honorably discharged homeless veterans with emotional illness or substance abuse.  
Number of referrals: 10
3. Mental Health Clinic: Psychiatric assessment and evaluation for mental health services.  
Number of referrals: 5

### **VI. VA Regional Office/Disability Compensation & Non Service Connected Disability Pension**

Contact: Errol Samuelson  
Homeless Veteran Outreach Coordinator  
Phone: (619) 400 5623  
8810 Rio San Diego Drive  
San Diego, CA. 92108



### **Type of Program**

1. **Disability Compensation** – Veterans can make application for disability compensation at Stand Down. Disability compensation may be paid for those disabilities found to be related to military service.
2. **Non Service Connected Disability Pension** – Pension may be paid to those veterans with wartime service and who meet income guidelines, and are found to have disabilities that interfere with the veterans ability to obtain and retain employment.
3. **Other Benefits** – Counselors will be available to discuss a full range of VA benefits.

#### **I. St. Vincent de Paul Village/Joan Kroc Center**

Contact: Cheryl Deblois/ Guest Services Program Manager  
Phone: (619) 233-8500,ext.1150

: Bert Capati/ Job & Resource Coach  
Phone: (619)645-6442  
1501 Imperial Avenue  
San Diego, CA 92101

### **Type of Program**

1. Life Skill Program: Basic skills, community college classes, employment skills.
2. Self-Esteem Program: Approximately 16 hours, veteran oriented.
3. Counseling: Substance abuse, emotional distress, literacy.
4. Work Experience: volunteer work or caseload worker assistance for employment for 90 days with a 13-week follow-up.

Number of referrals: unlimited

#### **VII. Episcopal Community Services/Friend to Friend Clubhouse**

Contact: Andrae Scott at (619) 238-2711  
1009 “G” Street,  
San Diego, CA 92101

Type of Program: Day program for mentally ill homeless adults.

Services: Housing assistance, vocational assistance, daily living services (laundry, shower, etc.)

### **VIII. Social Security Administration (SSA)**

Contact: Patrick Mattis at 1-888-674-6250  
Peter Prather at 1-888-674-6250  
1333 Front Street  
San Diego, CA 92101

**Type of Program:** Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI).

Services: Can make recommendations for initial applications and reinstatement actions needed for benefits. Distribute brochures and application packages. Social Security Number applications will be available on site.

We cannot accept applications or make appointments to apply on site but will advise as to how to take action the following week.

Number of referrals: Unlimited



# COUNTY OF SAN DIEGO

## INTER-DEPARTMENTAL CORRESPONDENCE

**TO: ON SITE SERVICE AGENCIES AT STAND DOWN '06**

**FROM: STEVE BINDER**

**SUBJ: ALTERNATIVE SENTENCING/STAND DOWN '06**

In Stand Down the court utilizes numerous service agencies to satisfy the terms and conditions of probation following a plea bargain. The plea bargain arises from criminal cases, infractions and misdemeanors, resolved on site during Stand Down.

### **ALTERNATIVE SENTENCING STRUCTURE:**

The Alternate 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.

If the individual is already involved in a program or has recently completed one, verify this and integrate it into that plea bargain (e.g. credit for time served). The Alternative Sentencing list for Stand Down designates which agencies are on site and is not meant to be exclusive or preclude use of outside agencies.

Those participants who have yet to access other services may need direction when signing up for volunteer work or counseling to satisfy their court requirements.

Attorneys, service providers, and veterans should use the registration form (presented by VVSD upon admission to Stand Down) to designate the program each participant has signed up for. Attorneys should use this form to note the individual's next court appearance (whether on site, with the follow-up calendar, or an outlying court).

### **ALTERNATIVE SENTENCING AGENCY:**

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

The court order and sentence are designed to provide a constructive alternative to fines, public work service and custody. Instead of punishing the individual or imposing a sentence that would result in setting someone up for certain failure, the Alternative Sentencing Strategy is designed to provide attainable goals and benefits. These goals and benefits are selected by the individual to improve the likelihood of success. The desire is to empower the individual and enable that person to overcome the adversity that fosters or causes homelessness. The quality, not the quantity, of the time spent in furtherance of the court order is of paramount importance.

To facilitate mutual pre-screening, each agency should designate a contact person(s) to interact with the Alternative Sentencing Facilitators in an effort to prevent confusion, ensure compliance and sign off registration forms. Service providers and Veterans are encouraged to use the registration form (presented by VVSD upon admission to Stand Down) to designate the programs each participant signed up for. The agency is to "sign off" the back of the registration form to indicate the service and their next meeting date.

The service provider need not create additional services to those already offered to satisfy the court's sentence.

### **ALTERNATIVE SENTENCING FACILITATORS:**

There will be a number of people working to interface with the court and service providers. They will facilitate the selection of an agency for sentencing, they will introduce the individual and service provider to each other and provide background information (example the anticipated court sentence, the participants' desire for a particular service). The walk from court to the service agency may provide an opportunity to cautiously inquire into the individual's history or needs, elaborate on the services available on site, or stress the importance of follow-up and completion with the court order and sentence. The facilitators may work with the tent leaders to help with the decision making process, encourage follow-up after Stand Down and plan a course of action upon return to the streets.

# TENT LEADER TRAINING MEMO

**To: Tent Leaders**

**From: Steve Binder**

**Re: Outstanding Criminal Cases**

Stand Down participants can resolve their outstanding misdemeanor cases at Stand Down. The court has appeared at Stand Down since 1989. **The participants should understand that they will NOT be taken into custody against their will.** They do not surrender their constitutional rights when they register for homeless court. Participants must register with the court **prior** to Stand Down to have their cases pulled by the courts and the cases will be presented on site. (Those who have not preapplied for Stand Down will not have their cases on site. They may arrange with the court for a time following Stand Down to have their cases heard.) The court will order program activities (as alternative sentencing) as the term and condition of a plea bargain, in place of fines, public work services and the threat of custody.

Alternative Sentencing - The Stand Down court sentences participants to programs and activities available on site. These activities include AA/NA and PTSD meetings, searching for employment, medical care (physical and mental) and work with a social service agency. These activities replace the traditional court orders of fIDes, public work service and the threat of custody.

Participants will take the following steps to address their outstanding criminal cases:

1. Registration: On Friday, they must check in with the court to make sure their cases are present and available for negotiation of a plea bargain.
2. Plea Bargain Agreement: On Fri and Sat, (the earlier the better) they will meet with their defense attorney to review their case(s). They will be counseled by an attorney who will explain the difference between a plea agreement and litigation.
3. Court Appearance: Court will be held on site (at the handball courts) starting at 9:00am. Participants must appear before the judge to resolve their cases. Participants should select a program to satisfy the court order for sentencing. Some of the participants will have all of their cases dismissed at the counseling session. After counseling, the participants will receive a court docket recording the dismissal of their cases.

Those who will be accessing homeless court services after Stand Down should contact the public defenders on site. The public defenders will explain how to approach the court after Stand Down and provide each participant with a handout and information for addressing their case(s) in the courthouse. When approaching the court, each participant must present his/her Stand Down registration card. It is recommended that the participants use their registration card to document their activities at Stand Down. Participants should ask service providers to sign the back of their registration card to verify proof of their activities at Stand Down.

# LETTER TO HOMELESS COURT JUDGE KRAUEL

*from Marsha Duggan, Public Defender*

Judge Krauel,

I should have written you long ago to thank you for your participation at Stand Down. In the years that I have been there it never stops being fun and encouragement wrapped up in a bath, a good meal and a Court that's not scary. It is only with the participation of the Court and your wonderful staff that we can continue to help people get off the street at Stand Down.

Steve Binder and I were talking today about the continuing problem of the homeless population in San Diego. We can see on a daily basis the success stories of those who make it off the street with the help of Homeless Court, Stand Down, and the many Outreach Programs. It is also true that our overall population is growing and the economic condition of the low-income folks continues to worsen. I suspect that our work is not yet done.

We must ultimately count our victory not in the numbers, however impressive, but in the individual stories. Let me tell you just one so that you will know the true value of your time and effort.

A few years ago at Stand Down I was contacted by one of the tent Moms and asked to give priority to an elderly veteran who had some obvious physical and mental problems. He was not able to be left alone for fear he would wander off. We discovered just one local case that we dismissed with his agreement to do some "volunteer work" at the Veterans Medical Center where they had signed him up for counseling. He also had an out of state felony charge which was in warrant status and therefore preventing him from receiving his SSI benefits. It took me and a terrific public defender in North Carolina almost 6 months to get together enough information to get his felony dismissed and clear the way to his benefits.

My elderly veteran came in to my office to bring me a bunch of flowers that he bought with part of his first SSI check. I thanked him and told him what I really wanted was a hug. With tears and pride on his face he told me he had a room of his own and that he felt a lot better and was remembering things like how to cook. And I got that hug.

The hug was particularly important, you see, because of his history. In the huge stack of his psychiatric and medical records was an explanation of his mental illness. At one point

he was so delusional and frightened that anytime a white woman walked into the room he would run away screaming. The mere fact that he was able to work with me at all was a miracle initiated when he wandered into Stand Down and asked for help.

I know from our city streets, the trolley, and our courtrooms that there are many more out there just like him. Thank you again for giving up your time and effort on a warm sunny Saturday. We appreciate all you do for us.

Marsha Duggan

# **CHAPTER 2**

## **THE IMPORTANCE OF STAND DOWN**



# **STAND DOWN:** *A National Program for Homeless Veterans*

STAND DOWN is a belief in the triumph of the human community over extraordinary odds. It grows out of a conviction that the overwhelming number of homeless veterans in every American city is unacceptable and a national disgrace.

The urban streets of America are crowded with homeless people in search of shelter, food and employment. While the number of women and families on the street is on the increase, the number of military veterans ranges from 35 - 45% on any given night across the country. The San Diego Regional Task Force on the Homeless reports that there are about 8,000 urban homeless in San Diego County and estimates that 42% of them are veterans. Typically, the Mayor's Cold Weather Shelter exit survey has indicated that over 50% of the 500 occupants are veterans and that doesn't include their families. There are similar statistics in most major American cities, and our experience suggests that providing a successful program for veterans can potentially impact all homeless people in a given community.

Stand Down was designed from the ground up with the help of over 300 homeless vets at a meeting in Balboa Park in San Diego on April Fool's Day in 1988. It is a "tent city," using 30 to 40 military billeting and fly tents to provide shelter for approximately 800 veterans and office space for participating services and agencies for three days. More than 50 governmental, nonprofit, military and private organizations cooperate to provide needed services that include: medical, dental, vision care, legal assistance, alcohol and drug recovery, counseling, benefits, as well as picture IDs, showers, nightly entertainment, food and clothing. Typically, 2,000 volunteers pass through our gates for three days each year.

Creating a community that embodies respect, support, hope and empowerment is essential for a successful Stand Down and must transcend the myriad of logistical details. By the same token, it is the careful attention to those details that allows the program to work its magic. The best Stand Down is a balance between logistics and program; the lack of resources of a given community need not rule out a successful event.

The Stand Down program is designed to transform the despair and immobility of homelessness into the energy necessary to get into recovery, to resolve legal issues, to seek employment, to access health services and benefits, to reconnect with the community and to get off the street. A very tall order for a three day event. The heart of the program is the community that takes shape over the three day Stand Down and its potential for relieving isolation, raising self esteem, providing social support and activating motivation in its members.

Each entering veteran is assigned to a 20 to 25 person tent at registration that will become their primary support group throughout the event. These groups serve an important logistical purpose, while immediately relieving the isolation characteristic of homelessness. These “tent groups” are facilitated by two individuals, usually a mental health professional matched up with a veteran who has graduated from Stand Down or one of the veteran-specific programs in San Diego. These leaders participate in a didactic-experiential training prior to Stand Down that reviews relevant elements of individual and group counseling, crisis management, program orientation and “cheer-leading.”

The Stand Down program philosophy is well described by Abraham Maslow’s Need Hierarchy: The fulfillment of basic **physiological** needs opens the way to addressing **safety** needs and **belonging** and **self esteem** and, ultimately, **self actualizing**. As lower order needs are satisfied, an individual can address each successive higher order need. But if a lower order need is not met, a person is unable to progress, and, in the case of someone living on the street, may find themselves trapped in “just trying to survive.” When veterans first enter Stand Down their most basic needs for food, shelter and sleep (**physiological**) are immediately addressed and they are able to move towards establishing emotional and physical **safety** within the first day. The tent groups and greater community are designed to promote a sense of **belonging**, and an unconditional acceptance, which leads inevitably to an increase in **self esteem**. By the third day of Stand Down, members are working together to achieve individual and group goals and move beyond their painful self absorption. They support fellow participants and the larger community and begin to **actualize** their potential to move towards success and stability.

The tent group is designed to be the “family” for each participant and an arena for resolving issues and conflicts that emerge during the event. They live together, eat together and can ultimately form a tight bond in a short period of time. Tent leaders keep discussions in the “here-and-now” whenever possible, so that veterans use their time productively. The group members are encouraged to take responsibility for their current circumstances, rather than blaming others or predicting their own failure based on past experience. The emphasis is on the participants themselves initiating change. We try to avoid applying a model that casts the “client” as the passive recipient of strategic services. Every aspect of Stand Down is designed to foster hope, empowerment and dignity, because powerlessness tends to keep people homeless.

After lunch, on the first day of Stand Down, each tent group elects two of its members as “squad leaders” to assist the tent leaders in managing the group and seeing to its needs. This has emerged as a critical part of the program, because it promotes homeless veterans into the Stand Down leadership, and empowers the entire community. With this shared leader function the program has greater potential to evolve beyond an “us versus them – job fair” and become a life transforming event.

An ongoing background to all the activities at Stand Down are services that are provided as scheduled throughout the day including showers, clothing, haircuts, eyeglasses, as well as visits to provider tents. The many volunteers who provide site

services and information are an important part of the community. Much of the important work of Stand Down continues throughout the year, when these same providers collaborate across agencies to offer more comprehensive care to homeless veterans.

We provide workshops on various topics at Stand Down so that each participant can individualize their program. The menu of workshops includes a broad range from “foot care” to Post Traumatic Stress Disorder and are taught by knowledgeable volunteers from the community. The workshop format is modeled somewhat on a professional conference, with participants encouraged to be good consumers and to work to get what they need from each presenter.

The second day of Stand Down is especially significant because of our Homeless Court, which is designed to adjudicate misdemeanors and sentence veterans to community service and recovery in lieu of jail time. The Homeless Court came into existence after the first Stand Down in 1988, when the participants rated their legal issues as a fundamental concern in an exit survey. The program began in 1989, and, for the first time in America, successfully brought the courtroom to the people. Through the extraordinary efforts of Steve Binder, the Homeless Court program has moved beyond its birth place at Stand Down and has become a highly successful national program.

One of the most enduring features of Stand Down for veterans is the Recovery Hour that is scheduled the same time each day. This is the one period during Stand Down when everything ceases, and everyone, including volunteers, attends a recovery meeting that most closely meets their needs. We provide a broad menu of meetings that include the traditional AA, CA, NA, ACA and meetings that are designed to strengthen existing support systems like Women’s AA, Hispanic AA and African-American AA. We have an additional recovery meeting called “stress reduction,” for participants who do not have an addiction or who may still be in denial.

We place emphasis on the importance of attending recovery meetings at Stand Down because they have the potential to be far more impactful than an ordinary meeting. Many veterans, over the years, have begun their abstinence at a Stand Down and have returned the following year to celebrate their sobriety with the community. On the final day of the event, volunteers and participants who have maintained their sobriety from a previous Stand Down are invited onto the stage to be recognized. After 17 years of this program our stage is packed with men and women who are a model of successful recovery.

An underlying theme at Stand Down is the creation of a community to strengthen, support and mobilize each of its individual members. We use “tent groups” to build families and “Town Meetings” to bring all the families together to optimize this support and strength. There are some strategic times during the event when a Town Meeting is most productive. For example, immediately after lunch on the second day, participants are feeling safer and can better tolerate sitting with a large group of people. We use this time to allow federal, state and local dignitaries to address us and for the associated media briefing to occur. Most homeless veterans are surprised and pleased that “important people” are interested in them and this Town Meeting can be a particularly validating event.

Two other Town Meetings occur on the last day and are of particular importance. “Open Mike” invites participants to come to the stage and to address the entire community over the public address system. They typically pass on what they have learned and express their gratitude; it usually is a very powerful and humbling experience.

The graduation ceremony brings the entire community together to witness and celebrate each participant’s successful completion of the program. It is a powerful event that must be experienced to be truly appreciated. Tent groups march up single file carrying flags to pass in front of the stage with bagpipes and snare drums playing in the background. Each veteran is presented an official Stand Down hat and graduation button to thunderous applause. When all the tent groups have been acknowledged and returned to stand in front of their tents, we all gather in an enormous circle of about one thousand strong. We have spent a powerful three days together and we are no longer homeless veterans and volunteers, but one interdependent community.

The final part of the program is the volunteer debriefing that occurs once the event has ended and the participants have left the site. Typically, we all sit in a circle and review our experiences, but we postpone our critique for another time. The best use of the debriefing at the completion of Stand Down is for support and validation of all the work that was done. It is also a time to acknowledge the inevitable sadness that volunteers experience as they watch veterans leave Stand Down and return back to the street.

Stand Down, in spite of its resource requirements and logistical complexities, has spread across America and been replicated in hundreds of cities, each with its own unique character. One of the original reasons for the program was to raise the national consciousness about the plight of homeless veterans, but it’s time for this mission to move to the next level. The best indicator of Stand Down’s success over its history has been the steadily increasing number of former participants who have become successful and returned as volunteers. A group of these veterans has established a new organization called the Stand Down Alumni Association. I believe that the future of this movement legitimately belongs to these once homeless alumni and that the energy invested over the years by thousands of dedicated Stand Down volunteers will find new life in this next generation of leaders.

*Dr. Jon Nachison is the Founder of Stand Down and the Director of San Diego’s Stand Down event.*

# CREATING COMMUNITY AT STAND DOWN

For the three days of Stand Down in July each year, the criminal justice system works the way most people would like it to work. Homeless vets and their dependents are off the streets; the hungry are fed; the unsheltered have beds. Clothing and haircuts are dispensed along with legal counsel, medical and dental care. The residents of San Diego County feel good about what is going on at the baseball field at San Diego High School. Yet much more is being created on that field.

The success of the Homeless Court project begins in the tents of Stand Down. For three days, volunteer tent leaders create a sense of dignity, trust and family out of the disparate, isolated, disenfranchised and discouraged vets that find their way on to the field at Stand Down. This is no small feat. The tents are field issue military tents, put in place by Sea Bees during the days before Stand Down. They are strategically placed in a horseshoe shape. The opening points toward the stage and service tents just beyond the main community of tents. This semi circle design connects the vets, allowing them to create their own environment “inside the wire” around Stand Down. Inside the wire, a community springs to life and amazing things happen.

Led by their tent leaders, the vets shuffle and straggle across the compound on Friday morning to find their tent and set up their cots. Suspicious strangers, assigned at random to the various tents, are asked to help each other put up the metal cots. The seed of community is carefully planted in this simple task. Just being together in the tent reminds the vets of their prior experience in the military. They begin to connect to that time in their lives when they belonged; when they had self-respect, did meaningful work and were productive members of society. From Friday morning through Sunday afternoon, the vets will do things together as a tent family. They will be called to showers, clothing, meals and other services as a group. The vets quickly learn to identify who their tent mates are from the first morning.

Some know each other from the streets, but most are isolated and mistrusting of each other. Many come to Stand Down in dirty clothes, heads down. Their long beards and hair shield them from the judgmental stares they encounter in the community. They ferociously guard the backpacks, duffle bags and plastic grocery sacks containing their belongings. They introduce themselves in a tent meeting and begin to share their names, hometowns, and what they need from Stand Down. Many have attended before and are resolute about what they want to accomplish. The first timers are immediately connected to the “old timers” to orient them to Stand Down.

Each tent is assigned several tent leaders who act as facilitators. Tent leaders are the heart and soul of the community of Stand Down. They have no special talents other than the ability to listen, be respectful, and to recognize the dignity in every human being.

They are recruited by the Stand Down faithful who spread the word each year to friends and family about the incredible three-day experience of Stand Down which can't be duplicated anywhere else. The volunteer tent leaders come from all segments of the San Diego community. The best tent leaders come from the ranks of former Stand Down participants who are now stable and want to offer that hand up to another vet. They are more than mere role models; they are walking miracles, vets who are not afraid to care and share their stories with others if it will help. Other tent leaders are recruited from the ranks of local graduate students in the helping professions. The vets are always amazed and touched that people (many who are not vets themselves) want to volunteer for three days to help their homeless neighbors.

Caroline was recruited to volunteer as a tent leader and, after her first year, she wanted to return with her father, Tom, at the next year's Stand Down. Tom, a Vietnam vet, had never talked with his daughter about his experiences in country. He had been an MP in Hue during the Tet Offensive. Tom and Caroline served as co-tent leaders in November tent. During the three days of Stand Down, Caroline was able to watch as her father related to his fellow vets. She heard him open up and talk about his Vietnam experience during a workshop on PTSD. They attended "Triple Threat," a recovery meeting dealing with alcohol, drugs, and combat, and she listened, for the first time, as he described what it was like to be in Hue during Tet. Stand Down changed their father-daughter relationship forever. Five years later, they are still volunteering together at Stand Down. They have never been closer.

Kevin, a homeless Navy vet from Iowa, always looked forward to Stand Down each year. He began coming in 1989 and arrived each July to take advantage of the opportunity to get off the street, rest, and eat well for three days. He utilized all the services, enjoyed the entertainment at night and socialized with friends. For the first few years that was all he wanted. He knew he had a serious problem with heroin, but attempts to kick the habit and stay clean always failed. He had tried several stints at St. Vincent De Paul but never finished the program. As the years went by, he knew he was sinking deeper. After eleven years, he knew he needed help or he'd die. At Stand Down he could get help. That year he entered the rehabilitation program at Vietnam Veterans of San Diego and went on to complete a two-year stabilization program. Today he is the operator of a successful airport shuttle business. He's not afraid to share his story and inspire others. He has been a tent leader at Stand Down for the past five years and is active in the National Stand Down Alumni Association.

As the tent family comes together on Friday, the leadership slowly shifts from the tent leaders to the tent members. By the afternoon, the tent members elect two Squad Leaders from their ranks. The vets themselves take over the running of the tent and provide the needed leadership. Tent leaders step back and watch the empowerment process as it unfolds. At this point the vets are beginning to trust what is happening at Stand Down and are more likely to access services.

By Saturday morning, the vets are eager, yet apprehensive, to appear in court. Participants have spread the word that the Homeless Court at Stand Down is "the real

deal.” Still, they fidget nervously in their chairs as they wait. They have showered, shaved, cut their hair, put on clean clothes and are anxious to make a good impression with the judge and prosecutor. That small measure of trust that began to develop in their tent family on Friday morning is now being extended to the Stand Down Homeless Court. The vets wait patiently for their names to be called.

After their matters are adjudicated, they leave the court area with wide smiles, intense relief highlighted on their faces. They feel lighter. They stand straighter. They filter back to the tent and tell the others about their experience at court. Their relief is contagious. Those who did not pre-register for the court are encouraged to hear they can show their Stand Down registration cards at court after Stand Down in order to take advantage of the goodwill that began on the field. They talk about taking care of business and getting their lives together for the first time in years.

The Stand Down Homeless Court is an integral part of the three-day experience for the vets. The court “comes to the people” and the vets are grateful for the second chance. They begin to see themselves as part of the community. They begin to believe in their ability to be productive and self-sufficient once again. The trust that began to take root in the tent family is reinforced by their experience at court. After graduation on Sunday they come to believe anything is possible. And, it is.

*Marilyn is a licensed Marriage and Family Therapist in private practice and serves as adjunct faculty at San Diego State University, in the Marriage and Family Therapy Graduate Program. Marilyn worked as a Probation Officer for 22 years.*

*She is the Tent Leader Coordinator for Stand Down in San Diego. She has been one of the tent leaders for Bravo tent for the past 17 years.*

# **FROM A SERVICE PROVIDER'S PERSPECTIVE: *Veterans Village of San Diego***

Since Veterans Village of San Diego (VVSD) originated in 1981, the number one mission of our agency has been to help homeless veterans become healthier, end their homeless status, and find high paying, long-term jobs. VVSD has been remarkably successful in pursuing this mission. For over a decade, VVSD has successfully run homeless facilities, drug treatment, mental health programs, and employment programs for homeless veterans. The average hourly wage among VVSD graduates is nearly \$14 per hour 6 months after being hired and less than a year after they were typically living on the street.

VVSD is perhaps best known as the inventor of the national Stand Down Program. Last year over 750 homeless veterans and family members received three days of safe shelter, food, clothing, legal and medical assistance, social services, job training, and referral to transitional housing at VVSD's Stand Down. Over 2,000 volunteers plus more than 50 organizations – such as the VA, the active duty military, and the American Legion – volunteer at this event. Originated by VVSD in 1988, Stand Down has become a national phenomenon replicated in over 200 cities and endorsed by presidents, governors and mayors.

At the first Stand Down, VVSD learned that one of the top problems among homeless veterans were outstanding arrests warrants, typically misdemeanors for vagrancy or failure to appear in court. As a result, VVSD worked with the San Diego Court system, including public defenders, the district attorney's office, city attorneys and local judges to bring the court to our Stand Down field. Every year since 1989 a local public defender named Steve Binder has worked closely at Stand Down to help hundreds of homeless veterans' clear misdemeanors that have often stifled their progress toward ending their homelessness. These veterans do not have their warrants cleared for doing nothing; they have to participate in a local drug treatment program, service center, or homeless shelter. Homeless court is one reason that only a small percentage of Stand Down participants come back to Stand Down from one year to the next. We recall a couple vividly who had family ready to pay for them to come home BUT, the two had minor misdemeanors and were TERRIFIED to leave San Diego and face a warrant. They were so relieved to have their case handled and are doing well 2 years later back home. Remember, a high percentage of the homeless have a diagnosable and treatable mental illness.

As a result of the success at Stand Down, Mr. Binder brought the homeless court to two year-round shelters, one run by VVSD and the other run in San Diego by St. Vincent De Paul. Approximately 40 homeless veterans per month have about 90 cases cleared in exchange for participating in a homeless facility that requires them to obtain the drug



treatment, mental health, employment, and other services needed to end their homelessness. By everyone's account, both the Stand Down homeless court and the year-round homeless court programs have been great successes. It is a win-win-win program. The taxpayers benefit because so many cases can be cleared; the court benefits because they have time to search the records and make decisions regarding the offenses well prior to the court date; treatment centers gain because they require the resident to earn the right to get into Homeless Court. By the time a VVSD resident gets to homeless court, they have already attended over 80 12-step meetings and performed more than 20 hours of community service. According to the judges, they would never require anywhere near that amount as a sentence. And, the resident benefits from a clear record. The homeless court program has recently been replicated in five California regions including Los Angeles and San Francisco, as well as in New Mexico, Salt Lake City, and Australia.

VVSD is known as a national leader among homeless veteran programs in America. In the recent past, VVSD was awarded a homeless veteran employment incentive grant by HVRP and the National Coalition for Homeless Veterans (NCHV) for outstanding innovative programs such as inventing Stand Down and originating a Homeless Court Program. VVSD operates over 200 year-round transitional housing beds at 6 locations throughout San Diego County.

VVSD also developed a new program with the public defenders office and the local D.A. whereby homeless vets begin to pay child support and get to see their children again, often after years with no connection. VVSD's recidivism rate is very low, due to our comprehensive drug treatment, mental health, job training and support services. A two-year study of VVSD by San Diego State University concluded: "The social model program offered by VVSD is more effective than other known and tested treatments for this population." VVSD was selected as San Diego's Nonprofit of the year by the San Diego ABC Television Station. In October 2001, Pete Dougherty, Director of VA Homeless Programs, presented VVSD with a \$980,000 VA Homeless Grant and Per Diem Program award for 80 new beds for homeless veterans. It was the largest VA Homeless award in the nation that year. During the ceremony, Mr. Dougherty stated, "There is no finer program for homeless veterans in America than Vietnam Veterans of San Diego." Last year VVSD placed over 300 homeless vets into long-term employment. The average wage exceeded \$13 per hour after 180 days of employment. Additionally, VVSD was named the Veteran Organization of the Year 2003 for the city of San Diego.

VVSD Staff Capability: VVSD employs 3 Licensed Masters Level Therapists and 15 Masters-level Intern Therapists who provide excellent support services to clients. These licensed therapists supervise our dozen counselors, both volunteers and staff. Many of them are formerly homeless veterans in recovery. As a result, our peer counselors and drug treatment case managers share an empathy with our clients and provide excellent role models. Our CEO Al Pavich serves on VA Secretary Principi's Homeless Veterans Committee and on the San Diego Mayor's veteran task force.

*Al Pavich is the CEO of VVSD and Andre Simpson is VVSD's Vice President and COO.*

# THEY LIVE IN CANYONS

They live in canyons, under railroad tracks, in culverts and drainage ditches. They sleep on cardboard, if they can find it, and only in the day time when it is safest. They raise their children in abandoned buildings and abandoned cars. They may be addicts or alcoholics, have treatable mental illnesses, suffer Post Traumatic Stress Disorder from combat, or sexual assault or violence. These are the men and women who once honorably wore the uniform of this country and fought for the freedom the nation gets to enjoy. And they are forgotten by many. Our homeless veterans live in unspeakable conditions. It does not matter anymore how they became homeless. It could happen to any of us. They were professionals, laborers, contractors, highly educated and successful in their military ratings. Something changed all that. Once homeless, it is nearly impossible to reverse the situation without outside assistance. Everyone cries "Get a job." Most of our homeless are very successful in getting jobs...they have had hundreds of them. It's keeping a job that is impossible. If you have nowhere to bathe, how long would your co-workers want you around? If you have nowhere to wash your clothes, if you cannot get a decent night's sleep, if you return from your job to find all your worldly possessions have been stolen or confiscated or sent to the dump by some clean up crew...how could you maintain employment?

A young woman with two children under 5 years old came to Stand Down one year. Her husband left one day, which was actually a good thing since he was physically abusive. There is no child support. She is a military veteran with no disabilities. She and her children had been living in her old Toyota corolla which had been towed away as an abandoned vehicle just before Stand Down. She went to the VA, to every social service organization she could without divulging she had children...She did not want to have them taken away. Her choices? Sell drugs or sell herself in order to feed and clothe her children. Stand Down was her last resort. In desperation she arrived with her children on Friday...and no one could tell this was a homeless family. The children were immaculate. On closer inspection the clothes were old and worn, but clean and mended. The woman was articulate, stated her situation and the steps she had taken to solve it, and clearly knew what she needed. Fortunately, that family spent only 6 months on the streets.

Sadly, most of our veterans have been on the streets far longer than that. In a culvert under the railroad tracks, are several old mattresses, sitting in 6 inches of water. This is home to several people. The rest room is about 10 feet down the culvert. The place reeks of human waste and mold and spoiled food. One of these men died on the railroad tracks this year.

The longer they are on the streets, the more difficult to reverse the damage. If they didn't have PTSD before, they will soon. If they did not have a drug or alcohol problem

before, they will soon. If they did not have a criminal record, they will soon. If they have a mental illness, it will display itself soon after any medication they may have been on is no longer accessible. Simple medical needs become major health issues. Diabetes, HIV, Hepatitis A, B, and C, and sexually transmitted diseases are rampant. Employment and training are not enough. Transitional housing, treatment programs, homeless court, professional therapists and counselors are necessary components to the solution.

Stand Down is an entry port to these solutions. As barriers are removed solutions present themselves. Barriers have a snowball effect. If someone has not paid child support, they will not go to a social service provider for help because they may be found out. They will not get a job, because income will be taken away. They get deeper and deeper into debt and the snowball becomes a boulder. If no one is willing to work with them, hopelessness begins to set in and hopelessness breeds paralysis. We are not talking about *problems* here. We are talking about compounded psychosocial and economic barriers to self sufficiency – complicated social, mental and physical health issues.

The average citizen has great difficulty grasping the complexity of homelessness. If I get a parking ticket, I write a check, put it in the mail and I'm done. I'm likely to even remember to put more money in the meter or keep better tabs on my time. I am not struggling with how I am going to eat or sleep or how to take care of my children...a parking ticket compared to those trials would become insignificant in the face of the challenge just to survive.

So, with Stand Down and other programs, we chip away at the problem. And the next generation of homeless veterans is already here ... those who have served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (Afghanistan).

If we act quickly enough, we can prevent homelessness among many of these veterans. We need to address the issues of combat stress and family reintegration in much the same ways that we send in specialists to schools that have experienced the trauma of a shooting or a disaster. If we allow the affects of trauma to fester, we become partly responsible for its destructive power.

*Darcy Pavich is a Chaplin and Stand Down Coordinator at Veterans Village of San Diego.*



## **NATIONAL COALITION *for* HOMELESS VETERANS**

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# **HOMELESS COURTS RISE AS INSTITUTIONS OF REDEMPTION**

*Founded in 1990 by a group of community-based homeless veteran service providers, the National Coalition for Homeless Veterans (NCHV), a nonprofit, tax exempt, 501(c)3 corporation, is the technical assistance center for a national network of 250 community-based organizations that provide housing, food, medical services, employment assistance and other services to more than 150,000 homeless veterans each year. NCHV also serves as the primary liaison between those service providers and the federal agencies charged with helping them succeed in their work.*

What would you do if you were homeless – clutching a dirty bedroll and wearing soiled clothes; needing a shower, a shave and a haircut; your stomach aching from hunger and your muscles and joints stiff from sleeping in a damp, cold stairwell; your sense of self worth draining away like rainwater in a gutter – and you were suddenly taken to a police station, booked for disorderly conduct, and given a summons to appear in court?

Chances are, when the hearing date arrives, you won't be at the courthouse. You're scared, tired, hungry, frustrated and sick. If you suffer the humiliation of appearing in court and the charges are dismissed, you're still homeless and without a job. If you plead guilty, that's just another fine you can't pay or jail time, and another black mark on a record that already bars you from most housing, employment and public assistance programs.

That cycle of hopelessness was first addressed by the judicial system in San Diego, Calif., after the nation's first Stand Down in 1988. Stand Down is a military term for removing personnel from combat operations for a few days and offering them a place of relative security for rest, cooked meals, showers, mail, health check-ups and clean uniforms – a place of healing. Today, in communities across the nation, Stand Down is a temporary safe haven where America's homeless veterans – estimated at nearly 200,000 on any given night by the Department of Veterans Affairs – may access a wide range of services to rekindle their sense of self worth and the belief that they can reclaim their rightful place in society as productive citizens.

Vietnam Veterans of San Diego (VVSD) staged that first Stand Down for homeless veterans in 1989. On hand to give life, energy and direction to the movement were Stand Down co-founders Robert Van Keuren and Dr. Jon Nachison, VVSD Executive Director Al Pavich and his staff, volunteers from the community, local businesses, government services agencies, veterans groups, representatives of the Department of Veterans Affairs (VA) and Department of Labor, and an attorney with the San Diego Office of the Public Defender, Steve Binder.

Experienced in innovative approaches to combating homelessness among San Diego's veteran community, VVSD was able to plan, coordinate and build a three-day tent city that offered homeless veterans health and hygiene services, food, clothing, referrals to supportive housing programs, veterans benefits counseling, access to substance abuse and mental health treatment programs, employment assistance services, and personal development counseling – all in one place. It was a monumental undertaking; and before it was over, more than 500 homeless veterans had received help that no single agency in the region could have provided.

As homeless veterans prepared to leave the encampment, they were asked to fill out a survey for the VA about their homelessness and experiences at the Stand Down. The last question on the survey asked them to identify their greatest need.

“Surprisingly,” Steve Binder said in a recent interview with the National Coalition for Homeless Veterans (NCHV), “we found that 116 of the nearly 500 veterans said they needed help with legal problems the most. That was more than double the number of the next highest request. It was a shock.”

Actually, it was a deafening wake-up call. Service providers and experienced advocates were so focused on immediate supportive services like housing, health care and employment, few were dealing with the grim reality that most of those necessities were beyond the reach of a large number of their clients – homeless veterans with outstanding criminal warrants.

An analysis of the cases pending against homeless people sheds light on how traditional law enforcement can derail even the most promising programs designed to help them. For the most part, the citations issued to the homeless are for public nuisance offenses – illegal lodging, public drinking and inebriation, littering, urinating in public – or offenses relating to their homelessness, including petty theft, trespass and child support delinquency. Homeless people are often burdened with several outstanding warrants, and failure to appear in court only deepens the abyss.

“The large majority [of homeless people] are a nonviolent group who just want to be left alone,” Binder said. “But each citation is like kicking sand in his face, and the psychological impact is as damaging to the person as the charges against him. Even when someone enters and completes a homeless assistance program, if those unresolved cases are still out there, they’ll lose everything they’ve gained.”

## **Bringing Justice to the Homeless**

After the 1988 San Diego Stand Down, the San Diego County Bar Association Homeless Subcommittee invited Van Keuren and Dr. Nachison to one of its monthly meetings to discuss the Stand Down program and the VA survey results. Before long, a meeting had been set up with San Diego Municipal Court Judge E. Mac Amos Jr. to discuss the possibility of setting up a court for homeless veterans at the next Stand Down.

As Binder recalls: “The meeting brought together a group of people with an unusually cooperative outlook. The clerks assured the presiding judge that a courtroom could be set up and run outside of the courthouse. The judge received confirmation from the event sponsors (VVSD) that the event would uphold the dignity of the court. The prosecution and defense outlined a plea agreement and guidelines for alternative sentencing to facilitate resolution of cases. And the court promised that no one would be taken into custody against their will.”

After the meeting, prosecutors and public defenders worked on establishing guidelines for adjudicating cases pending against homeless veterans in a way that would satisfy the law, protect the dignity of the Court, and remove the barriers to housing and employment that outstanding warrants represent. Placing the “outdoor court” at Stand Down was a logical move, since the purpose of the community event is to provide homeless veterans the widest possible range of services in one location, and it was the veterans who had identified legal assistance as one of their greatest needs.

The plea bargain agreement accepted by the court affirms the homeless veterans’ responsibility for their offenses, but recognizes that most of those charges are a result of their homelessness. Homeless veterans have to voluntarily sign up at least a month in advance to have their cases heard in court, which allows the prosecution and defense to review the charges and make recommendations about their disposition. The homeless court proceeding was designed with efficiency in mind – cases are heard, are resolved, and sentences are rendered all in one hearing.

Instead of imposing fines, incarceration or compulsory community service for offenders – which had been common practice – the court accepts homeless veterans’ participation in homeless service providers’ programs as a form of alternative sentencing, recognizing clients’ efforts to re-enter society as productive citizens and their accomplishments. Activities for which defendants receive credit include participation in life skills training, substance abuse treatment programs, employment training, counseling sessions and volunteer work.

At the 1989 San Diego Stand Down, 130 homeless veteran defendants had 451 cases adjudicated by the San Diego County Superior Court. Those numbers increased dramatically the following year, with 237 defendants having 967 cases resolved. By the end of the fourth year, the court had resolved 4,895 cases involving 942 homeless veterans, and the program had outgrown its original purpose as an annual service component of Stand Down.

The early success of the Homeless Court and the steady increase in requests from homeless people trying to overcome legal barriers to self-sufficiency fostered rapid growth in the program. The court extended services to battered and homeless women in 1990, and to the general homeless population at San Diego shelters in 1995. A grant from the Department of Justice Bureau of Justice Assistance funded the expansion of the program to monthly sessions at two locations on an alternating basis – Vietnam Veterans of San Diego and St. Vincent de Paul. The San Diego Homeless Court currently handles more than 100 cases involving homeless persons every month.

In California, Homeless Court is now a Superior Court program for homeless defendants, with programs established in Ventura County, Los Angeles, Bakersfield and Sacramento County. It is dependent upon partnerships between the court, local shelters, homeless service providers, the prosecutor's office and the public defender. A program was recently established in Albuquerque, NM; and Florida and Michigan are considering the implementation of homeless courts in their communities.

### **Looking to the Future**

Lack of affordable housing, unemployment and strains on federal and state funding of supportive services have contributed to the increases in homelessness that have been reported nationwide during the last several years. Homeless people with outstanding warrants and persons transitioning from corrections facilities without adequate preparation and support have very little chance of successful reintegration back into their communities.

According to Peter Dougherty, Director of the Homeless Veterans Programs Office, Department of Veterans Affairs (VA), providing legal services at Stand Downs has become a priority. In 2002, the VA participated in 95 Stand Down programs across the country. Legal services were provided to homeless veterans at 58% of those events, and 90% of three-day Stand Downs offered legal services or hosted homeless court programs.

Dougherty, who has served as a probation officer and court magistrate in West Virginia, is a strong advocate for the homeless court program. He knows firsthand how the program can improve a homeless veteran's access to housing and employment, as well as other supportive services. He also understands the economic imperative to reduce unnecessary incarceration and recidivism.

In the last three years, more than 9,000 homeless veterans assessed by VA's Health Care for Homeless Veterans (HCHV) program had spent one or more days in jail during the month before being interviewed. The Department of Justice estimates that about two-thirds of people who are released from prison will, without supportive services, return to the correctional system within three years.

"If you don't get that stuff [outstanding warrants and criminal histories] resolved, it's going to be extremely difficult to get a good job and a place to live," Dougherty said. He said the cost of the Homeless Court program, and initiatives like the VA-Department of

Labor Incarcerated Veterans Transition Program, pale by comparison to the estimated \$25,000 to \$50,000 annual cost of incarcerating someone.

“This isn’t just about what the VA or Department of Justice spends,” Dougherty said. “It’s about what the taxpayers have to spend. More than 6.9 million people are incarcerated. That’s a huge cost to our country, and our communities.” Without proactive programs that help men and women overcome barriers to housing and employment, including legal issues, that cost will continue to increase.

The National Coalition for Homeless Veterans (NCHV) is a national network of homeless veteran service providers that collaborate with community-based organizations and government agencies to provide the full continuum of care to homeless veterans. Available services include emergency and transitional housing, health care, mental health and substance abuse treatment programs, employment assistance, legal aid and personal counseling.

Most NCHV member organizations sponsor or participate in annual Stand Down events, and most of them provide homeless veterans the kind of self-development programs the Homeless Court recognizes as sentencing alternatives to resolve outstanding criminal warrants. NCHV is a traditional partner of many of the organizations involved in Homeless Court programs. The NCHV website ([www.nchv.org](http://www.nchv.org)) is the nation’s most comprehensive source of information about homeless veterans, the organizations that help them, and national policy and legislation that impacts the delivery of supportive services to them. The site provides contact information for Stand Down coordinators and homeless veteran service providers across the country who can help jurisdictions and community-based organizations that want to develop homeless court programs.

“Stand Down is at the center of the Homeless Court program,” Binder said. NCHV members offer homeless veterans housing referrals, employment assistance and access to a wide range of supportive services. They also administer the kind of self-improvement programs the homeless need to satisfy their legal obligations to the court.

The benefits of the Homeless Court program – to individuals in crisis and their communities – have been well-documented. In less than 15 years, the bold initiative launched on a tennis court at the 1989 San Diego Stand Down has become an Institution of Redemption for thousands of homeless veterans who have successfully regained control of their lives and re-entered society as independent, productive citizens. For many, the greatest hope of their ultimate success was first delivered by the presiding judge at a Homeless Court.

*John Driscoll is Vice President of Operations and Programs for the National Coalition for Homeless Veterans. To reach NCHV, call 800-VET-HELP or visit [www.nchv.org](http://www.nchv.org).*



## FROM THE PARTICIPANT'S PERSPECTIVE

“I came to San Diego by way of Boston. I thought I was gonna find a new life here ... I ran out of little money I had. Nothing went right for me. I found myself turning to a bottle. It didn't take long before I was homeless and living a life not caring even for myself. This went on for 2 years and I found my way to the Salvation Army. Here I found my self-respect and a new way to live in 'society.' But, before I came into the Salvation Army Program, my addiction took me to receiving tickets such as drinking in public, illegal lodging misdemeanor tickets. Homeless Court gave me a change in life whereas nobody else had. I am grateful and blessed that there is such a thing as Homeless Court because today I am living a clean and sober life and saw the mistakes I made in the past.”

Male, Participant

“I have been living in San Diego for about 12 years. I was homeless for a good part of that time. That's because I'm an alcoholic. I've lost my job again due to my drinking and I decided to get some help. I usually would let a warrant for a traffic ticket go until I was picked up by the police. Then I would clear up any and all warrants at that time. This has always been my way of doing things. Now that I am in Salvation Army for their ARC (Adult Rehabilitation Center) program, I can see things a lot differently. I didn't know what Homeless Court was until I went. Now, I am glad I did.”

Male, Participant

“If not for the Homeless Court, I wouldn't have taken care of my outstanding court cases. Having the opportunity to clear the legal wreckage of my past while also paving the road to sobriety has given me an increased optimistic outlook on life ... (the attorney did) a great job in letting the homeless court participants know what they are up against on their first visit. I was a little apprehensive as I always am about going to court. I feel the Homeless Court Program fills a void inherent in today's legal system. With all the uncertainty regarding consequences stemming from charges brought against a person, it is no wonder many people prefer to just not show up. The Homeless Court Program is a major step in filling this void.”

Male, Participant

“The Homeless Court Program has been extremely beneficial in helping me iron out my legal issues. In the past, I've been apprehensive about appearing in court on certain charges, always seeming to fear the worst possible outcome ... (the attorney) does a professional job in informing and gaining the trust of those he's representing. I can honestly admit that given the responsibility of handling my cases without the HCP, the charges against me would still be at ground zero.

It's pretty hard to argue against a program that gives a person who is actually trying to better their life the opportunity to resolve their legal problems at the same time. Of course we're all accountable for our own actions, and consequences should be justly served, but serenity and peace of mind can definitely be attained through finalizing court cases, and

this becomes added incentive for a person trying to follow the right path and make positive changes in their life on the road to recovery.”

Male, Participant

“I was heading in the wrong direction ... I wasn’t able to make good choices, and by making the choices I did, it led to being afraid of personal responsibility. So when I became homeless after losing everything I ever had or loved, I had a moment of clarity. And that was to get help by joining the Salvation Army Rehabilitation Center. When I joined the program, I had a few legal matters still pending, which I had no way of being able to take care of ... For me personally, my legal ‘problems’ were resolved. With this goal accomplished, I have been able to continue with my program in recovery. To finish the program, knowing that when I do so, I will have a fresh start, means a great deal to me.”

Male, Participant

# APPENDIX

Forms and court facility layout that are routinely used to prepare for and conduct a Homeless Court Program at community Stand Down programs.

# STAND DOWN MISDEMEANOR/INFRACTION OFFER SHEET

GATE:

DEFENDANT NAME:

DCAIDDA:

Tent Assignment:

<i>CASE DISPOSITIONS</i>			
Case Number:	COP:	Sentence:	
Charge(s):	ISS	years	hrs. Vol.Serv.:
0 Violate no laws ...		hrs. Counseling:	
0 DSS			
0 Amendment		0 EDD	
0 LID		0 St. Vincent	
.-----		0 Vet. Mem. Cntr.	
0 Further	<i>Dismissed charge(s):</i>		0 VAIVA Med. Cntr.
Proceedings		0 Vet Center	
0 WSD			
0			
Case Number:	Plea:	Sentence:	
Charge:	ISS	years	hrs. Vol. Serv.:
0 Violate no laws ...		hrs. Counseling:	
0 DSS			
0 Amended		0 EDD	
.-----		0 St. Vincent	
<i>Dismissed charge(s):</i>		0 Vet. Mem. Cntr.	
0 Further		0 VAIVA Med. Cntr.	
Proceedings		0 Vet Center	
0 WSD			
0			
<i>CASE DISMISSALS</i>			
<i>Write court case numbers of all dismissed cases:</i>			
<i>FUTURE DATES</i>			
0	CONTINUED to	at	in ROOM
for the Stand Down Follow-up Calendar.			
Deputy Public Defender			

DISTRIBUTION: Original and Canary to Court; Pink to City Attorney; Goldenrod to Public Defender

SDSC CRM-113(Rev. 4-04)

# STAND DOWN WORK SHEET

Name

Tent #

Outcome of the negotiations:

Program Participation: What are you doing while here at stand down?

While at Stand Down:      Completed

In Progress

0 VA benefits

0 Social Services

0 Medical

0 Dental/Hearing

0 Counseling

0 NA/AA

# STAND DOWN CALENDAR DAY: SCRIPT

## PHASE 1

### PUBLIC DEFENDER

- INTERVIEWS EACH DEFENDANT WHO POTENTIALLY WILL BE APPEARING BEFORE THE JUDGE.
- OBTAINS COURT'S FILE(S) AND MAINTAINS PERSONAL POSSESSION AND SECURITY.
- IDENTIFIES PENDING CASES TO BE PRESENTED.
- CONFERS WITH THE PROSECUTOR.
- DETERMINES WHETHER DEFENDANT AND CASE(S) READY TO PRESENT TO JUDGE.

## PHASE 2

### WHEN "READY" CASES HAVE BEEN IDENTIFIED, PUBLIC DEFENDER

- HAS THE COURT FILES IN HAND.
- MAKES EYE CONTACT WITH THE PROSECUTOR AND COURT CLERK TO CONFIRM THAT THEY ARE READY.
- CALLS THE DEFENDANT FORWARD.
- HANDS THE COURT FILE(S) TO THE CLERK.
- CALLS ALOUD THE CASE BY NAME.

## PHASE 3

### PUBLIC DEFENDER TO JUDGE:

#### Cases to be addressed:

- In case number \_\_\_\_\_, MR/MS \_\_\_\_\_, was convicted of violating \_\_\_\_\_. the defendant was placed on probation. the unsatisfied conditions are: \_\_\_\_\_
- In case number \_\_\_\_\_, MR/MS \_\_\_\_\_, has been charged with violating \_\_\_\_\_.
- In case number \_\_\_\_\_, MR/MS \_\_\_\_\_, has been charged with violating \_\_\_\_\_. THERE IS A WARRANT OUTSTANDING.

#### Identify program/describe participation AT STAND DOWN.

MR/MS has completed \_\_\_\_\_.

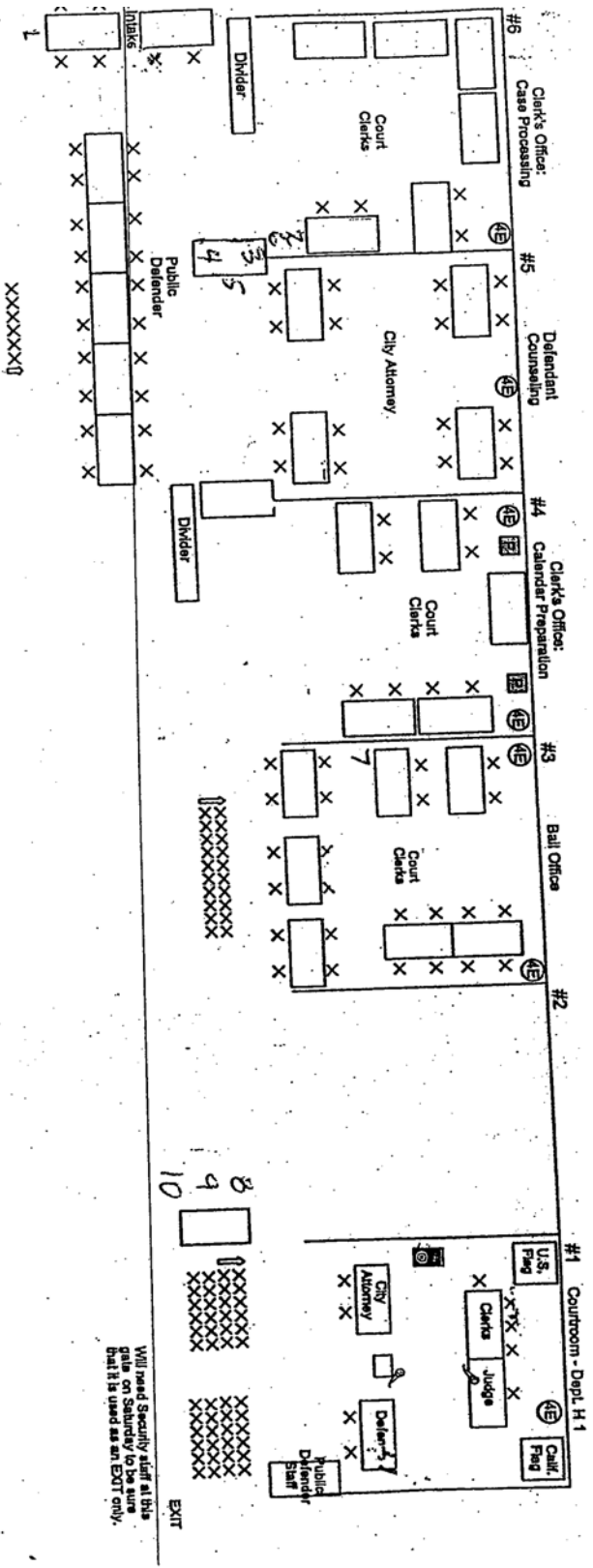
#### REQUEST FOR COURT ACTION

I move that \_\_\_\_\_.

## PHASE 4

### Judge:

- PROSECUTOR, SUBITTING/SATISFIED?
- in recognition of mr/ms \_\_\_\_\_ participation in the program, the motion is granted.



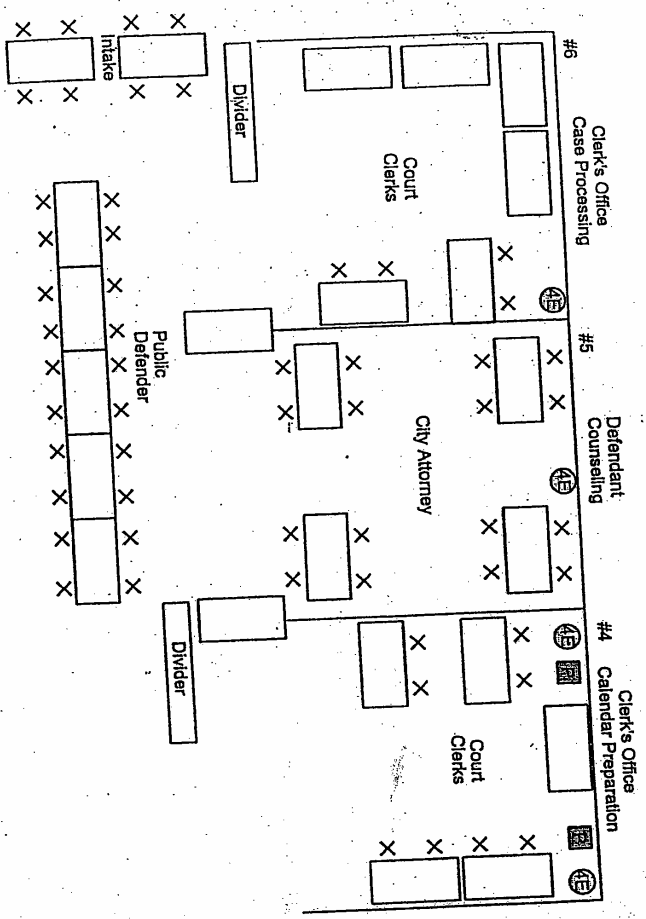
**KEY**

- ☐ = Tables
- X = Chairs
- ⊞ = Phone Line
- ⊕ = Electrical outlet

Not To Scale

**CRIMINAL LEGAL SERVICES  
COMPLETE SITE SET-UP**

- 1 MOBILE UNIT BOX
- 2 STAIRS UP/BASE BOX
- 3 DEA FOR OFFER BOX
- 4 READY FOR COUNSELLING BOX
- 5 DEA FOR DISCOVERY BOX
- 6 COUNSELLOR BOX
- 7 ADMINISTRATION/ISSUANCE BOX
- 8 READY FOR COURT BOX
- 9 READY TO BE HEARD BOX



**CLERKS OFFICE  
SITE REQUIREMENTS**

- Phones: 2
- Tables: 23
- Chairs: 62
- Outlets: 16
- Dividers: 2

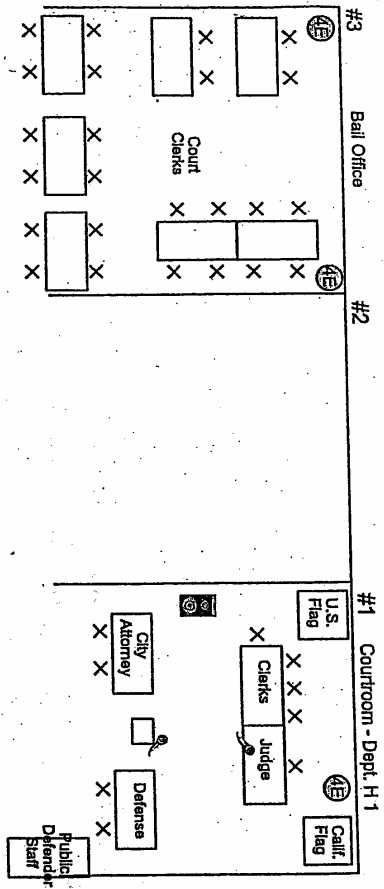
**KEY**

- ☐ = Tables
- X = Chairs
- Ⓜ = Phone Line
- Ⓜ = Electrical outlet

Not To Scale

CRIMINAL LEGAL SERVICES  
CLERKS OFFICE SET UP - FRIDAY, SATURDAY & SUNDAY





**COURTROOM/BAI OFFICE  
SITE REQUIREMENTS**

- Tables: 13
- Chairs: 100
- Outlets: 12
- Lectern: 1
- Microphones: 2
- Speakers: 1
- US Flag: 1
- Calif. Flag: 1

Will need Security staff at this gate on Saturday to be sure that it is used as an EXIT only.

**KEY**

- ☐ = Tables
- X = Chairs
- ☎ = Phone Line
- Ⓜ = Electrical outlet

Not To Scale

**CRIMINAL LEGAL SERVICES  
COURTROOM SET UP - SATURDAY ONLY (8 AM to Noon)**

## **NOTES:**