

## San Diego's Homeless Court

# Taking It to the Shelter

BETH SHIRK

Joe's nicotine-stained fingers curl around his coffee cup while he talks. His skin is rough and darkened by his days living outdoors, and his gravelly voice and rough grammar disguise the tender spirit within.

Joe returned from Vietnam with medals and memories—and a heroin addiction he could not shake. He has lived on San Diego's streets for three years. He says he likes the weather.

Joe is trying to build a life for himself, one day at a time. And today he is clean and sober and can walk on San Diego's streets without fear of incarceration, thanks to the Superior Court of San Diego County's Homeless Court Program. The program enables homeless defendants to clear up minor infractions and misdemeanors without going to a courthouse or risking arrest.

### GOING TO THE HOMELESS

The San Diego court's Homeless Court Program—which includes the judge, bailiff, clerks, prosecutor, and public defender—meets the challenge of serving a displaced population by holding its monthly special court session at a homeless shelter. The judge stands at a podium rather than sitting at a table, to be eye-to-eye with the defendants.

Defendants are able to resolve their legal issues in a more convenient and less intimidating environment than a courtroom, while the court is able to bring resolution to many cases that would otherwise linger in its system.

"The goal for the homeless defendant is to leave court with a clean slate," says the court's supervising judge, Peter C. Deddeh. "The goal of the court is to relieve some of the backlog of pending cases, as well as to improve the trust and confidence of one of the city's most vulnerable populations."

The court was conceived by San Diego Public Defender Steve Binder, who had struggled to serve a homeless population that was overwhelmingly fearful of going to a courthouse. "Steve is the catalyst of the homeless court," says Judge Deddeh. "He has the passion and enthusiasm that make the program successful."

### COLLABORATION EQUALS SUCCESS

The monthly homeless court is a collaborative effort involving the superior court, the San Diego Public Defender's Office, the city attorney, the District Attorney's Office, and providers of services to homeless people.

The process begins with referrals to the homeless court by homeless shelters and service providers. Once the referral list is reviewed by Mr. Binder, the list is forwarded to the prosecution and to Court Clerk Maria Valdez. Ms. Valdez researches up to 175 cases each month, some of them as old as seven years. The court then forwards the information back to Mr. Binder, who meets with defendants to discuss their cases.

Key to the success of the program is the fact that defendants outline their progress in substance abuse recovery, job training, and other social service programs. "Tracking positive progress helps us in negotiations with the city attorney," says Mr. Binder. "The city attorney recognizes that the defendants' efforts to improve their lives are more difficult than serving a jail sentence or paying a fine." The city attorney estimates that more than 90 percent of the cases are eventually dismissed.

"The clients have to earn their way to dismissal," adds Judge Deddeh. "They are being recognized by the system for all their hard work."

### HOMELESS POPULATION DIFFICULT TO REACH

Many homeless men and women accumulate misdemeanors and infractions as a routine part of their lives in the urban outdoors. Public drunkenness, loitering, sleeping outdoors, petty theft, and hygiene-related charges become a familiar part of survival. Tickets are generally forgotten in the daily search for food and shelter.

Clearing up legal issues is a daunting hurdle for homeless defendants. Simply entering a courthouse poses risks—such as losing one's belongings left in an unsecured shopping cart. At the same time, it is difficult for these men and women to apply for jobs and housing without clearing up legal matters that they may not even remember.

### GAINING RECOGNITION

"The program is awesome," says Taletha Suits, who has served as a clerk for the homeless court for two years. "Some of the defendants have hit bottom, and seeing them help themselves is beautiful. It's my favorite assignment with the court."

The program has also received national recognition. The Ash Institute for Democratic Government and Innovation named San Diego's homeless court a finalist in its Innovations in Government Awards for 2004. Only 15 finalists were named from the more than 1,000 nominations received from programs at all levels of federal, state, and local government. In addition, San Diego's program was featured at the American Bar Association's National Conference on Homeless Courts on October 8 in San Diego.

San Diego's homeless court model has been replicated in 10 courts in California and in several other states. A how-to manual is available for courts interested in starting their own homeless court programs.

"It's why I became a lawyer," adds Mr. Binder. "Everyone is respected, and for the homeless it reconciles their past."

● For more information on the San Diego County court's Homeless Court Program, contact Steve Binder, San Diego Public Defender, 619-338-4708. ■



Court Clerks Taletha Suits (seated) and Maria Valdez research cases referred to San Diego's homeless court program by local shelters and service providers. Photo: Beth Shirk



At a local shelter, Judge Peter C. Deddeh presides over the Superior Court of San Diego County's homeless court, which enables homeless defendants to clear up minor infractions and misdemeanors without going to a courthouse or risking arrest. Photo: Courtesy of CTN Productions

## Taking It to the Streets: A National Conference on Homeless Courts

October 8, 2004, San Diego

Sponsored by the American Bar Association, the Taking It to the Streets conference welcomed judges, court administrators, law enforcement, government officials, prosecutors, public defenders, and others working with homeless men and women.

The founders of the Superior Court of San Diego County's Homeless Court Program—along with the key players from similar programs in Bakersfield, Los Angeles, Ventura, and Albuquerque—

examined the special needs of homeless people. Presenters covered:

- Creating and operating a homeless court;
- Community responses; and
- Benefits for the participants, the community, and the court system.

● For more information, visit the American Bar Association's Web site at [www.abanet.org/jd/pdf/homeless\\_courts.pdf](http://www.abanet.org/jd/pdf/homeless_courts.pdf) or contact Amy Horton-Newell, 202-662-1693; e-mail: [horton@staff.abanet.org](mailto:horton@staff.abanet.org).