

**TAKING
THE
COURT
TO
STAND DOWN**

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

**JULY 15-17, 2005
SAN DIEGO, CA**

PRESENTED BY

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

*A free training at San Diego's Stand Down: An opportunity to observe the
nation's first Homeless Court in action and learn how to replicate the
program in your community.*



Homeless Court

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**THE AMERICAN BAR ASSOCIATION COMMISSION ON
HOMELESSNESS & POVERTY THANKS THE FOLLOWING
ENTITIES FOR THEIR SUPPORT**

Law Office of the Public Defender, County of San Diego

Office of the District Attorney, County of San Diego

Office of the City Attorney_ City of San Diego

San Diego Superior Court - Judges, Court Clerks and Bailiffs

Veterans Village of San Diego

National Coalition for Homeless Veterans

Ashoka Innovators for the Public

Brennan Center for Justice

San Diego State University, Department of Rhetoric and Writing Studies

University of San Diego, Public Interest Law Center

SBFS

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Defending Liberty
Pursuing Justice

2004-2005

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Welcome to "Taking the Court to Stand Down," the American Bar Association National Training on Homeless Courts. Hosted by the ABA Commission on Homelessness and Poverty, this training. will allow you to observe San Diego's acclaimed Stand Down event and learn how to replicate its Homeless Court Program in your community.

On behalf of the ABA Commission on Homelessness and Poverty, I would like to thank Veterans Village of San Diego and the organizers of the Stand Down event for allowing us to participate. I would also like to thank the judges, lawyers, court clerks and bailiffs affiliated with San Diego's Homeless Court Program. Finally, the Commission thanks you for joining us today to participate in the discussion and share your experiences with us.

Very truly yours,



Mission

The ABA Commission on Homelessness and Poverty, which consists of 13 members appointed by the ABA President, is charged with the following tasks: encouraging and assisting in the development of bar and law school *pro bono* programs which provide legal and other services to homeless and near homeless people; educating members of the bar and the public to legal and other problems of poor and homeless people and ways in which lawyers can assist in solving or ameliorating them; training lawyers in areas needed to provide *pro bono* legal assistance to homeless and near homeless people; working with all ABA entities on issues arising in their jurisdiction that affect poor and homeless people; and 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.

Policy-Based Advocacy

The ABA has a history of supporting initiatives and legislation concerning homeless and impoverished people, including policy in support of an increase in the availability of affordable transitional and permanent housing, as well as policy in support of access to justice and legal aid for indigent people. The Commission collaborates with the ABA Governmental Affairs Office to monitor legislative activity on legal services for the poor, welfare and related benefits, low-income housing, the education rights of homeless and foster care children and youth, the digital divide, predatory lending and other similar issues, and to respond as necessary. The Commission's latest actions include lobbying Members of Congress to oppose cuts to the Section 8 program as well as supporting the creation of a National Housing Trust Fund. The ABA also has policy in support of the creation of homeless courts.

Educational Programs

The Commission on Homelessness and Poverty hosts free CLE programs at the ABA Annual and Midyear Meetings. The Commission also sponsors training programs across the country at national conferences. Recent programs have addressed the following issues:

- Homeless Court
- Criminalization of Homelessness and Access to Justice
- Special Legal Problems of Runaway /Homeless Youth
- Education Rights of Homeless Children and Youth
- Community Reinvestment Act

Publications

- *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)
- *NIMBY: A Primer for Lawyers and Advocates* (1999)

John J. Curtin, Jr. Justice Fund Legal Internship Program

The John J. Curtin, Jr. Justice Fund, a permanent endowment in the American Bar Association Fund for Justice and Education, was created to honor Jack Curtin, ABA President from 1990-91. In acknowledgment of his outstanding achievements, as well as the affection ABA members and staff have for Jack, his colleagues in the Association collected over \$100,000 within a year of his leaving office to establish the fund. Income from the Justice Fund provides stipends to law students advocating on behalf of homeless and impoverished people.

TRAINING AGENDA

FRIDAY, JULY 15, 2005

9am - 12pm

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

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

SATURDAY, JULY 16, 2005

9am - 12pm

Homeless Court Session

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

SUNDAY, JULY 17, 2005

9am-11am

Homeless Court Program Training

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

INTRODUCTION

Welcome to the Stand Down Homeless Court workshop presented by the American Bar Association Commission on Homelessness and Poverty, et al. By simply attending this workshop, 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 at Stand Down, volunteer and participant alike, speak the strength of community. Stand Down is a three-day window of opportunity. For three days, the participants of Stand Down relieve the isolation of the streets. Their basic needs are met. They can breathe and find their bearings. They find hope and feel secure. Three days is everything.

United We Stand! The promise and spirit of these words are fulfilled in the Stand Down event. 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 Veteran Administration (V A), from the first Stand Down, wherein 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 V A survey spoke to 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 meets 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 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, reconciling their offenses with their progress, removes an obstacle represented by their criminal cases (a broad range of misdemeanor offenses), and gives 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 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, 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



COUNTY OF SAN DIEGO

INTRA-DEPARTMENTAL CORRESPONDENCE

DEPARTMENT OF THE PUBLIC DEFENDER

TO: ALL ATTORNEYS

FROM: STEVE BINDER

DATE: July 1, 2005

**RE: STAND DOWN: July 15-17th, 18th
Annual Stand Down
17th 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 until a.m. 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.

SIGN UP **NOW!** Please indicate when you're available. Call me at 338-4708.

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 2005

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 misdo, STC

HS 11550: Solo charge/eligible to divert: plead
to PC 647(f)D, 1SS 3: VNL, LFD, 8
hours CSW

Multiple 11550Is/11377Is: oneDismiss
for one

First one defendant pleads to: PC
647(f)D, 1SS 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 1136Is/4149Is: dismiss one for
one, STC

PC 594, 242/243, 148 (a) : Over one year old: Plead to PC 415(1)
as misdo, 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, 1SS 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.

Case Dispositions Defined

Convelopes - The convelope is a 5 by 7 inch court case envelope file for a public disturbance offense. This envelope contains the citation, discovery, and court dockets. The police file these citations directly with the court. The prosecution first reviews these citations when the defendant appears in court.

TERMS

STC - Sentence to court. The judge detennines the tenus and conditions of probation.

ISS - Imposition of sentence suspended/summary probation.

VNL - violate no laws.

CSW - community service work.

DUI - Driving Under the Influence

CADV - City Attorney Domestic Violence

CODE SECTIONS

PC 148(a) - Penal Code section for resisting arrest.

PC 242/243 - Penal Code section for battery.

PC 372 - Penal Code section for public nuisance.

PC 415(1) - Penal Code section for public disturbance

PC 484/488 - Penal Code section for petty theft, an amount less than \$400.

PC 594 - Penal Code section for vandalism.

PC 602(j) - Penal Code section for a simple trespass.

PC 647(f)D - Penal Code section for drunk in public using drugs.

PC 647(a) - Penal Code section for prostitution, male.

PC.647(b) - Penal Code section for prostitution, female.

HS 11550 - Health and Safety Code section for under the influence of a controlled substance. Punishment is a mandatory minimum 90 days in custody.

HS 11377 - Health and Safety Code section for possession of a controlled substance.

HS 11364 - Health and Safety Code section for possession of paraphernalia.

HS 11550 - Health and Safety Code section for under the influence of a controlled substance. Punishment is a mandatory minimum 90 days in custody.

HS 11377 - Health and Safety Code section for possession of a controlled substance.

HS 11364 - Health and Safety Code section for possession of paraphernalia.

BP 4149 - Business and Professions Code section for possession of paraphernalia.

VC 14601 - Vehicle Code section for driving on a suspended/revoked license.

VC 12500(a) - Vehicle Code section for driving without a license.

STAND DOWN 105 Alternative
Sentencing Agencies

1. Vietnam Veterans of San Diego (V.V.S.D.)

Contact: Rick Hastings at (619)393 2035
Mike Squirrel at New Resolve {760} 745-7829 4141
Pacific Highway
San Diego, CA 92110

Focus: Sabrina Castenda Solutions: Bella Hurbace
233-8500 x4851

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): Transitional housing with individual and group therapy, job training program (alcohol and drug program, and P.T.S;D., anger management, familyrelationship counseling case management).

They will also coordinate referrals to other shelters for placement.

Number of referrals: unlimited

II. Employment 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 1255
Imperial Avenue Phone:
(619) 338 2144

- 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: Karen Schofeld-Smith 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. Liason 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

Contact: Wayne Williams, MSW, Tel: (619) 400-5161 Elizabeth Pinner, RN/MSN, Tel: (619) 400-5162; 5157 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) and appropriate for particular program service.

Type of Program

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

Alcohol Dru_Tr_atment 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

ALTERNATIVE SENTENCING/STAND DOWN '05

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VI. St. Vincent de Paul/Joan Kroc Center
Contact: Jack Yang/Program Manager Phone: (619) 233 - 8500, ext . 1665
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 case load worker assistance for employment for 90 days with a 13week follow-up.

Number of referrals: unlimited

VII. Episcopal Community Services/Fried to Friend Clubhouse

Contact: Katie Wells 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.)



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

TO: ON SITE. SERVICE AGENCIES AT STAND DOWN '05

FROM: STEVE BINDER

SUBJ: ALTERNATIVE SENTENCING/STAND DOWN '05

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/STAND DOWN '05

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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.

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.

**STAN D DOWN
MISDEMEANOR/INFRACTION OFFER SHEET**

GATE :

DCAIDDA

DEFENDANT NAME: _____ :

Tent Assignment: _____

CASE DISPOSITIONS						
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
CASE DISMISSALS						
<i>Write court case numbers of all dismissed cases:</i>						
FUTURE DATES						
0	CONTINUED to			at		in ROOM
	for the Stand Down Follow-up Calendar.					
DISTRIBUTION: Original and Canary to Court; Pink to City Attorney; Goldenrod to Public Defender Deputy Public Defender						

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

PUBLIC DEFENDER INTERVIEWS EACH DEFENDANT WHO POTENTIALLY WILL BE APPEARING BEFORE THE JUDGE.

. IDENTIFIES PENDING CASES TO BE PRESENTED.

. CONFERS WITH THE PROSECUTOR.

DETERMINES WHETHER DEFENDANT AND CASE(S) READY TO PRESENT TO JUDGE.

WHEN "READyn CASES HAVE BEEN IDENTIFIEDr . HAS PUBLIC DEFENDER THE COURT FILES.

. CALLS THE DEFENDANT FORWARD.

. HANDS THE FILES TO THE CLERK.

. CALLS THE CASE.

PUBLIC DEFENDER TO JUDGE:

IN CASE NUMBER, MR/MS CONVICTED OF , WAS
VIOLATING. ON DEFENDANT WAS PLACED ON , THE
PROBATION. CONDITIONS ARE: THE UNSATISFIED

MR/MS HAS (IDENTIFY PROGRAM AND DESCRIBE PARTICIPATION)

I MOVE THAT

JUDGE:

IN RECOGNITION OF MR/MS PROGRAM, PARTICIPATION IN THE
THE MOTION IS GRANTED.

Due to scanner inabilities, the maps could not be included. For a copy of the Map of Criminal Legal Services Complete Site Set-Up, Map of Clerk's Office Set-Up, and Map of Courtroom Set-Up, please contact Mary Jordan Mullinax, Staff Assistant for the Commission for Homelessness and Poverty at the ABA at 202-662-1694.

**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 "hereand-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.

Afterlunch, 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 vs. 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 Posttraumatic 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.

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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 See 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.

Contact Information

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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: VIETNAM VETERANS OF SAN DIEGO

Since Vietnam Veterans 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 3 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 towards 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 twelve 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 5 California regions including Los Angeles and San Francisco as well as New Mexico, Salt Lake City, and even in 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 of 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." Consistent with this high praise, VVSD was selected as San Diego's Nonprofit of the year by the San Diego ABC Television Station In October 2001, Pete Dougherty, national Director of VA Homeless Programs presented VVSD with a \$980,000 award for the VA Homeless Grants & Per Diem for 80 new beds for homeless veterans. It was the largest VA Homeless award in the nation that year. At this 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 Masterslevel 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.

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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, where as nobody else has. 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 twelve 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 absolve 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 a court case, 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.. living 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 Anny 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

"Even the D.A. was pleasant."

Male, Participant

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



National Coalition for Homeless Veterans

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) is a nonprofit, tax exempt, 501(c)3 corporation. NCHV seeks to eliminate homelessness in the veteran community and work its way out of business. NCHV serves as a liaison between branches of the federal government and community-based homeless veteran service providers. Today, NCHV remains steadfast to its original goal of advocating for the elimination of homelessness among veterans.

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 more than 275,000 homeless veterans 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. 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 V A 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 (VSD) 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 Municipal 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 Municipal 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 reduced 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 V A'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 V A-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 ([Hwww.nchv.orgH](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.

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