

Expanding Court Programs Serving Homeless Individuals in California

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Disclaimer

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Executive Summary

More than 134,000 people are homeless in California, an increase of 13.7% since 2015 (AHAR, 2017). Communities across the state are feeling its effects from highly visible homeless encampments to exploding health care costs. High housing costs, evictions, and job losses put millions of Californians at risk of losing their housing.

For many homeless individuals, unresolved legal issues represent the difference between living on the street and stable employment and housing. Indigence and homelessness often put people in regular contact with the law. An

unpaid traffic ticket can mount to substantial debt and a warrant to appear in court; citations for public nuisance violations may result in incarceration. Recognizing that the criminal justice system may be inadvertently perpetuating homelessness, and fostering an inequitable system, the courts have an interest in coordinating with public and private social service providers, homelessness advocates, law enforcement, public defenders and prosecutors, and elected officials to solutions.

In 19 California counties, Superior Courts have formed programs, commonly called homeless courts, which integrate judicial and social programs to serve people experiencing a housing crisis. Their aim is to help people overcome legal challenges and connect them to services. Homeless courts employ a problem-solving, non-adversarial approach to clearing minor cases and expunging outstanding fines, using alternative sentencing strategies. While the program supports individuals, it also benefits the community at large by helping to reduce the homeless population, reintegrate people as productive citizens, and reduce the burden on social systems. These programs also save the criminal justice system money by consolidating and efficiently clearing old cases from the traditional court dockets.



Active homeless court programs provide the Judicial Council, Superior Courts, and other stakeholders working to eradicate homelessness, with a body of knowledge about the current and promising practices that counties may adopt to design and implement these programs. Through interviews, three key findings emerged that will drive program implementation. 1) **Active programs are dynamic**, and vary from one to the other in terms of outcomes, procedures, resources, and access to community social services. Judges have unusual discretion and authority to break from institutional conventions, cultivate partnerships for optimal service provision, and drive innovations to respond to community concerns; 2) programs are successful when they **reach people where they are**, both figuratively and literally, and address the discrete needs of individuals; and 3) **financial limitations are perceived to be the key obstacle** that prevents superior courts from launching and expanding homeless courts.

To address these findings and to capitalize on the innovative potential of this alternative court, the Superior Courts can engage with stakeholders to 1) **forge deep collaborations** across multiple sectors, and 2) **craft programs with coordinated centralized services**. Active programs have demonstrated success with variations on these two over-arching frameworks. Collaboration leads to greater innovation, incorporates strategies to reach more people, merges resources for greater efficiency, and mitigates costs. By centralizing services across partners, more people efficiently access homeless courts and benefit from a greater variety of high-quality social and legal services to help them move their lives forward.

The Judicial Council can support counties to promote equitable judicial policies and implement homeless courts by providing a platform for information sharing across the state. How counties choose to design their homeless courts, however, depends on local contexts. Homeless court design teams may draw from a wide array of examples in the field that balance the needs of the homeless population with the financial, political, and administrative feasibility of the program.