

Solution III: Alternative Justice System Strategies

Implementation of alternative justice system strategies can reduce homeless involvement with the criminal justice system, decrease recidivism, and facilitate connection with other systems of care.

Background

Often people who experience homelessness struggle with a wide array of legal problems that interfere with their ability to stabilize their lives. Outstanding charges and criminal records can hamper their ability to find employment, access benefits, and/or obtain housing. These may include both felony and misdemeanor charges ranging from theft and assault to loitering and panhandling. Some also face other significant legal barriers to community involvement such as outstanding traffic warrants, unpaid child support, lack of identification, or dishonorable discharge from the military.²²

Individuals experiencing homelessness may face a number of challenges to navigating criminal court proceedings. Logistical difficulties, including lack of transportation, inability to store or retrieve personal records, as well as the daily effort to meet basic needs present substantial barriers to complying with court orders and paying applicable fines. These barriers often interface with individual vulnerabilities like mental illness and substance use disorders that not only place navigation of the court system even further out of reach, but also, when left unaddressed, may precipitate repeat contact with the criminal justice system. These same challenges are also present in the civil system, where the frequent lack of legal representation further exacerbates the inability of individuals experiencing homelessness to make effective use of the courts.

For those incarcerated in prisons or jails, release into homelessness is strongly correlated with recidivism. For example, one New York City based study of people released from state prisons between 1995-1998 found the risk of re-incarceration increased 17 percent for those who stayed in a shelter after release. Individuals with links to the mental health system had considerably higher proportions of shelter stays and re-incarcerations.²³

Police, corrections officers and homeless service providers will agree that some people cycle between the criminal justice and homeless worlds, seemingly without any means to stabilize their lives. There is a distinct subpopulation of “frequent users” in local jails that are high-demand and low-risk offenders that have a multitude of other health and housing-related problems. As noted by an intensive study in a Florida jail, nearly 80 percent of these individuals were transient or homeless at the time of their arrest, and have high rates of substance abuse and mental illness histories.²⁴ In addition to the immeasurable human cost to people shuffled from institution to programs without being helped, there is a cost to public systems. Public programs utilize significant amounts of limited resources as people bounce from jails and prisons to shelters to emergency rooms to mental health crisis services, without ever receiving the level of care and treatment needed to resolve their underlying problems. These “frequent users” often

²² National Law Center on Homelessness and Poverty. “Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities” (2011).

<http://www.nlchp.org/content/pubs/11.14.11%20Criminalization%20Report%20&%20Advocacy%20Manual,%20FINAL1.pdf>

²³ Stephen Métraux and Dennis P. Culhane, “Homeless Shelter Use and Reincarceration Following Prison Release: Assessing the Risk,” *Criminology & Public Policy*, 3: 2 (2004): 201-222.

²⁴ Marilyn Chandler Ford, “Frequent Fliers: The High Demand User in Local Corrections,” *California Journal of Health Promotion*, 3:2 (2005): 61-71.

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move from one system to another and incur much higher costs to the public than they would if they were connected to permanent housing and supportive services.²⁵

Alternative justice system strategies help resolve the legal needs of people experiencing homelessness but they also ease court case-processing backlogs and reduce vagrancy. People experiencing homelessness tend to be wary of the criminal justice system and suspicious of attending court, yet an outstanding warrant or similar legal barrier can limit reintegration into society, deter an individual from accessing social services, and impede an individual's ability to obtain housing and employment. Strategies that provide alternatives to prosecution and incarceration and that offer reentry planning for individuals who are returning to the community after interaction with the criminal justice system, have shown an increase in the likelihood that an individual experiencing homelessness will look for permanent housing and seek employment.

Potential Strategies

1. **Problem-Solving Courts:** Also known as “specialty courts” or “therapeutic justice courts,” problem-solving courts provide an alternative to the traditional court process by combining a therapeutic model with traditional jurisprudence. These courts focus on the underlying causes of illegal activities with the intention of reducing recidivism and encouraging reintegration into society. Problem-solving courts hear cases for people who meet certain criteria, such as having a mental illness or a substance use disorder, being a Veteran, being homeless, and/or being charged with a minor crime. People who meet the criteria are referred to a special court docket. A team approach, including the judge, other criminal justice system representatives, treatment programs and the client, is used to develop a plan for treatment and supervision in lieu of a jail sentence. Generally, problem-solving courts exert greater supervision over defendants than traditional courts, ensuring review, program compliance, and progress toward treatment goals, including imposing sanctions for non-compliance.²⁶

Homeless courts typically take place in shelters or other community-based locations familiar and accessible to individuals experiencing homelessness. Shelter workers or other service providers help prepare information for the court regarding the consumer's progress and case plan. Mental health and drug courts centralize cases involving defendants with these issues into one court staffed by specially trained teams of lawyers and judges. Some counties will hold these courts as part of Veterans Stand Down or Project Homeless Connect events.

2. **Citation Dismissal Programs:** Several prosecutors' offices have established citation dismissal programs that allow individuals who are homeless with low-level infractions, such as public intoxication, the opportunity to participate in community service, diversion or treatment programs tailored to people who are homeless in lieu of paying a fine. These “citation clinics,” often run out of the offices of a homeless service provider, reduce the involvement of individuals experiencing homelessness with the criminal court system.
3. **Holistic Public Defender Offices:** Public defender offices around the country include social workers and other non-lawyer professional staff who can provide services to populations with special needs. Social workers can identify housing and other available resources, assess the need for drug and mental health treatment, and connect individuals experiencing homelessness with those services. These holistic public defender offices recognize that their consumers face a host of challenges beyond the criminal matter itself, and are equipped to help identify and address those challenges. In addition to better life outcomes, this process can lead to better outcomes in the criminal proceeding.

²⁵ Sam Hall, Martha Burt, Caterina G. Roman, and Jocelyn Fontaine. “Reducing the Revolving Door of Incarceration Homelessness in the District of Columbia: Cost of Services,” (The Urban Institute: March 2009).

²⁶ Robert Wolf. “Principles of Problem-Solving Justice.” (U.S. Department of Justice, Bureau of Justice Assistance. Center for Court Innovation: 2007). <http://www.courtinnovation.org/sites/default/files/Principles.pdf>

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4. *Volunteer Legal Services Projects and Pro Bono Attorneys:* These programs provide vital legal services for people experiencing homelessness and for the agencies serving them. Private attorneys who volunteer through clearinghouses or other public or private projects serve people experiencing homelessness through regular visiting schedules to shelters, or by being on call to assist when an individual has a legal need. These volunteers provide representation to individuals as well as to shelters and service providers, in order to expand and enhance their capacity to serve their consumers and advocate effectively.
5. *Reentry or Transition Planning:* This process helps to prepare people in prison or jails to return to the community by providing links to housing, needed services, and treatment. Effective transition planning requires the involvement of the justice, mental health, substance use, and homeless systems working together toward the shared goals of reducing recidivism and increasing stability in the community. To be most effective, there should be dedicated staff providing these services, which should include linking incarcerated individuals with housing, community-based treatment and services, and assistance in applying for benefits prior to their release. Effective reentry planning often involves “in-reach” services where community providers begin working with inmates while they are still incarcerated easing the transition to these services upon release.
6. *Reentry Housing:* This is specialized housing designed to help people make the transition from incarceration back to the community. It includes support services tailored to meet the needs of ex-offenders, including case management, health and behavioral health care, benefits advocacy, employment services, family reunification services, and legal advocacy. Reentry housing includes both half-way houses which are under the jurisdiction of the corrections system and other transitional and permanent housing run by non-profits and faith-based organizations with DOJ and other funding.
7. *Reentry Employment:* These targeted programs are designed to facilitate entry into the employment market for individuals with criminal records. Programs promote the employment of people with criminal histories by helping clients build specialized skills, and by providing a structured support system to combat barriers to employment. Services may include occupational training, job readiness and placement assistance, comprehensive social support, legal assistance, educational assistance and computer training, child support services, transitional housing, and meals. Many reentry employment programs contain an evaluation component to assess program effectiveness, typically measured by employment retention rates and desistance from crime.

Examples

Problem Solving Courts

- ▶ *The San Diego, California Homeless Court Program (HCP)*, operating since 1989, was the first of its kind in the country. Homeless court sessions take place at participating homeless shelters around the county. The HCP builds on partnerships between the court, the prosecutor, the public defender, local shelters, service agencies, and participants experiencing homelessness. It is designed for citizens experiencing homelessness to resolve outstanding misdemeanor warrants and offenses (principally “quality-of-life” infractions such as unauthorized removal of a shopping cart, disorderly conduct, public drunkenness, and sleeping on a sidewalk or on the beach). Participants voluntarily sign up for the HCP through a participating homeless service provider and participate in a series of program activities before appearing in court. Participants get credit for “time served” in program activities that address the underlying causes of their homelessness, like life-skills, chemical dependency or AA/NA meetings, computer and literacy classes, training or searching for employment, healthcare (physical and mental), and counseling.
http://sandiegohealth.org/disease/homeless/publicationid_1113_5390.pdf (study)

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<https://211sandiego.communityos.org/sys/profile.taf?profiletype=service&recordid=6542749> (211 contact information)

San Diego's HCP also includes Homeless Courts *at* Stand Down events. The Stand Down version of the HCP follows the general outlines of the regular HCP, but is expedited to be completed within the three-day timeframe of the event. See discussion on page 8. Between 1989 and 1992, a total of 942 Veterans who were homeless resolved 4,895 cases in San Diego Stand Down Homeless Court sessions.²⁷

- ▶ The intent of the *San Diego Serial Inebriate Program* is to stop the “revolving door” among detoxification centers, jails, hospitals, and the streets for those who are homeless and struggling with alcohol addiction. The program model offers alcohol abuse rehabilitation as an alternative to jail time. The program also identifies individuals arrested on charges of public intoxication who have been repeatedly sent to “sobering-up” services. Upon conviction, the court offers an option of rehabilitation. If people accept treatment, they receive transportation to medical and psychiatric evaluations. After medical evaluation, they receive case management, city-sponsored housing, and other services to support their treatment and recovery efforts to help obtain self-sufficiency. An extensive evaluation found that graduates attained self-sufficiency, employment, housing, and a renewal of their lives. The treatment of chronic inebriates also reduces community disorder calls for police and reduces the overall costs associated with the condition of chronic inebriate homelessness.²⁸ <http://www.sandiego.gov/sip/>
- ▶ *Houston Homeless Court* is the only such court in the state of Texas. Established in 2006, the voluntary program provides community service or recovery opportunities for homeless individuals as an alternative means of resolving outstanding misdemeanor offenses and warrants. The Homeless Court is operated within the City of Houston's Municipal Courts with the referral support of the Coalition for the Homeless of Houston and Harris County. http://www.homelesshouston.org/hh/Homeless_Court.asp?SnID=2
- ▶ The *Criminal Mental Health Project (CMHP)* was established in 2000 in Miami-Dade County, Florida to divert misdemeanor offenders with serious mental illness (SMI) or co-occurring SMI and substance-use disorders from the criminal justice system into community-based treatment and support services. The program has since expanded to serve defendants that have been arrested for less serious felonies and other charges. The CMHP provides pre-booking diversion from incarceration through a Crisis Intervention Team comprised of law-enforcement officers. Individuals are screened and diagnosed by corrections health services psychiatric staff. Those who suffer from a severe mental illness requiring acute-care are transferred from jail to a community-based crisis-stabilization unit within 24 to 48 hours of booking. The CMHP also provides post-booking jail diversion assistance with community reentry and engagement in continuing-care services, including supportive housing, supported employment, benefits advocacy, assertive community treatment, illness self-management and recovery, trauma services, and integrated treatment for co-occurring mental health and substance use disorders. Upon stabilization, the legal charges against a participant may be dismissed or modified in accordance with treatment engagement. The foundation of the CMHP's success is the unique position of the courts to bring together stakeholders, mental health and other service providers who may not otherwise have opportunities to engage in such collaborative interventions. <http://www.jud11.flcourts.org/SCSingle.aspx?pid=285>

²⁷ National Coalition for Homeless Veterans, “Homeless court: Helping to Remove Veterans’ Barriers to Employment”, available at <http://nchv.org/docs/HCP%20Manual.pdf>

²⁸ Edward Castillo et al. “An Evaluation of San Diego’s Serial Inebriate Program,” Institute for Public Health, San Diego State University Graduate School of Public Health. (2005) <http://www.sandiego.gov/sip/pdf/Institute%20for%20Public%20Health%20-%20Graduate%20School%20of%20Public%20Health%20at%20SDSUUCSD.pdf>

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Citation Dismissal Programs

- ▶ *The Homeless Alternatives to Living on the Streets (HALO) citation clinic in Los Angeles, California* is operated by the City Attorney's Office and offers intervention services to steer individuals experiencing homelessness to supports instead of jail. HALO was created in response to the fact that many people experiencing homelessness are cited for minor offenses like jaywalking and littering but never appear in court, which leads to arrest warrants being issued. As a result of such warrants, people experiencing homelessness were denied basic services like drivers' licenses. Since 2009, the clinic has provided more than 1,000 individuals experiencing homelessness with the opportunity to have low level, nonviolent citations dismissed in exchange for community service or connection to homeless services, including anger management, job training, substance abuse counseling, and case management. The citation clinic sets up in different locations throughout Los Angeles on a monthly basis. They also often provide one-stop legal services for individuals experiencing homelessness, whether or not the individuals have received a citation.

Holistic Public Defender Offices

- ▶ *The Travis County Mental Health Public Defender (MHPD) Office in Travis County, Texas* provides holistic services to mentally ill clients facing misdemeanor prosecutions. Lawyers, social workers, and case workers collaborate to address the needs of MHPD's clients by providing more information to the court about the client's mental illness, assisting clients in accessing medical treatment, and assisting clients, many of whom are experiencing homelessness, in their search for housing. The office strives to access community-based resources to help clients manage their illness and break the cycle of arrest and incarceration. As a result of the office's work, 40% of cases that come to the office end in dismissal. The office has also developed a collaborative relationship with the sheriff and others in law enforcement who believe the program promotes public safety. http://www.co.travis.tx.us/criminal_justice/default.asp

Volunteer Legal Projects and Pro Bono Attorneys

- ▶ *The Volunteer Legal Services Program (VLSP) in San Francisco, California* is operated through the San Francisco Bar Association and provides free legal services and supports to people experiencing or at risk of homelessness and who have a disability or minor children living with them (prioritizing those who have mental health disabilities). The Homeless Advocacy Project of the VLSP is distinctive in that, in addition to legal services, it also provides supportive social services to address health-related problems, poverty, mental illness, and addiction. The social services staff consists of the Director of Social Services, who is a licensed clinical social worker, a full-time Bachelor's-level social worker and several volunteer staff, including Master of Social Work (MSW) interns, Bachelor of Arts in Social Work (BASW) interns, Jesuit and Lutheran Volunteers, Marriage and Family Therapists, psychiatrists, and psychologists. Through its more than 100 volunteers, the Homeless Advocacy Project serves over 1,500 clients a year. <http://www.sfbar.org/volunteer/index.aspx>

Reentry or Transition Planning

- ▶ *In Portland, Oregon, the Transition Services Unit (TSU) of the Multnomah County Department of Community Justice* provides a comprehensive system of services designed to help formerly incarcerated individuals (particularly those with special needs, including mental illness, developmental and physical disabilities, elderly, repeat/serious offenders, and predatory sex offenders) re-enter the community from prison or jail within the first 90-180 days. While the focus is on housing and housing-related services, participants also receive referrals to non-housing-related programs and services. TSU staff provides pre-release planning, case coordination, and linkage with housing, transportation, medical and mental services, employment services, clothing, and benefits. <http://web.multco.us/dcj-adult/tsu>

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- ▶ The *Healthcare for the Homeless – Houston Jail Inreach Program* was developed in 2007 in collaboration with the Mental Health/Mental Retardation Authority of Harris County. The county service providers begin helping Houston’s incarcerated population of people who are homeless navigate the public health system while in jail. Prisoners who have a history of homelessness, mental illness, and/or multiple non-violent incarcerations are referred to Healthcare for the Homeless by the Harris County Jail. Case managers visit with the prisoners up to six or seven times to develop a discharge plan and to build trust. Once an individual is released, a case manager meets them at the gate and helps them through the process of finding housing, qualifying for benefits, and securing continued quality mental health and substance abuse care. A more than 50% drop in re-arrest rates occurred in the population of inmates that were a part of the jail In-reach program.²⁹ http://www.homeless-healthcare.org/jail_project.html
- ▶ The U.S. Department of Veterans Affairs’ *Health Care for Reentry Veterans (HCRV)* program is designed to reduce medical, psychiatric, and substance abuse problems during the reentry process, decrease the likelihood of recidivism and prevent homelessness among this Veteran population. There is an HCRV Specialist point of contact in each state. In addition, each Veterans Integrated Service Network (VISN) has HCRV specialists who work to connect currently incarcerated Veterans to an array of supportive services upon release through prison outreach and short-term case management. The HCRV program also provides information in state-specific resource guides to incarcerated Veterans so they can take an active part in the reentry planning process. <http://www.va.gov/HOMELESS/Reentry.asp> The VA’s *Veterans Justice Outreach program (VJO)* performs a similar function for Veterans in contact with other elements of the criminal justice system, including jails and courts. Each VA medical center has at least one VJO Specialist. <http://www.va.gov/HOMELESS/VJO.asp>

Reentry Housing

- ▶ *Saint Leonard’s Ministries* is a project of the Episcopal Charities of Chicago that provides residential and supportive services for formerly incarcerated individuals as they transition from incarceration back into society. The program consists of 40 beds of emergency housing for men at St. Leonard’s House and 18 beds of emergency housing for women at Grace House. Rooms are either single occupancy or shared. Three meals a day are provided and residents have access to laundry, computers, and other important basic services. In addition, St. Andrew’s Court, a 42-unit single room occupancy building, provides second-stage permanent housing with support services to males who have completed the St. Leonard’s House program. All residents of St. Leonard’s receive access to mental health care, counseling, and substance abuse treatment; assistance with accessing benefits, community services, and housing placement; and job training and education through the Michael Barlow Center for Employment Training. The recidivism rate of St. Leonard’s residents is 20%, compared to an overall state rate of over 50%. Funding comes from a variety of sources, including the Illinois State Department of Corrections. <http://slministries.org/>
- ▶ The *Ohio Department of Rehabilitation and Correction (ODRC)* and the *Corporation for Supportive Housing (CSH) Ohio Office* joined forces to develop a pilot program designed to provide permanent supportive housing to individuals returning from selected prisons throughout the state of Ohio. The pilot, funded primarily by ODRC, is also a part of CSH’s national Returning Home Initiative. The pilot involves coordination between the corrections system, the Ohio Department of Mental Health (ODMH), the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), and community permanent supportive housing providers. The program aims to: (1) to reduce recidivism; (2) to reduce homelessness and decrease shelter usage; and

²⁹ David Buck, Carlie Brown and J. Scott Hickey. “The Jail In-Reach Project: Linking Homeless Inmates who have Mental Illness with Community Health Services.” *Psychiatric Services*: Vol.62, 2 (2011). <http://www.homeless-healthcare.org/pdfs/Journal%20Article%2002.11.pdf>

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(3) to decrease the costs associated with multiple service use across the criminal justice, homelessness, and mental health service systems. In general, clients were eligible for enrollment into the pilot if they (a) had a mental illness; (b) were homeless at the time of arrest or at risk of homelessness upon release; and (c) had severe substance abuse disorders. The program includes client enrollment, in-reach services, reentry planning and provision of housing and supportive services in five cities across the State of Ohio.

[://documents.csh.org/documents/policy/Reentry/Reentry_OH_2009](http://documents.csh.org/documents/policy/Reentry/Reentry_OH_2009).

- ▶ *Project RIO in Salt Lake City, UT* works with the county jail system and criminal justice staff, the county housing authority and the local mental health provider to house reentering individuals with serious and persistent mental illness. Instead of keeping these individuals in jail because they have no other place to go, staff identify those with severe or persistent mental illness and provide them with supportive housing and coordinated care team upon their release from jail. RIO clients are placed in scattered-site housing and supported by a multi-disciplinary team that includes a team leader who is a licensed social worker, Advanced Practice Registered Nurse (prescriber), registered nurse, Licensed Clinical Social Worker (therapist), case manager, and two National Alliance on Mental Illness mentors. Using this model, jail and psychiatric hospital recidivism is reduced, and individuals see an increase in housing stability, a decrease in substance abuse, and improved quality of life.

Reentry Employment

- ▶ *Ready, Willing & Able*, a program of The Doe Fund in New York City and Philadelphia, employs a unique holistic approach to transitional services, with paid work at its core. Individualized service packages include transitional housing, nutritious meals, occupational training, job readiness and placement assistance, comprehensive social support, educational assistance and computer training, child support services, and life-long graduate resources. Through its innovative social enterprises, Ready, Willing & Able offers a tiered work structure that allows for advancement and specialized skill-building. Trainees earn above minimum wage in all placements and are required to save a portion of their earnings. Graduates who completed the program during the past year earned average starting hourly wages of \$10.30, many with opportunities for wage growth and advancement. Harvard University studied the impact of Ready, Willing & Able in 2010 and found that the program reduces recidivism by up to 60%, and that the resulting savings in criminal justice expenses outweigh program costs by 21%.³⁰ <http://www.doe.org/programs/?programID=1>

Benefits

Alternative justice system strategies provide a balanced approach to the needs of individuals experiencing homelessness without overburdening the criminal justice and emergency health system. Solution III approaches are tailored to address the root causes of homelessness and provide restorative interventions that halt the harmful cycling of people from criminal justice systems to the street.

Benefits include

- ▶ Promotes more cost-effective use of court system resources
- ▶ Removes barriers to housing and employment

³⁰ Catherine Sirois and Bruce Western. "An Evaluation of 'Ready, Willing and Able'" Harvard University: (2010). http://prisonstudiesproject.org/wp-content/uploads/2011/07/RWA_evaluation.pdf

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- ▶ Helps courts clear backlog of cases
- ▶ Builds partnerships among criminal justice, shelters, mental health, and substance use service systems
- ▶ Intervenes in the reentry process before a return to homelessness occurs
- ▶ Reduces recidivism that is correlated to homelessness
- ▶ Dispels negative stereotypes about the willingness of able people who are homeless and individuals who were formerly incarcerated to work and support themselves
- ▶ Allows individuals to earn money while working toward self-sufficiency, thereby lessening their dependence on public assistance
- ▶ Gives individuals experience and skills required to gain full-time employment

Challenges

Some of the challenges to implementing alternative justice system strategies include:

- ▶ Availability of affordable housing with supportive services
- ▶ Availability of behavioral health services for individuals who were formerly incarcerated once released
- ▶ Creating protocols for cross-system coordination and communication needed between criminal justice, health, behavioral health, and homeless systems
- ▶ Garnering adequate resources for the development and operation of these programs
- ▶ Potential lack of appropriate and/or available paid work opportunities for program participants
- ▶ Some alternative courts impose longer sentences than traditional courts

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Resources: Alternative Justice System Strategies

Problem-solving courts

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Center for Court Innovation. New York State Unified Court System and Fund for the City of New York. <http://www.courtinnovation.org/who-we-are>

Homeless courts

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Serial inebriate programs

McClure, C.J., Mello, M.J., and Zink, B. "Community based programs for chronic inebriates as alternative to the emergency department". *Medicine and Health/Rhode Island* 6 (2009). pp. 204–206. Available at www.rimed.org/medhealthri/2009-06/2009-06-204.pdf

Mental health courts

Almquist, L. and Dodd, E. *Mental health courts: A guide to research-informed policy and practice*. (New York, NY: Council of State Governments Justice Center, 2009). Available at http://www.ojp.usdoj.gov/BJA/pdf/CSG_MHC_Research.pdf.

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Drug courts

U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office. *Defining drug courts: The key components.* (1997). Available at <http://www.ndci.org/sites/default/files/ndci/KeyComponents.pdf>.

Office of National Drug Control Policy, *Drug courts.* Available at <http://www.whitehousedrugpolicy.gov/enforce/drugcourt.html>.

Public defenders and prosecutors

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Roberts, Joel John. "Los Angeles City Attorney's office operates unique program to help homeless people, The Los Angeles Homeless Alternatives to Living on the Street program." *Examiner.com*: (Feb. 21, 2010). Available at <http://www.examiner.com/homelessness-in-los-angeles/los-angeles-city-attorney-s-office-operates-unique-program-to-help-homeless-people>.

Travis County Mental Health Public Defender Office. *A Different Kind of Law: Holistic Justice for the Mentally Ill* (video). Available at <http://www.courts.state.tx.us/tfid/travismhpd.htm>.

Veteran's courts and programs

Veterans Justice Outreach Initiative. <http://www.va.gov/homeless/vjo.asp>

National Association of Drug Treatment Court Professionals, National Clearinghouse for Veterans Treatment Courts <http://www.nadcp.org/learn/veterans-treatment-court-clearinghouse>

Lithwick, Dahlia. "A Separate Peace," *Slate*. Feb. 11, 2010. Available at <http://www.slate.com/id/2244158/>

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Reentry planning

National Reentry Resource Center and the Federal Interagency Reentry Council. U.S. Department of Justice. <http://www.nationalreentryresourcecenter.org/reentry-council>

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Reentry housing

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Reentry Employment

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Conclusion

Homelessness is an issue faced by communities across the nation. The people who are experiencing homelessness—the men, women, and families who reside on the street or in public spaces—are not the problem, nor are their behaviors criminal. The rights of individuals experiencing homelessness must be balanced with the needs of the community and unrestricted access to clean, safe, and unencumbered public spaces; notwithstanding, stakeholders at the meeting in December 2010 consistently communicated that the criminalization of homelessness is a costly, overly punitive, and ineffective approach to addressing the core factors that contribute to homelessness and therefore, criminalization policies are an inadequate solution to the problem of homelessness.

This report proposes a series of solutions that have shown promise in effectively addressing the core factors contributing to street homelessness. The examples provided in this report outline communities' efforts to implement innovative alternatives to criminalization around the nation. We hope that the solutions highlighted in this report will serve as a guide for other local leaders who seek effective policy alternatives to criminalization as a means of improving the quality of living for people experiencing homelessness and for their surrounding community members.

Each solution outlined in this report has community engagement as a centerpiece of the effort to impact homelessness. Whether engaged as outreach workers, volunteers, funders, or professional support, when the larger community is informed, and working together with mainstream and justice providers alternatives to criminalization have shown positive results.

The USICH is grateful for the participation of the many community leaders who shared their experiences, insights, challenges, and achievements with us. We will work diligently to foster continued dialogue, document federal-local and cross-sector partnerships, and lift up best practices that are achieving results and helping to prevent and end homelessness across this country.

Sponsoring Agencies and Partners



The United States Interagency Council on Homelessness

The United States Interagency Council on Homelessness (USICH) is dedicated to working with state and local communities who are implementing best practices in alternatives to criminalization for those experiencing homelessness. Criminalizing acts of survival is not a solution to homelessness and results in unnecessary public costs for police, courts, and jails. Development of alternative approaches should meet both the public's need for access to public streets, parks, and recreation areas and the ability of people experiencing homelessness to meet basic needs. *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness* identifies the need to find solutions to this problem. One of the ten objectives of the Plan is to "advance health and housing stability for people experiencing homelessness who have frequent contact with hospitals and criminal justice."

USICH has a number of resources that address this issue and the cost effectiveness of alternative strategies. In March 2010, USICH highlighted the relationship in its electronic newsletter between the criminal justice system and spoke with leaders who are dedicated to implementing long-term, cost-effective solutions to homelessness rather than unnecessary arrest or jail. The newsletter also highlighted federal and national partners who are implementing practices. On its website, through its Research and Evaluation Library portal, USICH offers resources on access to justice for those experiencing homelessness and the costs incurred on public systems such as jails and courts when long-term solutions are not implemented. These resources and links to USICH's federal partners working on this issue may be accessed at www.usich.gov



U.S. Department of Justice

Access to Justice Initiative

In March 2010, DOJ launched their Access to Justice initiative, which is focused on improving the availability and quality of legal representation for those who otherwise are unable to afford proper legal representation including people who are homeless. Increasing the ability of public defenders to work with clients in specialty courts and instituting less lawyer-intensive solutions to legal problems such as "quality of life" infractions are some of the ways the Access to Justice initiative is helping to improve the outcomes of the nation's most vulnerable citizens. Closing this "justice gap" is an important element in decreasing the costs associated with incarceration for this population and ensuring that all Americans regardless of wealth or housing status receive proper representation when faced with incarceration or fines.

The Access to Justice website, <http://www.justice.gov/atj/index.html>, details projects of the initiative already underway, publications, and technical assistance and training grants available to defender agencies and courts to implement programs that help to close the justice gap for those most vulnerable.



**U.S. Department of Housing and Urban Development,
Office of Community Planning and Development, Office
of Special Needs Assistance Programs (SNAPS)**

The Office of Community Planning and Development (CPD) seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for people who are homeless, or have low and moderate incomes. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning

The National Center on Family Homelessness and HomeBase are HUD Technical Assistance providers and were involved in the convening of The Summit and prior drafts of this report. National Center on Family Homelessness: www.familyhomelessness.org, HomeBase: www.homebaseccc.org

USICH Federal Agency Partners: homeless resources

| Agency | Homeless Resource Webpage |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Department of Labor | http://www.dol.gov/dol/audience/aud-homeless.htm |
| Department of Health and Human Services | http://www.hhs.gov/homeless/ |
| Department of Housing and Urban Development | http://portal.hud.gov/hudportal/HUD?src=/topics/homelessness |
| Department of Veterans Affairs | http://www.va.gov/homeless/ |
| Department of Agriculture | http://www.fns.usda.gov/fns/fbco/homeless.htm |
| Department of Education | http://www2.ed.gov/programs/homeless/index.html |
| Department of Justice | http://www.ojp.usdoj.gov/ |
| Social Security Administration | http://www.socialsecurity.gov/homelessness/index.htm |
| Corporation for National and Community Service | http://www.nationalservice.gov/ |
| White House Office of Faith-based and Neighborhood Partnerships | http://www.whitehouse.gov/administration/eop/ofbnp |

Appendix I: Meeting Agenda



**Searching for Balance:
Civic Engagement in Communities Responding to Homelessness**

National Press Club
529 14th St NW, 13th floor, Washington, DC
December 1, 2010
10:00 a.m. to 4:00 p.m.

- 10:00 a.m. Welcome, Overview, and Introductions**
- 10:30 a.m. Policing and Outreach Strategies**
Collaborations among police departments, community leaders, the business community, and service providers can help divert individuals experiencing homelessness to programs that will lead to permanent housing with appropriate supports.
- 11:30 a.m. Justice System**
Innovative court models for individuals experiencing homelessness, those with behavioral health needs, and Veterans.
- 12:30 p.m. Peer Networking Lunch (tables assigned)**
- 1:30 p.m. Seamless Systems of Care**
Weaving the mainstream response to homelessness with components of the law enforcement and justice system develop real alternatives.
- Coordinated Volunteerism**
Developing a framework to harness volunteer efforts can resolve local conflicts with anti-feeding ordinances and other local policies that limit what can be done by religious and other institutions.
- 2:45 p.m. Break**
- 3:00 p.m. Report Back, Next Steps, and Wrap-up**

Appendix II: Discussion Points

The following content represents strategies, challenges, and solutions to the criminalization of homelessness within various sectors at the Summit. This content is a recounting of the discussion, and is not necessarily supported by research and does not constitute federal policy.

Policing and Outreach Strategies: Identifying Challenges and Solutions

“Collaborations among police departments, community leaders, the business community, and service providers can help divert individuals experiencing homelessness to programs that will lead to permanent housing with appropriate supports.”³¹

The eight discussion groups identified key challenges facing local communities in implementing policing and outreach strategies for dealing with people who are homeless inhabiting or congregating in city centers, parks, and other public spaces. These challenges include:

- Lack of Housing Options: Most communities do not have adequate supplies of the range of housing needed to prevent and end homelessness, including affordable housing, transitional housing, permanent supportive housing, and interim housing and safe haven programs. This lack of housing is a cause of homelessness, a barrier to ending it, and a problem for police who have nowhere to take people who are homeless.
- Lack of Mental Health and Substance Abuse Treatment: Significant numbers of people who are homeless, particularly those who are chronically homeless, are struggling with mental health, substance abuse, and co-occurring disorders. However, most communities do not have adequate treatment services available for people with low and no incomes.
- Distrust between Police and Providers: Some communities commented that the police and providers too often see each other as antagonists rather than partners. Police officers, especially new officers, need training on dealing with people who are homeless, including on how to approach them other than punitively.
- Existing Laws and Ordinances: Some communities have already put in place anti-loitering and other measures which criminalize homelessness.
- Lack of Coordination and Collaboration in the Service System: There is a lack of service integration and data sharing that is necessary to serve people with multiple needs and in contact with different parts of the service system effectively. In addition, there is a need for centralized locations to access services. In some cases, there is a need to train and inform other systems to show them that they should be involved in the effort to address homelessness as well. Sometimes, there is competition for resources between providers which further limits service system collaboration and effectiveness. Too often there is a lack of coordination between jurisdictional levels, such as across local VA offices and between the state and local levels. Some communities also felt that the resources they do have are not allocated and targeted for maximum effectiveness.

³¹ See Appendix 1: Meeting Agenda

Searching Out Solutions: Constructive Alternatives to Criminalization

- Large Numbers of People In Need: The numbers of people in need are large and growing, taxing local capacity to help them.
- Negative Community Attitudes: In some downtown areas, there is opposition to providing services despite the fact that this is an area where those in need are congregating. Additionally, there are complaints that the business improvement districts are acting like police departments.
- Lack of Adequate Funding: It is often difficult for localities to make a decision to invest up-front in services that can save money down the line. Public safety and investment in services are often seen as mutually exclusive propositions. In addition, local communities do not have the capacity to respond to homelessness on their own; federal level action and resources are also needed. Other non-public sources of funding must be identified as well.
- Complicated Cases: There are people who do not want services and other assistance; they just want to be left alone and need much more intense outreach. Others have complicated needs that require significant time and resources to address. Many lack identification and other paperwork. Additionally, there are questions about how to transport potential consumers to sobering stations, shelters, and other services.

The eight discussion groups also identified and prioritized solutions relating to policing and outreach strategies, based on what they are already doing in their communities and/or what they would like to see done. The following were the solutions given highest priority by the gathering:

- Outreach with access to housing, services, mental health—engage before arrest: There was significant support for the development of outreach teams to engage people and divert them to housing and services before arrest. Outreach teams may include police members or may be entirely composed of non-profit/community-based agency staff, but in all cases, close coordination and communication between the outreach team and the police is essential. Some communities suggested that police officers carry contact cards with names of outreach workers or case managers who can be called when they encounter someone who is homeless. There was consensus that mental health workers should be part of outreach teams. Assertive Community Treatment teams were cited as an effective model as were outreach programs in New Orleans, New York City, and St. Petersburg.
- Training on police, corrections issues, and substance use issues with service providers: Cross-training for police and service providers was identified as important to creating effective policing and outreach programs. Cross-training can facilitate needed information sharing and facilitate ongoing coordination between law enforcement officials and service providers in getting people off the street permanently. Law enforcement officers need training in how to engage with people who are homeless, mental health issues, crisis intervention techniques, use of the 5150 involuntary psychiatric hold, and what housing and services are available in order to do appropriate referrals. Likewise, service providers also need more information on law enforcement perspectives and issues.
- Housing with services: In order to be effective, policing and outreach strategies require an adequate supply of housing that people can be referred to. For many people experiencing homelessness, housing linked with services is essential to help them regain health and achieve ongoing residential stability. A range of housing models were suggested, including permanent supportive housing, “wet” shelters, Housing First models such as Pathways to Housing, low-threshold housing with services, and long-term residential treatment programs like the Triangle Residential Options for Substance Users (TROSA). Some also thought there should be a structured way for encampments to exist as has been done in Seattle, WA. Some suggested that housing be targeted to people who are frequent users of the mental health, corrections and/or homeless systems.

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- Reentry services before release with jail, parole, mental health: Participants identified the importance of reentry services to preventing homelessness upon release. This included development of transitional facilities for people after discharge.

Other solutions identified by the discussion groups included:

- Strategies to build community support for policing and outreach strategies, including public education and outreach to policy makers and soliciting funding from Business Improvement Districts for the outreach teams.
- Making provisions for persons experiencing homelessness during periods of cold/hot weather.

Justice System: Identifying Challenges and Solutions

“Innovative court models for individuals experiencing homelessness, those with behavioral health needs, and Veterans.”³²

The eight discussion groups identified key challenges facing local communities in implementing strategies to facilitate more constructive interaction with criminal and civil courts by people who are homeless. These challenges include:

- Wide Array of Legal Problems: People experiencing homelessness often struggle with a variety of legal and bureaucratic problems that interfere with their ability to stabilize their lives, including traffic warrants, unpaid child support, lack of identification, dishonorable discharge from the military, and other misdemeanor and sometimes felony charges. Involvement with the criminal justice system often results in stigma that creates additional barriers to people finding housing and jobs.
- Difficulties in Getting Institutions and Systems to Recognize the Benefits of Specialty Courts: More federal leadership is needed to promote specialty courts. Work needs to be done to educate judges, lawyers, and law enforcement officers about homelessness and mental illness and to build buy-in for the development of specialty courts. It is important that the legal system and judges understand that they have options in how they deal with these problems.
- More Resources for Justice System Programs are Needed: Additional funding from the Department of Justice is needed to get good programs off the ground. In big cities with large homeless populations, it is especially hard to develop the capacity necessary to meet the volume of need.
- Lack of Shelter and Housing Options: Lack of access to shelter and housing produces circumstances that result in repeated arrests for panhandling, loitering, and other quality of life crimes by people who are homeless. It is difficult to remedy this situation without an increase in the supply of shelter and affordable housing for those who are homeless.
- Difficulties in Accessing Income Streams: People need jobs when they exit jail or prison, and too often are not able to find them. This makes it more likely that they will end up homeless and/or involved with the criminal justice system again. In addition, for those eligible for SSI/SSDI benefits, it is often complicated initiating applications or reactivating benefits so that they are available upon discharge.

³² See Appendix 1: Meeting Agenda

Searching Out Solutions: Constructive Alternatives to Criminalization

- Lack of Treatment Programs: For those mandated to undergo substance abuse treatment, there is too often a lack of program availability for people who are homeless and have low or no incomes. This creates barriers to people complying with program requirements.
- Difficulties of Assisting Sex Offenders: Housing options for this population are limited or non-existent.
- Lack of Effective Discharge Planning: Prisons and especially jails lack effective discharge planning to help people avoid homelessness.
- Need for Community Education about Specialty Court Options: Even in communities with specialty courts in operation, many people who could make use of them do not know about them. In addition, there is a need for provider training and education so that they are aware of the options for their clients.
- Improved Cross-System Communication is Needed: Strategies are needed to improve communication and data sharing between police, medical personnel and other service providers assisting people who are homeless and involved with the criminal justice system.

Priorities

The eight discussion groups also identified and prioritized solutions relating to interaction by people experiencing homelessness with the justice system, based on what they are already doing in their communities and/or what they would like to see done. The following were the solutions given highest priority by the gathering:

- Specialty courts—partnerships with social services, public defenders, district attorneys; onsite help where individuals experiencing homelessness are: There was significant support for the development of specialty homeless and Veterans courts. Participants cited the importance of educating judges and court staff about the client population and about restorative justice and alternative sentencing options. Additionally, it was suggested that judges should let people's participation in treatment or services count toward paying down fines or other sentencing requirements. Law school pro bono projects were identified as a potential source of support for specialty court programs. Key aspects of these programs include: court advocates for clients to help them navigate the system; putting information on citations letting people know about specialty court options; and building in links to services and mental health and substance abuse treatment by locating courts at service agencies and/or having service providers on-site at courts to facilitate access to services and supports. Additionally, the use of web-conferencing at libraries (telecourts) was suggested as a way to make it easier for people to get to their court proceedings. Finally, data collection was stressed as essential in order to track success in reduced recidivism and cost-savings resulting from use of specialty courts.
- Reentry: need "reentry vouchers" for housing—dedicated reentry housing with case management; jails should identify if individual is homeless at intake; allow pre-release services: Participants stressed the importance of providing reentry planning to people who are homeless and being discharged from the criminal justice system in order to help them make a successful transition to the community and reduce recidivism. To be most effective, there must be dedicated staff providing these services, which should include linkage with housing, connection to community-based treatment and services, and assistance in applying for benefits for those who are eligible. Important components of reentry programming include identification of people who are homeless or at-risk at intake into facilities; in-reach services to link people with community-based providers before their discharge; and coordination with probation and parole. Effective models cited include Ohio and San Francisco, CA, which have reentry centers that co-locate services, and Haven for Hope in San Antonio, Texas, which has a housing facility set up close to the county jail.

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- Provide “ID cards” that get police to call service agency if arrested: In this way, people are immediately linked with service providers who can help to address the underlying reasons for the crime and facilitate access to legal and other resources to help resolve the problem. Common Ground in New York City was cited as an example of this type of program. They provide people who are chronically homeless with “ID” cards that instruct police to call Common Ground if these individuals are arrested.

Other solutions identified by the discussion groups included:

- “Justice Mapping” to identify “sending communities” for jail and prison inmates, as has been done in New York.
- Creation of volunteer legal projects to provide pro bono lawyers to work with people experiencing homelessness to resolve legal problems.

Comprehensive and Seamless Systems of Care: Identifying Challenges and Solutions

“Weaving the mainstream response to homelessness with components of the law enforcement and justice system develop real alternatives.”³³

The eight discussion groups identified key challenges facing local communities in creating seamless systems of care to prevent and end homelessness. These challenges include:

- Lack of capacity: Communities struggle with a serious lack of capacity in which the housing, treatment and services that are available fall significantly below the growing levels of need. Particular areas of need that were cited by communities around the country include: affordable housing, housing and service options for families with children, mental health services, substance abuse treatment, detox beds, and medications.
- Need for Central Intake Facilities: Many communities do not have central intake facilities that assess and refer clients to appropriate housing and services. Nor do they have standard intake and assessment forms and capacity for interagency data sharing to streamline referrals and facilitate interagency coordination. Examples of effective multi-service center programs that were cited include: Haven for Hope in San Antonio, TX which has a close relationship with law enforcement and participates in their trainings and the Path Program in Los Angeles, CA which was initiated with support of the Business Improvement District.
- Lack of Effective Strategic Planning: It can be difficult to build community consensus to take action on homelessness. Sometimes it is hard to get all of the different agencies and interests to come to the table in the first place and once there it can be difficult to reach agreement. It is crucial that business and redevelopment interests are included, though sometimes they see homeless housing and service sites as a hindrance to their economic interests. In addition, it is difficult to prioritize where limited resources should be targeted: either to those with the most extreme needs or to those most likely to get back on their feet with a little help; to affordable housing or to permanent supportive housing. Finally, once plans are developed, too often they are ignored and never get off the ground.

³³ See Appendix 1: Meeting Agenda

Searching Out Solutions: Constructive Alternatives to Criminalization

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