



# Opening Day at Homeless Court

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The Santa Monica Homeless Community Court opened for business on Friday afternoon, February 2, in the City Council Chambers at City Hall. The new court had been heavily lobbied by Ed Edelman, the City's Special Representative for Homeless Initiatives – lobbied both to Los Angeles County, which is largely funding it, and to the Santa Monica citizenry – and its opening session was delayed more than once to get all the necessary arrangements in place.

Seven cases were called. Three defendants failed to appear, and the judge issued bench warrants for their arrest. Four cases were continued to the next session on the afternoon of March 2 for the purpose of tracking the defendants' progress with service providers including Samoshel, CLARE Foundation, St. Joseph Center and OPCC.

If the box score sounds a bit anti-climactic, it should be remembered that a principal purpose of the court is to get non-violent perpetrators of what Edelman calls "quality of life crimes" – sleeping in doorways, public urination and such – hooked up with such service providers, off the streets and out of the parks. Or, as Los Angeles County Supervisor Zev Yaroslavsky said at a press briefing before the court session, the court is designed for "a population that needs intervention more than suppression." The more homeless persons continue to work with service providers, the more the court is meeting its goal.

On the other hand, it was unique in this reporter's experience to see each criminal defendant, at the conclusion of each matter, applauded by most of the 30 or so observers in the courtroom as the judge handed him or her a goodie bag, containing eight

ounces of water, a wrapped stick of string cheese, an apple and a bag of goldfish crackers, "just in case they were hungry after the court hearings," according to Jim Manczarek, Senior Administrator, LA Superior Court West District. (Mr. Manczarek notes, "Private funds were used to purchase the items.")

## BACKGROUND

In the past, homeless persons cited in Santa Monica for "quality of life crimes" have been directed to appear in court at the "Airport Courthouse" at 11701 S. La Cienega Boulevard. (The Santa Monica courthouse does not handle a criminal calendar.) Not surprisingly, those cited often fail to appear on the return date. Judges have complained that they might be able to connect many of those cited with needed services, but only if they come to court.

Edelman has explained that the Santa Monica Homeless Community Court is based on the Midtown Manhattan Community Court which he studied on a survey of New York's response to homelessness with others from the Los Angeles region early in 2006.

This new Santa Monica project differs from existing "homeless courts" in Los Angeles County in that existing programs are designed primarily to expunge the record of old offenses for those who have completed treatment programs, whereas the Santa Monica Homeless Community Court deals with current offenses – working on the front end rather than the back end – although the court can and does clear old offenses as well.

All of the defendants in the new court have volunteered to have their cases heard there. Many could have effectively "walked" on the minor charges if they had not volunteered to participate in the new program and

subject themselves to the progress reviews that are the basis of the program.

The defendants are chosen for the Homeless Community Court (with their consent) either by referral from a service provider that they are already utilizing or by the lawyers – Deputy City Attorney Betty Haviland and Deputy Public Defender Kerry Golub – who consult to identify defendants who may meet the eligibility requirements for the program. Key eligibility requirements are non-violent offenses and no history of violent crime.

## THE PRESS BRIEFING

Before the February 2 inaugural session, officials called a press briefing to explain the procedures that would be followed during the hearings. Supervisor Yaroslavsky stressed that this was "a pilot program," that it was not "a silver bullet that's going to solve all our problems" and that it was "a smart business decision" that would save money down the road by investing in intervention rather than spending on punishment.

Mayor Richard Bloom praised the selection of Judge Bobbie Tillman to preside over the new court, particularly given her 10 years as a Family Law Commissioner and her experience with the issues of substance abuse and mental illness.

Judge Linda K. Lefkowitz was, until January 1, 2007, the presiding judge of the five courthouses that make up the West District of the Los Angeles Superior Court. Although she chose to return to a trial courtroom, she kept this project because she had put so much time and effort into it. She thanked the City of Santa Monica "for initiating and spearheading this," and she especially emphasized that "the people who come here today [referring to the defendants] have chosen to come

here and taken a very brave step."

## THE COURT SESSION

As set forth at the outset, three defendants failed to appear, and the remaining four cases were continued for a month (but those continuances are how the system is designed to work).

Because the cases were only identified by the defendant's name and the case numbers or citation numbers associated with each defendant, no one sitting in the gallery could know what particular charges were being dealt with. Several defendants had multiple misdemeanors and multiple less serious infractions.

The disposition of the misdemeanors was continued in each case contingent upon the defendant's continuation in the program or programs in which he or she was participating. The infractions were generally dismissed on the spot, either on the motion of the prosecution or simply "in the interests of justice" if the Santa Monica City Attorney lacked jurisdiction to make such a motion. According to defense counsel, most of the infractions were "open container" violations.

The unfortunate fact of the day was that all four of the cases in which the defendant appeared and was ordered back to court after an additional month of program participation were cases that came to the Homeless Community Court by referral from a service provider – that is, the court did not introduce the defendant to the program. And all three cases in which the defendant failed to appear were cases in which the defendant was *not* in a program – that is, cases in which the court had the opportunity to introduce the defendant to treatment.

But this was only the first session, and every new idea needs some time to show its stuff.