



Homeless Courts

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A homeless court is a problem-solving court for handling minor offenses. These courts emphasize the treatment and rehabilitation of homeless offenders.

Homelessness is a social issue prevalent in cities around the country. The primary reasons for homelessness are poverty, lack of affordable housing, and unemployment.^[1] Most cities do not have enough beds available in their homeless shelters to accommodate the entire homeless population. When an individual is unable to secure a bed at a shelter, they end up sleeping in public, whether it is on a park bench or in their car. They then become easy targets of the “war on sleep.”^[2]



In 2009 the American Civil Liberties Union (ACLU) sued several upscale “southern California cities, including Santa Monica and Laguna Beach, [for] police harassment of homeless citizens.” The ACLU argued that the cities did not have enough beds available for their homeless citizens, but they still allowed police officers to cite and arrest these citizens for

sleeping in public areas. As part of a settlement agreement, the City of Laguna Beach agreed to repeal an ordinance that authorized the police to cite homeless individuals for sleeping in public.^[3]

The problem with ordinances that allow police officers to cite homeless citizens for sleeping in public is that this approach uses the criminal justice system to address a social issue. These citizens do not have the means to pay any fees that accompany the citations, and the unpaid fees can quickly become a problem. The same is true for other prohibited activities, such as panhandling. In California, it is a misdemeanor to lodge in public or in a private area without permission. The misdemeanor is punishable by up to six months in jail and a fine of \$1,000.^[4] After a police officer issues a citation, they give the homeless person a court date. If the person fails to

appear in court, a warrant is issued for their arrest. A warrant immediately becomes an obstacle to gaining employment.

Ten states have developed homeless courts to help homeless individuals who have committed minor offenses or who have outstanding warrants: South Carolina, California, Texas, Arizona, New Mexico, Missouri, Utah, Washington, Colorado, and Michigan. The goal of homeless courts is to help the participants navigate their legal matters while also working toward becoming self-sufficient.^[5] Homeless courts make the legal process less scary for the participants and give them the opportunity to address the roots of their social problems. “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 a great effort to overcome hardship.”^[6]

Homeless courts have limited resources and are unable to help everyone. Therefore, to participate in a homeless court program, a person must first meet the proper qualifications. The Maricopa County Regional Homeless Court, for example, requires that participants have qualifying misdemeanors and no felonies within the last ten years, excluding DUI and drug convictions. The sentence normally imposed to satisfy outstanding fines, fees, and warrants includes community service and participation in an approved transitional care program.^[7] The approach in a homeless court is to find alternatives to custody. This approach greatly differs from a traditional court’s approach. For example, in a traditional court in Houston, Texas, a defendant will receive a credit of \$50 for every day spent in custody.^[8] The credit is then applied against the fine the defendant owes.

There are several moving parts to a homeless court, and it takes the efforts of an entire community to ensure the program’s success. The first homeless court program was started in San Diego, California in 1989.^[9] As the program expanded, it required the efforts of homeless shelters and providers to coordinate with local attorneys and the court. The attorneys worked with the court to move it to San Diego High School. The lead clerk of the court coordinated the transportation of the case files to the high school. The court sessions were held outside under camouflage netting on a handball court.

Homeless courts positively impact the participants because the program does not place bandages on the participants’ situations to provide temporary relief. Instead, the program directly addresses the participants’ basic human needs, as well as their legal needs. Additionally, the participants are willing to take responsibility for their actions and face the consequences. They are willing to take the steps necessary to improve their lives and avoid having future charges brought against them. Before a hearing,

participants are often visibly nervous but “[s]oon they are talking with the judge about what they are learning in their treatment programs, or what classes they are taking in night school. Their cases are resolved, often with a handshake and a grateful look toward the prosecutor. The participants usually walk away smiling, and are always relieved.”^[10]

[1] [“Facts and Figures: The Homeless,”](#) Now on PBS, June 26, 2009.

[2] Stacey Lee Burns, [“The Future of Problem-Solving Courts: Inside the Courts and Beyond,”](#) *University of Maryland Law Journal of Race, Religion, Gender and Class* 10 (2010).

[3] [“Future of Problem-Solving Courts,”](#) 2010.

[4] American Bar Association Commission on Homelessness and Poverty and National Coalition for Homeless Veterans, [“Taking the Court to Stand Down,”](#) American Bar Association, Chicago, 2006.

[5] [“Taking the Court to Stand Down,”](#) 2006.

[6] [Taking the Court to Stand Down,”](#) 2006.

[7] Judicial Branch of Arizona, Maricopa County, [“About the Homeless Court,”](#) 2014.

[8] Coalition for the Homeless, [“Homeless Court,”](#) Houston, Texas, 2016.

[9] [“Taking the Court to Stand Down,”](#) 2006.

[10] [“Taking the Court to Stand Down,”](#) 2006.



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