A New Beginning for Milwaukee's Homeless: Addressing Homelessness through the Homeless Court System

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I. Introduction

People have heard of the war on drugs and the war of terror. This article wants to talk about the war against people that is taking place. There are individuals in the community who have been pushed to the fringes of society. These people are the homeless, or more accurately individuals experiencing homelessness. There are several official definitions for a homeless individual. According to the United States Department of Health and Human Services (HHS), a homeless individual is an individual who lacks housing, including any individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations, or an individual in transitional housing.¹ When an individual does not have permanent housing, he or she may live on the streets; either by staying at a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation.² The Health Resources and Services Administration (HRSA) focuses on the fact that an individual, who does not have a stable housing situation and may be forced to stay with a series of friends or extended family members.³ Also, previously homeless individuals who have been released from prison or the hospital may be considered homeless, if they are released without a stable housing situation to which they can return.⁴ Lastly, the United States Department of Housing and Urban Development (HUD) uses a different, more limited definition of

² Id.
³ Id.
⁴ Id.
homelessness. However, there is overlap from the previous two definitions. According to HUD, an individual is considered homeless when (1) an individual lacks a fixed, regular, and adequate nighttime residence; or (2) an individual has a primary nighttime residence that is a public or private place, which is not designed for or ordinarily used as a regular sleeping accommodation, including car, park, abandoned building, bus or train station, airport, or camping ground; or (3) an individual or family is living in a supervised publicly or privately operated shelter designed to provide temporary living arrangements, including hotels and motels paid for by government programs; or (4) an individual resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or (5) an individual or family will imminently lose their housing and have no subsequent residence identified and lacks resources or support networks needed to obtain permanent housing.6

Despite all efforts to define what is a homeless person is; there is a lack of effort by cities to recognize how to deal with the issue of homelessness. In a July 2013 study, the National Law Center on Homelessness and Poverty (NLCHP) examined 187 United States cities. The NLCHP found a 119 percent increase since 2011 in city bans on sleeping in vehicles.3 The NLCHP also found twenty-five percent increase in citywide laws against begging; a sixty percent increase in

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2 Id.
6 Id.
| Id.
citywide camping bans and thirty-five percent increase in citywide loitering laws.\textsuperscript{4}
Similarly, Michael Stoops of the National Coalition for the Homeless says 53 cities had enacted or considered restrictions on feeding the homeless.\textsuperscript{5}

Jeremy Rosen, director of advocacy for the law center, believes more laws are being passed because more poverty is becoming visible.\textsuperscript{6} As the number of individuals experiencing homelessness increases, available shelter beds are unable to meet the need.\textsuperscript{7} As a result, homeless people may not be able to avoid breaking laws that make it a crime to sleep, eat, or urinate outdoors.\textsuperscript{8}

Like most communities, Venice, California residents are sharply divided on homeless issues, with some feeling threatened by the situation while others arguing that driving the homeless out changes something unique and important about Venice culture.\textsuperscript{9}

Venice is not the only city dealing with the issue of homelessness. This article will discuss three more cities, San Diego, Phoenix, and Milwaukee. This article will being by in section II addressing how the deinstitutionalization of the mentally ill has impacted the way society perceives those who are experiencing homelessness. Section II will also address how being homeless have been criminalized. Next, section III will discuss what problem solving courts are and how they function. Similarly, section IV will address the history and motivation

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\textsuperscript{4} Id.
\textsuperscript{5} Id.
\textsuperscript{6} Id.
\textsuperscript{7} Id.
\textsuperscript{8} Id.
\textsuperscript{9} Id.
behind homeless courts. San Diego was the first city or more specifically the first jurisdiction to have a Homeless Court. In section V, this article will examine how the Maricopa County Regional Homeless Court (MCRHC) works through the first hand experiences of attorneys, judges, case managers, and other staff members. Although MCRHC represents the whole county of Maricopa, MCHRHC has its roots on the Human Services Campus in downtown Phoenix where are the cases are adjudicated. In section VI, this article will look at the shortcomings to the homeless court systems seen through the eyes of the MCRHC staff and volunteers. Finally in section VII, this article will list the guidelines to implementing a homeless court in a jurisdiction, and in section VIII this article will list why Milwaukee needs to implement a homeless court.

II. Deinstitutionalization of the Mentally Ill to Homelessness Today

A. History

In the 1980s, many individuals were released from state institutions. Some of these individuals had no resources to help them, so they ended up on the streets. In other words, individuals with mental health issues were forced out of hospitals leaving many who did not have a support system without a home. This process is what leads society to its view of the homelessness today.

B. Perception of the Homelessness

The stereotypical view of a homeless person is a person who is talking to him or herself, and looks and smells like they have not showered in a few days. Without knowing the story behind the person, society can jump to conclusions about these...
people and their lives. Recently, the American Bar Association (ABA) printed an
article in their monthly ABA Journal Magazine about the chronically homeless in
Venice Beach.\(^\text{11}\) The article begins by setting the stage around a gentleman named,
Ryavec, who lives in Venice Beach, who owns a restored home from the 1940s that
has increased in value to two to three times the price he paid in 1989.\(^\text{12}\) The article
takes a turn as it describes Ryavec's neighbor who lives in a van across the street.\(^\text{13}\)
Ryavec's neighbor gets out of the van and jump-starts his car.\(^\text{14}\) The article
narrates, "today is street sweeping day and this means that the van dweller needs
to move his car."\(^\text{15}\) Ryavec states that having the van-dweller parked along the
street means resident are unable to park because van dweller is taking up a
parking spot.\(^\text{16}\) Ryaved argues that the neighborhood already has poor parking, and
gets sixteen million visitors a year.\(^\text{22}\) Parking is only the start of Ryavec's problems
because living in vehicles means limited access to bathrooms.\(^\text{23}\) Ryavec states that
vehicle-dwellers routinely relieve themselves behind million-dollar homes.\(^\text{24}\)

C. Reality of the People Experiencing Homelessness

As we see in the attitude of Ryavec, there are individuals in society that are
not happy with the homeless population. Some individuals blame and label people

\(^{12}\) Id.
\(^{13}\) Id.
\(^{14}\) Id.
\(^{15}\) Id.
\(^{16}\) Id.
\(^{22}\) Id.
\(^{23}\) Id.
\(^{24}\) Id.
as the other. However, we need to peel off the layers to this issue because the vehicle dwellers relieving themselves on million dollar homes, so not a conscious choice. These people are human and would rather the privacy of their own restroom. However, that is not their reality as a person experiencing homelessness, just like being homeless is not Ryavec's reality. The issue of homelessness is bigger than the guy on the road with a sign.\textsuperscript{17} Homelessness does not discriminate. It happens to women and men, children and adults, veterans and non-veterans, highly educated and less educated, and even the working poor.\textsuperscript{18} Forty-two percent of individuals on the streets are veterans.\textsuperscript{19}

D. Criminalization of the Homeless and the Mentally Ill

It is estimated that the number of people who are mentally ill and in jail ranges from seven percent to twenty-four percent. Some of the people who are in jail have been homeless and ended up in jail because of fines and warrants that they could not pay due to their homelessness. This criminalization of victimless crimes tends to perpetuate homelessness rather than solve it.\textsuperscript{20} Cities are seeing

\begin{footnotesize}
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\item San Diego Homeless Court, Bringing Court to the Streets, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=ggReJQpEQOk.\textsuperscript{17}
\item Id.\textsuperscript{18}
\item San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpz3hQNs.\textsuperscript{19}
\item Lorelei Laird, Unwanted Guests, A.B.A. J., Nov. 2014, at 40.\textsuperscript{20}
\end{enumerate}
\end{footnotesize}
more of poverty than they ever saw before. They don't like it and so they're passing laws rather than coming up with a productive way to deal with it. In 2014, there were three cases alone that affected the homeless population in Venice. First case was an ordinance that forbids a person from using a vehicle as living quarters either overnight, day by day or otherwise. The ordinance was later struck

\[\text{Id.}\]

\[\text{Id.}\]

\[\text{Id.}\]

\[\text{Id.}\]
down for being unconstitutionally vague, but seemed to apply only to the homeless.\textsuperscript{23} Second case involved violations of homeless people's Fourth and Fourteenth amendment right when seizing and destroying of their personal possessions that have been left outside.\textsuperscript{24} Now, the city must hold the possessions for ninety days.\textsuperscript{25} The last case made it cruel and unusual to punish people for sitting, sleeping, or lying on public roads at night.\textsuperscript{26}

In Venice, there has been an increase of citations because of neighborhood complaints about vehicle dwellers.\textsuperscript{27} For example, Charles Moore said there are homeless people with ten, fifteen, or even twenty parking tickets.\textsuperscript{28} Moore intelligently states that he believes this is an odd way to handle alleged law breaking.\textsuperscript{29} Moore said he has gotten four tickets in the month since arrived in Venice.\textsuperscript{30} Three of the tickets were $197 each.\textsuperscript{40} Similarly in San Diego, Randall Jackson was burdened with $1,000 and jail time for not paying several fares on public transit.\textsuperscript{31}

Despite the number of fines and warrants, these people are not bad people and are not hardened criminals. Arrests and citations generate fines they can't be

\textsuperscript{25} Id.
\textsuperscript{26} Id.
\textsuperscript{27} Id.
\textsuperscript{28} Id., at 41.
\textsuperscript{29} Id.
\textsuperscript{30} Id.
\textsuperscript{40} Id.
\textsuperscript{31} San Diego Homeless Court, Bringing Court to the Streets, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=ggReJQpEQOk.
paid, creating bench warrants later.\textsuperscript{32} Going to jail can mean losing benefits, a job, or losing belongings can mean losing basic tools such as identification.\textsuperscript{33} The NLCHP report says criminalization creates more barriers to ending homelessness.\textsuperscript{44} Misusing police power to arrest homeless people is only a temporary intervention.\textsuperscript{34} Most people will be arrested and incarcerated for a short period of time, but will ultimately return to the communities still with nowhere to live and now burdened with financial obligations.\textsuperscript{35} This process only continues the cycle of homelessness. This article argues that the criminalization of homelessness is perhaps the least effective way to end homelessness and is a tremendous distraction from the real solutions to homelessness.\textsuperscript{36} The question is then what are the real solutions to the issue of homelessness. "There is not the political will to address the solutions; there is only the political will to put people in jail. And that doesn't address anything."\textsuperscript{37} Therefore, the cycle just continues; that was until problem solving courts and the Homeless Court System began.

\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{44} Id.
\textsuperscript{34} NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, NO SAFE PLACE (2014).
http://nlchp.org/documents/No_Safe_Place.
\textsuperscript{35} Id.
\textsuperscript{37} Id., at 43.
\textsuperscript{37} Id.
III. Problem Solving Courts and Therapeutic Jurisprudence

Problem-solving courts focus on the underlying chronic behaviors of criminal defendants. Problem solving courts originated with the drug court movement. After seeing the successes in drug courts, judges and community leaders decided to apply a similar system for mental health, domestic violence, and gun violence cases. Judges involved in problem-solving courts have noted many advantages. Some examples are seeing a visible change in individuals, increased job satisfaction, and feel that they are able to do their job more effectively. One main disadvantage of this work is the emotional demands. However, the judges will argue that the successes far outweigh the failures.

IV. History of Homeless Courts

In 1989, San Diego introduced the first Homeless Court Program in the nation. Steve Binder, Deputy Public Defender of San Diego County, had the idea

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40 Id.
41 Id.
43 Id.
44 Id.
to have a special Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases.\textsuperscript{46}

The idea came from a veteran's event called Stand Down, a three-day event where veterans can receive all types of services including food, clothes, shower, and many other services, but people also needed help with legal matters.\textsuperscript{57} In the form of exit surveys, Binder discovered that one in five homeless veterans requested help with the criminal justice system.\textsuperscript{47} In these participants' exit surveys, Binder realized that legal matters was just another barrier for individuals experiencing homelessness and another roadblock in their way of becoming self-sufficient.\textsuperscript{48} Many individuals are even blocked by human emotion.\textsuperscript{49} In other words, individuals' emotions can impact how someone makes strides to get out of
homelessness. One of emotion is fear. For some individuals, they have been chronically homeless for so long that they have gotten used to it, in a way they are settled in the fact that is the only way things will be. Change is hard for most people. Even if it is for the best, change can be scary and so the logic is that since they know what it means to be homeless, it can be easier to remain that way. Also, there might be some shame associated with being an individual experiencing homeless. Also, individuals might have anxiety that can cripple a person from getting resources. Another common emotion is confusion about how to go about change. Binder recognized that one of the barriers that could be addressed for people experiencing homelessness was helping with outstanding fines and warrants. To counteract the effect of criminal cases pushing homeless defendants further outside society, Homeless Court combines a progressive plea bargain system, alternative sentencing structure, assurance of “no custody” and proof of program activities, to address a full range of misdemeanor offenses and bring them back into society. Here, the sentencing alternative is participation in agency programs rather than fines and custody. These activities include: life-skills, chemical dependency or AA/NA meetings, computer or English literacy classes, training or search for employment, counseling or volunteer work. The court

50 San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpzs3hQNs.
52 Id.
53 Id.
agrees to no custody and acknowledges the participants' efforts in their programs to satisfy court requirements. The court partners with local homeless shelters and agencies as the gateway for participants to enter this court. Homeless persons who want to appear before this court must sign up through one of these participating shelters and/or agencies. Participants will work with a caseworker to create a plan for self-sufficiency and these same caseworkers will write an advocacy letter for each client. The advocacy letter is a symbol of the relationship between the agency and the client. It also includes a description of the program, the client’s start date, and accomplishments, programs completed, and insight into the client’s efforts.

The court process is set up to bring the prosecutor and the defense team together. As natural adversaries, they will still disagree at times. However, there

\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
\[\text{Id.}\]
is an increased likelihood that the prosecutor will take a personal look at each case. This process of looking at cases holistically can be therapeutic for all the parties involved. By taking a step back to look at the people in the cases, it allows the prosecutor and the public defender to look beyond the charges but into that person's story and what caused these charges to occur in the first place. After the prosecutor and public defender agree on the sentence, the public defender will explain the offer to the homeless individual.

The Homeless Court programs have gone from being a single court set up in a handball court at San Diego High School to a system in multiple states and cities.59,60 There are currently Homeless Courts operating in twenty-four jurisdictions in the following states: South Carolina, Michigan, Arizona, California, Utah, Washington, Colorado, New Mexico, and Texas.72

V. Maricopa County Regional Homeless Court

The Maricopa County Regional Homeless Court began informally in 2005 in the cities of Phoenix, Tempe, and Glendale with Judge Davis on the Human Services Campus.61 It began because judges were looking for the best practices

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59 Steve Binder, Taking the Courts to the Streets, in LAWYERS WORKING TO END HOMELESSNESS, 284 (Amy Horton·Newell ed. 2006); San Diego Homeless Court, Making a Difference, YouTube (Sept.
61 Telephone Interview with Judge MaryAnne Majestic, Superior Court Judge, Maricopa County Regional Homeless Court on Nov. 10, 2014.; Maricopa County Video, Maricopa County Regional Homeless Court, YouTube (July 28, 2011), https://www.youtube.com/watch?v=qKAzZ·xTkQk. 74 Telephone Interview with Judge
when addressing wicked problems in the community such as homelessness. Judge Majestic is not alone in this sentiment. Judge Steve Leifamn stated that judges are in a unique position to help bring communities together to deal effectively with difficult and complex problems. In 2012, legislation was passed that led to what is now the Maricopa County Regional Homeless Court (MCRHC). In 2012, the Maricopa County Board of Supervisor heard about the success of the three cities doing it informally and decided to make it countywide.

The difference between other Homeless Court systems and the MCRHC is that most Homeless Court Systems work on pre-adjudicated matters while Maricopa County does post-adjudicated matters. This means that instead of having the prosecutor and the public defender present the cases to the judge for the judge to make a decision. Instead at MCRHC, the judge will already have discussed with the prosecutor and public defender the hours, and MCRHC is only a matter of getting the hours signed off as satisfied by the judge. Therefore, MCRHC will be more about the judge being able to hear how the experience has affected their lives. After both the case manager and the defendant have spoke about the progress and

MaryAnne Majestic, Superior Court Judge, Maricopa County Regional Homeless Court on Nov. 10, 2014.
62 Hon. Steve Leifman, Making Jail the Last Resort, in LAWYERS WORKING TO END HOMELESSNESS, 284 (Amy Horton·Newell ed. 2006).
63 Telephone Interview with Judge Maryanne Majestic, Superior Court Judge, Maricopa County Regional Homeless Court on Nov. 10, 2014.
64 Id.
    Id.
experience, the judge will sign off. The defendant will then be free to go without the burden of the charges. Commonly, the defendant will leave and their next step will be to go get their driver's license. Also, MCRHC is broader than the Homeless Court Program that was established at Veteran's Stand Down.65

Some of the ways, the Maricopa County's Homeless Court has changed over time include the structure, personnel, and number of providers.66 Over the years, the Homeless Court has become more organized and more judges have become involved.67 Also, the process has become more formalized and procedural.68 Also, the presiding judge has shifted away from Judge Majestic to Judge Kevin Kane.83

Another change has been the growth of the number of providers that MCRHC work with to help Arizona's homeless population. When MCRHC began, there were only six providers.69 In 2011, the number had increased to seventeen providers.70

65 Cityofphoenixaz, Arizona Homeless Court, YOUTUBE (Feb. 28, 2012), https://www.youtube.com/watch?v=9BK2FuiIE1I.
66 Telephone Interview with Judge MaryanneMajestic, Superior Court Judge, Maricopa County Regional Homeless Court on Nov. 10, 2014.
67 Id.
68 Id.
83 Id.
69 Maricopa County Video, Maricopa County Regional Homeless Court, YOUTUBE (July 28, 2011), https://www.youtube.com/watch?v=qKAzZ-xTkQk.
70 Id.
Currently, there are twenty-six providers. Judge Majestic said that she would like to see more agencies actively involved in the program going forward and in the future.

There are many rewarding aspects to the Maricopa County Regional Homeless Court. Public Defender, Dave Fuller, says that he believes that the most

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Id.
rewarding moment is graduation. Fuller elaborates that watching someone get off the "hamster wheel of fines, cannot get a job, cannot get a license, and have no home" is the most rewarding moment. I would concur that graduations are extremely powerful. Some days I get chills, especially after a heart-breaking story about overcoming the odds. It is remarkable seeing someone get on with their lives after having so many obstacles in their way.

VI. Shortcomings of Homeless Court System

Like with any innovative idea, there will be some criticism. People will argue that helping the homeless prevents them from seeking out social services that could be more beneficial. Another argument is that homeless court does not hold people accountable for their actions.

For example, I shared my experiences about homeless court with my friend at lunch one day. At the time, I had just finished my second semester of volunteering at MCRHC. After I explained what I do at the monthly court sessions, my friend’s response was "but these people are getting away without paying for what they have done." I explained that these people put in hours upon hours of will power to improve themselves. The journey to a new life is not easy because it involves physical work as well as emotional work. Even after the defendants complete the hours; it is not the end of the journey for some of them especially if their

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72 Interview with Dave Fuller, Public Defender, Maricopa County Regional Homeless Court on Oct., 2014.
73 Id.
74 Id.
91 Interview with Maryanne Cronin on Aug. 21, 2014.
homelessness was a result of substance abuse issues. My friend left after lunch unconvinced still believing that we were only doing the homeless special favors by having the homeless court system. My friend's opinion about special treatment is a common argument against the homeless court systems.76

However, it is not a form of special treatment because these people work for what they accomplish. Most of the time, individuals will be grateful for what they have been through to get to where they are. However recently, there was a woman who came through the MCRHC and she was very honest that it was not fun and she did not learn anything from her self-improvement hours. However, Judge Kane drew out of her that it was not that she was not grateful for the experience, but that she had several more matters to take care of before she would be free from fines. In this woman's case, it was not about being disrespectful to the courts and the process, but by being jaded from the system.

Another concern is that homeless court systems will interfere with the dignity of the courts.77 However, the opposite is true. Homeless individuals are intimidated by the courts and are not looking to disrespect the system.78 Intimidation was one of the reasons that the homeless courts were established. Binder saw that individuals experiencing homelessness were less likely to go to a court, which the reason that homeless courts are not in a court building rather the

76 San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpzs3hQNs.
77 Id.
court goes to where the people are. As a community provider representative says that by bringing the court to the people it changes the opinion of the court system from a negative experience to a positive experience. Social workers agree that it actually improves relations with the justice system and arguably could mean greater respect for the courts.

However, individuals who work in homeless court systems believe that the shortcomings are minor. Public Defender, Dave Fuller, said that the only downfall was that there are not enough of them. One of the community provider representative stated that there is a gap in the diversity of providers. In other word, some providers have different resources and have different priorities. It also can mean that defendants have different experiences. For example, one defendant said that she did dishes and other chores for her self-improvement hours. There are other individuals who had counseling and participated in mentoring towards their hours. Community Legal Services attorney, Nina Targovnik, recommended that homeless court addressed more offenses. As of right now, MCRHC only addresses misdemeanor crimes and will not address felony crimes unless it related to drugs or alcohol. The last downfall is that it can be confusing to clients about what court we work with.

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79 Interview with Shira Zias, Case Manager, Lodestar Day Resource Center on Oct. 21, 2014.
80 Interview with Anonymous on Oct. 21, 2014.
81 Interview with Dave Fuller, Public Defender, Maricopa County Regional Homeless Court on Oct. 82, 2014.
84 Interview with Anonymous on Oct. 21, 2014.
However, judges who have seen the fruits of this system will say that despite any shortcomings, the return is ten fold. Judge Majestic spoke to what she sees in homeless court. Judge Majestic said that as a judicial officer, there are several aspects of homeless court that she finds most rewarding. The first aspect is that this docket provides the judicial branch of the government with the opportunity to provide a forum in which people can resolve their outstanding cases where they would not be able to do so in a traditional docket. Secondly, from an administrative perspective, it closes cases for courts that would never be closed. And last, Judge Majestic appreciates the opportunity to interact with people who have worked incredibly hard to get themselves to a place where they can get their lives back on track. Judge Majestic stated that often times as a judge, she is the bearer of bad news. However in homeless court, it is nothing but good news. Judge Majestic also commented on the impact on the community. She stated, "The resolution of cases for these people allows them to close a chapter on their interactions with the criminal justice system." Since the program requires them to have enrolled in programs to end their homeless status, the chances of recidivism are less. This is something that Will Gonzalez from the city of Phoenix prosecutor's office said "we have not seen the same defendants twice" since the Maricopa County Regional

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85 San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpzs3hQNs.
86 Interview with Judge Maryanne Majestic, Superior Court Judge, Maricopa County Regional Homeless Court on Oct. 30, 2014.
87 Id.
88 Id.
Homeless Court was implemented. By resolving their cases, and getting counseling and job training, they are now able to restore them to a status of being employed, paying taxes, and taking care of themselves financially. Gonzalez summarized this by stating "what more do you want? They are back on the tax rolls if you will."

This article proposes that not only does homeless court make defendants members of society again, but also that homeless court gives participants hope. Public Defender Fuller concurred and said that Homeless Court Systems reinstate hope, pride, and a sense of worth in people by the grace of God. Attorney Targovnik said that the most rewarding aspect of Homeless Court is that it "gives hope to people who feel disenfranchised from the legal system." These individuals have been rundown by the system and people and usually have nothing. Homeless court systems give them self-worth.

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89 Maricopa County Video, Maricopa County Regional Homeless Court, YOUTUBE (July 28, 2011), https://www.youtube.com/watch?v=qKAzZ-xTkQk.
90 Interview with Judge Maryanne Majestic, Superior Court Judge, Maricopa County Regional Homeless Court on Oct. 30, 2014.
91 Maricopa County Video, Maricopa County Regional Homeless Court, YOUTUBE (July 28, 2011), https://www.youtube.com/watch?v=qKAzZ-xTkQk.
92 San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpz3hQNs.
93 Interview with Dave Fuller, Public Defender, Maricopa County Regional Homeless Court on Oct. 21, 2014.
94 Interview with Nina Targovnik, Supervising Attorney, Community Legal Services on Oct. 22, 2014.
95 San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpz3hQNs.
96 Id.
Another advantage to homeless court is that it is cost effective. By resolving these matters that are non-violent and usually victimless offenses, it frees up the court system to address other more serious offenses.\(^97\) Also by eliminating these matters, law enforcement is able to focus on the serious and violent offenders on the streets.\(^98\)

The advantages to a homeless court system are not only procedural and legal, but also social and personal. For example, former participant John MacKanine expressed that since graduating from Homeless Court he has been able to build his home and now owns everything in the apartment.\(^99\) He continued that he has since gained a roommate. MacKanine feels honored that someone would want and would feel safe to share a home with him.\(^100\) On a similar note, one of the case managers from one of the Maricopa County Regional Homeless Court providers spoke to the rewards of being able to have a tangible result.\(^101\) She continued by speaking to the impact on watching her own clients do the work and be able to get a result from that work.\(^102\) Sometimes in the social work field, the work burns out staff members and it can feel like strides are never being made. It can feel like with each step forward; there more steps backward. As an observer, I can agree with social worker's opinion that hearing people's stories of success in court is the most

\(^{97}\) San Diego Homeless Court, And Justice for All, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=FGCpzss3hQN.
\(^{98}\) Id.
\(^{99}\) San Diego Homeless Court, Bringing Court to the Streets, YOUTUBE (Sept. 23, 2014), https://www.youtube.com/watch?v=ggeReJQpEQ0k.
\(^{100}\) Id.
\(^{101}\) Interview with Shira Zias, Case Manager, Lodestar Day Resource Center on Oct. 21, 2014.
\(^{102}\) Id.
rewarding aspect. The idea of graduating is another way of putting a result to area that does not always have a tangible result.

VII. Homeless Court Guidelines

In order to establish a homeless court in a jurisdiction, the jurisdiction must follow a set of guidelines to be considered a Homeless Court System. There are seven main guidelines when setting up a new Homeless Court System. First, prosecutors, defense counsel, and court will agree on the offenses to be resolved. Next, they will approve criteria for an individual's participation. Always recognizing that participation is voluntary. Second component is the participation of community-based service providers will establish the criteria and the process to screen individuals. Third, Homeless Court Program shall not require defendants to waive any protections afforded by due process of law. Fourth, participants shall have time for meaningful review of the cases and issues prior to disposition. Fifth, the Homeless Court Program process, and any disposition should recognize homeless participants' voluntary efforts to improve their lives and move from the streets toward self-sufficiency, including participation in community-based treatment or services.

103 Interview with Anonymous on Oct. 21, 2014.
105 Id.
106 Id.
107 Id.
108 Id.
109 Id.
110 Id.
community-based treatment or service shall replace traditional sanctions. Lastly, defendants who have completed appropriate treatment or services prior to appearing before the Homeless Court shall have minor charges dismissed, and, where appropriate, may have more serious misdemeanor charges before the court reduced or dismissed. Where charges are dismissed, public access should be limited.

Steve Binder also has provided a step-by-step guide for jurisdictions looking to establish a Homeless Court Program. The step-by-step guide includes fifteen detailed steps of what the San Diego Homeless Court Program did.

VIII. Milwaukee County Needs

In 2010, Milwaukee launched an effort by Milwaukee Continuum of Care to end homelessness by 2020. Despite this effort, Milwaukee has steadily lost ground in fighting homelessness in the last three years. Commentators have stated that even though the fight for the homeless continues, the community has apathy about the issue. "For the most part, it is ignored." "People turn away" from the issue. Not only is the community causing problems in the fight to end

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111 Id.
112 Id.
115 Id.
116 Id.
117 Id.
homelessness, but also funding is being cut. In 2013, Milwaukee was hit with $585,000 in cuts to federal funding for Milwaukee's emergency shelter services. It was also hit with nearly $500,000 in cuts to Housing and Urban Development funds. HUD funds are used to support shelters with programs and services to get individuals experiencing homelessness resources.\textsuperscript{118} In January 2013, the estimated number of homeless individuals on a given night was 1,500.\textsuperscript{136} However, this number is only an estimate. A possible solution to Milwaukee's homelessness may be implementing a homeless court.

Milwaukee County is familiar with the idea of therapeutic jurisprudence. Retired Judge Janine Geske runs the Restorative Justice Initiative\textsuperscript{119}, which brings the victim and the offender together in the same room.\textsuperscript{120} Attorney Targovnik spoke to the connection between the Restorative Justice movement and Homeless Court.\textsuperscript{121} Targovnik said, "as part of the Restorative Justice movement, Homeless Court helps restore the balance between parties. Homeless Court allows people who were participants in the homeless court system to become active members of the community. After graduation from Homeless Court, graduates are to get better jobs, driver's license, pay taxes, and volunteer."\textsuperscript{122}

\begin{multicols}{1}
\begin{itemize}
\item \textsuperscript{118}Id.
\item \textsuperscript{136}Id.
\item \textsuperscript{119}MARQUETTE UNIVERSITY LAW SCHOOL RESTORATIVE JUSTICE, https://law.marquette.edu/rji/.
\item \textsuperscript{120}SUSAN SWAIM DAICOFF, COMPREHENSIVE LAW PRACTICE 241 (2011).
\item \textsuperscript{121}Interview with Nina Targovnik, Supervising Attorney, Community Legal Services on Oct. 22, 2014.
\item \textsuperscript{122}Id.
\end{itemize}
\end{multicols}
After interviewing five different actors at the Maricopa County Regional Homeless Court System, everyone agrees that Homeless Court is something that they would recommend to other jurisdictions.\textsuperscript{123} Public Defender, Dave Fuller, expressed that it is a practical and resolves issues that would otherwise not be resolved.\textsuperscript{124} Out of judicial efficiency, the courts do not want unresolved cases.\textsuperscript{125} One of the case managers from one of the community providers spoke to the fact that homeless court is an alternative option for people who would ordinarily be stuck.\textsuperscript{126} Also, it removes barriers for individuals.\textsuperscript{127} Community Legal Services attorney, Nina Targovnik spoke to the fact that Homeless Court allows people who do not have the financial means to become productive members of society.\textsuperscript{128} Homeless Court also rewards individuals who have completed betterment programs.\textsuperscript{129} A social worker spoke to the fact that Homeless Courts resolve dead weigh cases in a more rehabilitative way.\textsuperscript{130} Homeless Court is a more therapeutic way to handle the issue of homelessness in any jurisdiction.

\textsuperscript{123} See supra, Interviews with Dave Fuller, Shira Zias, Nina Targovnik; Judge Maryanne Majestic \\
\textsuperscript{124} Interview with Dave Fuller, Public Defender, Maricopa County Regional Homeless Court on Oct. 21, 2014. \\
\textsuperscript{125} Id. \\
\textsuperscript{126} Interview with Shira Zias, Case Manager, Lodestar Day Resource Center on Oct. 21, 2014. \\
\textsuperscript{127} Id. \\
\textsuperscript{128} Interview with Nina Targovnik, Supervising Attorney, Community Legal Services on Oct. 22, 2014. \\
\textsuperscript{129} Id. \\
\textsuperscript{130} Interview with Anonymous on Oct. 21, 2014.
IX. Conclusion

To summarize, Homeless Courts are both an effective mechanism to resolve cases and a necessary one.\textsuperscript{131} It also provides people with options.\textsuperscript{132} Also, Homeless Court Systems allow the justice system to be creative and interactive with current societal needs.\textsuperscript{151} Although Homeless Courts will not solve the issue of homelessness completely, it is a beginning to restore the dignity of a human being by removing barriers that allow the cycle of homelessness to continue.

\textsuperscript{131} Interview with Dave Fuller, Public Defender, Maricopa County Regional Homeless Court on Oct. 21, 2014.
\textsuperscript{132} Interview with Shira Zias, Case Manager, Lodestar Day Resource Center on Oct. 21, 2014.
\textsuperscript{151} Interview with Nina Targovnik, Supervising Attorney, Community Legal Services on Oct. 22, 2014.