



2016 Board Annual Retreat
County Commissioner's Topic of Interest
Submitted by: [Dunlap](#)

Topic of Interest: [Homeless Court Proposal](#)

Please provide a status update on the homeless court proposal.

Response:

Background

The conversation about the possibility of a homeless court in Mecklenburg County began in March 2014 when an affordable housing advocacy group, Helping Homeless to Housing (HHH), met with Mecklenburg County Commissioner George Dunlap. HHH presented information about homeless court programs that are operating across the country. These courts seek to decriminalize “quality of life” crimes (trespassing, loitering, public intoxication, open container violations) for individuals experiencing homelessness, connecting them to needed services and housing instead of pursuing punitive measures.

Commissioner Dunlap submitted an inquiry for Community Support Services (CSS) to explore the need for a homeless court within Mecklenburg County. CSS worked with Criminal Justice Services (CJS) and the Mecklenburg County Sheriff's Office (MCSO) to determine the number of individuals dealing with homelessness in Mecklenburg County who were booked in the jail during FY2014.

MCSO generated a report documenting that 294 homeless individuals were booked. Approximately 20 percent of the individuals in the sample were booked five or more times throughout the year, which meets “frequent booking” criteria. These individuals accounted for 46 percent of the total jail days from this sample. This information highlighted the need for improved justice system response for individuals experiencing homelessness in Mecklenburg County.

Mecklenburg County's Criminal Justice Advisory Group (CJAG), a forum of key criminal-justice system decision makers, decided to include homelessness as a focus of its Street Campaign. The Street Campaign is focused on eliminating the cycle of frequent front-end users in the criminal justice system. The group developed a homelessness issues subcommittee to research the issue further, and determine how to effectively help homeless individuals who are interacting with the justice system.

The subcommittee began meeting in July 2015, and includes representatives from Charlotte-Mecklenburg Police Department (CMPD), CJS, CSS, HHH, the Public Defender's Office, the Trial Court Administrator's Office, and Urban Ministry Center's Outreach and Engagement (UMC Outreach) team. The subcommittee members have developed a proposal and each group represented supports the recommendations.

Understanding the Problem in Mecklenburg County

The subcommittee requested two sets of information from CJS: a) the 40 homeless individuals with the most number of unique bookings and b) the 40 homeless individuals with the highest number of jail days. The group learned that within these two categories there are 58 unique "Front-End Users" (FEUs) -- individuals arrested for low-level offenses who cycle in and out of the "front-end" of the legal system -- in Mecklenburg County.

The following data from the report provided useful information for better understanding the problem:

- 90 percent of all FY15 offenses for these individuals were nonviolent, with nearly 70 percent of all FY15 offenses for these individuals being nonviolent misdemeanors.
- 76 percent of all FY15 offenses committed by the FEUs were misdemeanors.
- 49 percent of all FY15 offenses were "public order" offenses – in other words, victimless "quality of life" offenses associated with homelessness and poverty.

This information confirmed what was thought to be true - the majority of offenses committed by the homeless *are not a threat to public safety, may be eligible for diversion, and do not require extensive punitive measures to be helped.*

Initial Steps

The work and discussions of the subcommittee generated interest in how law enforcement can divert individuals from arrest and help them avoid the negative consequences of jail. CMPD and Urban Ministry Center's Outreach and Engagement (UMC Outreach) team began a collaboration to divert homeless individuals from arrest for low-level "quality of life" offenses. This diversion approach is not focused solely on FEUs, but rather any individual experiencing homelessness who commits a divertible offense.

The collaboration began in early November 2015 with the introduction of an UMC Outreach referral process for police officers during CMPD's Critical Time Intervention training. In the first two weeks of the new process, 14 outreach referrals were submitted by CMPD. *The fact that this resource has been so utilized by CMPD demonstrates the need for a way to connect individuals to services rather than criminalizing homelessness.*

Recommendations

Based on the research of the subcommittee, a homeless court is not the solution for helping the 58 FEUs. Homeless courts tend to help individuals after they have entered the justice system rather than diverting them from it. This later stage response results in unnecessary arrests and jail time for the person experiencing homelessness and is costly for the criminal justice system. Further, the 58 FEUs interact with many service providers, but do not receive the tailored support they are in need of from any specific group or agency. A homeless specialty court would not address this problem either.

The subcommittee recommends the creation of a Homeless Justice Team (HJT) consisting of a licensed mental health clinician, a senior social worker, and a Peer Support Specialist within the CSS Homeless Services Division. The HJT will focus on diverting the 58 FEUs from the justice system when possible by meeting them where they are, and connecting them with resources to help prevent occurrence of these

low-level “quality of life” offenses. When diversion is not possible, the team will work with Mecklenburg County courts and the jail to help the individual exit the system. The HJT will provide needed support that is currently missing from our justice system to help this group.

In addition to the HJT, the subcommittee recommends an addition of 45 units to the MeckFUSE program during FY17, and 20 more in FY18. MeckFUSE is a 45 unit Housing First Permanent Supportive Housing (PSH) program for individuals experiencing homelessness with at least four arrests in the last five years. Community Support Services Department administers the program using Mecklenburg County funding, and MeckFUSE is operated by contract provider Urban Ministry Center. The program provides an ideal housing option for FEUs of our justice system. However, MeckFUSE is currently at capacity (45 individuals housed) and is unable to accept additional participants. Stable housing alone prevents justice involvement, reduces the likelihood of recidivism, and should be prioritized.

Potential Costs

The cost for the three HJT positions totals \$239,687.05. This includes salary and benefits, phone, office supplies, training and travel, and licenses for the positions.

The total cost for MeckFUSE expansion is \$1,260,000. Of that amount, the expansion cost to allow 45 additional participants in FY17 is \$860,000. Adding 20 more participants in FY18 will cost \$400,000. The expansion amount covers all expenses (subsidies, utilities, staff costs, etc.) to administer the program through a contract provider.

Potential Savings

By providing services for the 58 FEUs, who have an average of three arrests per year, the proposed program could potentially divert 148 jail admissions over the course of a year for misdemeanor charges (excluding arrests involving felony charges).

According to Mecklenburg County Criminal Justice Services, complete diversion of all 58 individuals from their history of misdemeanor arrests and average length of stay in jail for misdemeanor arrests could result in an annual reduction of approximately 7,252 jail bed days. This means there would be 20 fewer people in the jail on any given day throughout the year. All of this results in a cost avoidance of \$145,040 per year for the jail alone.

Conclusion

By not pursuing a new paradigm to address the needs of the homeless, our community runs the risk of criminalizing vulnerable individuals who are in need of comprehensive, supportive services not incarceration. Use of the HJT approach, in conjunction with an expansion of the MeckFUSE program, will provide a humane answer to the challenges of homeless FEUs, and generate cost-savings for Mecklenburg County.

An in-depth proposal outlining the problem and proposed recommendation in greater detail is attached.