



Legislation Text

File #: 20-169, **Version:** 1

Report Prepared by: Stephanie Dietz, Assistant City Manager

SUBJECT: Approval of Homeless Court Memorandum of Understanding Among the County of Merced District Attorney's Office, County of Merced Public Defender's Office, Ciummo and Associates, City of Merced, and the Superior Court of California, County of Merced

REPORT IN BRIEF

Considers the authorization to approve the Homeless Court Memorandum of Understanding among the County of Merced District Attorney's Office, County of Merced Public Defender's Office, Ciummo and Associates, City of Merced, and the Superior Court of California, County of Merced.

RECOMMENDATION

City Council - Adopt a motion approving the Homeless Court Memorandum of Understanding and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

ALTERNATIVES

1. Approve as recommended by staff; or
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny this request; or
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in motion).

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

Aligns with City Council priority of Homelessness.

DISCUSSION

In November of 2018, Mayor Murphy and Merced County Superior Court Presiding Judge Proietti compiled a public justice working group to explore the possibility of establishing a Homeless Court Program (HCP) in Merced County. Mirrored after the successful San Diego model, the Homeless Court Memorandum of Understanding establishes a collaborative court through a partnership between the County of Merced, the City of Merced, and the Superior Court of California, Merced County. The HCP will provide homeless, and formerly homeless, individuals an opportunity to resolve outstanding eligible pre and post judgment criminal cases and/or infractions in the interest of promoting public and individual safety and self-sufficiency. The HCP will address the unique needs of the homeless population's legal challenges which hinders the individual's ability to reestablish

themselves into society. The HCP is designed to reward eligible individuals who have made significant progress improving their situation, through participation in a treatment program, with access to additional community and court resources.

Individuals who have participated in services designed to improve the health, safety, and welfare of the community will be screened for eligibility and referral to the Homeless Court Program. Examples of eligible program service activities include behavioral health and recovery services, employment or employment training services, individual counseling, chemical dependency meetings, or other program approved by the Merced County Homeless Court Coordinator.

Upon satisfactory involvement in an approved program, individuals will participate in a preliminary staffing with representatives from all participating organizations in order to assess individual eligibility to resolve outstanding minor criminal court cases and/or infractions, warrants, fines, and fees through the HCP. Individuals approved to participate in HCP will be scheduled to appear before the Court and may have minor charges dismissed, and, where appropriate, may have misdemeanor charges reduced or dismissed. Completed programming hours may be accepted in lieu of community service and credited towards any fines or fees owed.

Eligible cases for the HCP include infraction and misdemeanor traffic fines and infraction as well as misdemeanor criminal fines. The following cases are ineligible for the HCP: probation or restitution fines, felonies, charges assigned to specialty courts, and/or particular charges involving children, possession/sales of narcotics, firearms, explosives, ammunition, and violence or any immediate public safety issue(s).

The City Manager and City Attorney's Office staff will provide staff support to the Homeless Court on behalf of the City of Merced. Merced County will provide the coordination duties until a more permanent option is identified. The Coordinator will coordinate, facilitate, and implement the administrative functions of the program. The County Workforce Development Department has applied for an Accelerator grant application has been submitted to secure one-time funding for this position. If awarded, the grant term is 18 months during which time additional resources will be identified for ongoing sustainability of the program.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed, all support will be provided by existing staff.

ATTACHMENTS

1. Homeless Court Memorandum of Understanding