

Bernalillo County Metropolitan Court's

Outreach Court Program

The Bernalillo County Metropolitan Court's Outreach Court Program is a collaborative effort among Bernalillo County Metropolitan Court, Office of the District Attorney, Law Offices of the Public Defender, the Private Defense Bar, the Bernalillo County Attorney's Office and community providers. This court will follow the American Bar Association's (ABA) seven guiding principles for Homeless Courts and will model itself after the San Diego Homeless Court. This model is based around local community service providers being the gateway for participants to enter into the program voluntarily. Outreach Court is a specialty court program aimed at a segment of the population that has limited means of complying with conditions of the court, and faces challenges in obtaining legal representation. As a result, misdemeanor charges are often ignored until the defendant is incarcerated. Outreach Court is unique from all other specialty courts as it is designed to work with individuals already engaged with treatment providers and give them an opportunity to resolve outstanding misdemeanor cases and warrants. This is accomplished by collaborating with community providers that are already providing services to these individuals.

Outreach Court provides a progressive diversionary program, allowing alternative resolutions in lieu of custody, fines, and fees for most misdemeanor charges. Participants may engage in life skills activities, substance abuse group meetings, literacy classes, and training, or search for employment, counseling, and programming aimed at improving their situations under the guidance of their community provider. The court acknowledges these endeavors in order to satisfy the courts' requirements.

The prospective participants are referred to court staff to determine eligibility by their community advocate. If approved for participation, court staff will notify all involved parties. The participant will work with their client advocate at their chosen program to design a plan to move towards self-sufficiency prior to appearing in court. This initiative shows a participant's willingness to seek justice and to reconcile their past by their continued efforts to reclaim their future. Providers will write letters of advocacy on behalf of the participant and their efforts in the program. This is symbolic of the relationship between the client and the program, and outlines their accomplishments, providing the court with insight into their efforts. The court will review the letter of advocacy and determine the graduation time of the participant to be held at a community provider's location.

Outreach court enables homeless and precariously housed individuals who are actively engaged in the program to address their outstanding legal obligations, freeing them to reclaim their lives and return to the community as valued members.

Program Manager, Martin Burkhart 841-8181, or Project Specialist, Tiffany Archuleta 273-1105

Judge Maria Dominguez Presiding Judge

ABA Support

The ABA adopted a policy in support of the development of homeless courts in 2003. This policy urged the facilitation of treatment-oriented Diversionary proceedings that would result in the dismissal of misdemeanor offenses. In 2006 the ABA adopted the following principles for Homeless Court Programs. Our program strives to follow these:

1. Prosecutors, Defense Counsel and the court should agree on which offenses may be resolved in the Homeless Court Program and approve the criteria for individual participation, recognizing that defendant participation in Homeless Court Programs shall be voluntary.
2. Community-based service providers should establish criteria for individual participation in the Homeless Court Program and screen individuals pursuant to these criteria.
3. The Homeless Court Program shall not require defendants to waive any protections afforded by due process of law.
4. All Homeless Court Program participants shall have time for meaningful review of the cases and issues prior to disposition.
5. The Homeless Court Program process and any disposition therein 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.
6. Participation in community-based treatment or services shall replace traditional sanctions such as fines, public work service and custody.
7. 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 to the record should be limited. The ABA Commission on Homelessness and Poverty has developed a series of educational resources and provides free technical assistance in an effort to foster replication of the Homeless Court model across the country.

Ambar.org/homeless