Assessing Columbia's Homeless Court

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Assessing Columbia’s Homeless Court

By

Andy Wilson

December 2018
Assessing Columbia's Homeless Court: Does this diversion court program improve legal and socioeconomic outcomes for homeless people?

By

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Submitted in Partial Fulfillment of the Requirements for Graduation with Honors from the South Carolina Honors College

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Thesis summary:

The Columbia Homeless Court is a diversion court program for which people with a history of homelessness and minor criminal offenses in the city of Columbia are eligible to apply. Its ability to reduce or waive fines and dismiss or expunge past offenses helps incentivize participants to improve their circumstances with the support of local service providers. This thesis aims to assess the homeless court’s effectiveness in improving life outcomes of participants and consider what changes it has effected in the Columbia. It was originally intended to include an evaluation of both qualitative and quantitative data, but the latter did not come through in time to be included in the thesis proper. The qualitative data comes from interviews with key players in establishing and running the homeless court, talks with program participants, and my own experiences shadowing the lead homeless court public defender, Constantine Pournaras. The inclusion of these perspectives provides a human face to the abstract ideas of justice and rehabilitation the homeless court sets out to accomplish. The quantitative data are being contributed by Fifth Judicial Circuit Solicitor’s Office records and United Way of the Midland’s Homeless Management Information System (HMIS). While they did not become available in time to be included in this report, these data will include information on the arrest history, reception of services, and housing status of homeless court participants and a control group of similar individuals experiencing homelessness who did not participate in the program. This information will permit investigators to empirically measure the effect of participating in homeless court. Analysis of these data will continue as a collaboration between the University of South Carolina Psychology Department and United Way of the Midlands.
Abstract:

This report provides relevant background information on the state of homelessness in Columbia and describes the problems that criminal offenders who are homeless faced under traditional modes of correction. It then outlines the concept and history of the homeless court model and explains how these programs are intended to improve legal outcomes for individuals facing homelessness. The collection of perspectives from government and nonprofit stakeholders and homeless court participants brought together in the thesis form a qualitative framework for considering how successful the homeless court has been in accomplishing its goals and what opportunities exist for improving it. Additionally, this thesis will describe the quantitative data being gathered as part of the project and outline the analytical methods that will be used to interpret it in the next stage of this line of inquiry.

Introduction:

The experience of homelessness is an obviously unenviable state, which raises the question of why so many people remain homeless—at last count 553,742 in the U.S. as a whole [1], 3,933 in South Carolina, and 1,205 in the Midlands region [2]. Some paint the homeless as lazy and unwilling to change, holding that all it takes to rise out of poverty is being willing to work hard. Such is the stereotypical American Dream, but reality, especially for those in or on the edge of homelessness, is often far different. Economic mobility, the ability of people to improve their economic status relative to their upbringing, has trended sharply down in the U.S. since the 1940s [3], which means it has become more difficult for people who start out poor to end as anything else. This is especially true when it comes to homelessness. Being homeless
makes it difficult to find and keep jobs, especially those that would pay enough for housing [4]. The declining affordability of housing adds another dimension to the problem [5]. Between the 1970s and 1990s, the number of unsubsidized housing units affordable to the bottom quartile (HUD defines affordable housing as consuming 30% or less of residents’ income) dropped by three-quarters [6]. That trend has continued, especially since the 2008 financial crisis. A FreddieMac analysis of apartments the government-sponsored enterprise financed found that 11.2% of unsubsidized apartments were affordable to very low income people in 2010 but that percentage had fallen to just 4.3% by 2016 [7]. Lack of affordable housing is positively correlated with homelessness [8] and the shortage continues to worsen. It is difficult, and increasingly so, for individuals facing homelessness to lift themselves out of their dire socioeconomic circumstances. But a particularly egregious feature of homelessness’ self-perpetuating quality is the so-called revolving door of homeless incarceration.

Individuals experiencing homelessness have high rates of police interaction—a 2017 study of 581 people who are homeless found that 76% had ever been arrested and 57% more than three times [9]. These arrests are predominately for either substance abuse-related or property crimes, including drug possession, public drunkenness, disorderly conduct, and loitering, that study found. People who are homeless are more prone to commit these offenses due to their lack of housing and higher rates of substance abuse. Further, many U.S. cities have passed laws that crack down on behaviors specifically associated with homeless, such as panhandling and urban camping. A 2014 report by the National Law Center for Homelessness & Poverty found that 43% of cities had city-wide bans on sleeping in vehicles, 34% on camping in public, 24% on begging in public, and 33% on loitering [10]. According to that report, the numbers are even higher for bans on these activities in particular public places. Once arrested,
offenders who are homeless often fail to show up to their court dates, in part because they don’t have permanent addresses and it’s difficult to deliver them summons [11]. If they don’t show up to court or pay fines, this can eventually compound even a minor offense into a felony. Having a felony on their record makes it much more difficult for people to find jobs and housing, thanks to more than 38,000 statutes the American Bar Association's Criminal Justice Section documented that apply collateral restrictions to people who have been convicted of crimes [12].

Obstacles to obtaining housing and employment trap people experiencing homelessness in the same circumstances that contributed to their offense. Being homeless before arrest and incarceration is associated with a higher likelihood of re-offense than being housed, a 2006 British Ministry of Justice survey found—79% vs. 47% [13]. Individuals experiencing homelessness already face a limited job market, but having a criminal record makes it even less likely that they will be able to find work. A 2006 study in the Journal of Law and Economics found that the majority of employers would “probably” or “definitely” not be willing to hire someone with a criminal record [14]. Furthermore, people experiencing homelessness have little to no means to pay fines that have accumulated against them, and the alternative—incarceration—is the opposite of a fine, government resources-wise. South Carolina Department of Corrections spends $59.61 per inmate per day ($21,756 annually) [15]. Leaving individuals experiencing homelessness on the streets is not without its own costs. A 2010 Housing and Urban Development report which studied the public costs of individuals or families becoming homeless for the first time found that on average, $6520 was spent on them in the criminal justice system, $4157 in mental health services and $1318 in substance use treatment—altogether just shy of $12,000 [16]. The Columbia Homeless Court aims to break the revolving door cycle that traps homeless individuals and burdens public resources by helping people with a
history of homelessness whose crimes are not too severe and who demonstrate willingness to get their lives back on track.

The Columbia Homeless Court aims to provide an alternative to traditional courtrooms that is more comfortable and accessible for individuals who are homeless and have legal problems while simultaneously encouraging behavioral change. According to its [website](#), the Homeless Court’s purpose “is to encourage participants to receive and complete treatment and rehabilitation programs in exchange for the possibility of dismissal of the fines associated with a criminal offense and, in some cases, the dismissal of an offense.” [17]

The course of study from which this thesis derives was intended to assess the Homeless Court’s efficacy in fulfilling this statement of purpose. I spent the spring of 2018 observing homeless court sessions and shadowing the main public defender who works with the court, which enabled me to build connections with participants and service providers, ground my understanding of the process and collect material for the background information of the thesis. This fall, Dr. Kloos and I have engaged with the United Way of the Midlands and Richland County Solicitor’s Office to collect and analyze data related to homeless court participants’ re-offense rates and service engagement. Throughout the process I have also been interviewing both the key players in establishing and running the homeless court and several people who have participated in the program. The homeless court is a relatively new addition to Columbia’s array of resources for the homeless and one that has not been thoroughly evaluated. Accordingly, I aim in this thesis to provide an initial, not exhaustive assessment of the court, which can confirm areas of success and provide a basis for suggesting improvements.
Before we move further into this topic, I think it best to explain what homeless courts are and the history of the concept. A related question, how the Columbia Homeless Court came to be established, will be addressed in the ‘Founder Perspectives’ section.

What is a homeless court?

The basic premise of homeless courts is that the unique situation of homeless offenders makes them less responsive to traditional legal interventions. As I mentioned above, individuals experiencing homelessness are vulnerable to being charged with offenses related to their lack of housing, which also makes them more likely to miss court sessions and incur escalating charges. Individuals experiencing homelessness aren’t typically financially equipped to pay the fines associated with their offenses anyway, and the negative experiences many have had with law enforcement makes them wary of traditional legal settings. Left to run its course, these trends mean on the one hand that the justice system will continue to issue punishments for homeless offenders that will either not be paid (fines) or cost taxpayers money (jail time). On the other hand, individuals experiencing homelessness who run into trouble with the law will see their legal woes mount and present a further obstacle to them leaving homelessness. It’s a downward cycle in which all parties—individuals experiencing homelessness, the judicial system, and taxpayers—lose. Homeless courts aim to break the cycle by: a) providing a more accessible and comfortable space for legal intervention; b) replacing unaffordable fines and expensive jail time with service provider engagement and personal movement toward self-sufficiency; and [in some cases] c) expunging previous minor offenses from the participant’s criminal record. The “South
Carolina Homeless Courts” legal memo [18] written by George Cauthen and Brandon Smith in June 2018 lays out seven distinctive criteria of homeless courts on pages 4-5:

- Homeless Court is a voluntary program.
- There is no waiver of due process.
- Participants are fully informed of all their options.
- There is collaboration on the criteria for entrance into the Homeless Court by the defense, court and prosecutor.
- Treatment is preferred over traditional sanctions.
- Potential for dismissal of charges and effort to limit public access to record is preferred when appropriate.
- Homeless Court should be catered to the individual jurisdiction and state.

What is the history of the concept?

The nation’s first homeless court began with informal proceedings in San Diego, California in 1988 and was formally established by the San Diego County Public Defender's Office in 1999. [19] It focused on resolving outstanding misdemeanor matters and connecting participants with social services. The success of the San Diego court soon got the attention of other cities and, crucially, the American Bar Association (ABA). In 2003 the ABA adopted policy in support of homeless courts, urging “state, local, and territorial courts to facilitate the development of Homeless Court Programs as treatment-oriented diversionary proceedings with the goal being the dismissal of misdemeanor offenses in recognition of completion of shelter/service agency activities prior to the court appearance, as a means to foster the movement of people experiencing homelessness from the streets through a shelter program to self-sufficiency.” [20] In 2006 the ABA outlined a set of basic principles for operating homeless
By January 2018, 32 jurisdictions (including counties and cities) across the country were running their own homeless courts, including Columbia and Charleston, SC. [22]

Columbia Homeless Court important dates:

- 1989
  - San Diego founds nation's first homeless court.

- 2011
  - Transitions homeless shelter opens in downtown Columbia. It's a conveniently centralized site where 24 service providers offer services to local homeless people.

- 2013
  - Led by Councilman Cameron Runyan, Columbia City Council passes plan in August to round up downtown homeless people and transport them to a rural shelter. The plan is withdrawn after a national outcry.
  - Columbia City Council member Tameika Isaac Devine asks George Cauthen and Columbia City Court Judge Dana Turner to think about making a homeless court for the city.

- 2014
  - Homeless court working committee meets monthly and studies currently operating homeless courts to decide on best practices.
  - September 23: S.C. Supreme Court issued order establishing Columbia Homeless Court.

- 2015
  - January 27: first session of Columbia Homeless Court.
  - City of Columbia designates funding to Richland County Public Defender for representing indigent clients in city courts (the funding, used to hire two new public defenders, is renewed annually thereafter).
Background:

Choosing the topic:

As I considered what topic to cover for my senior thesis in the summer of 2017, my previous experiences interacting with individuals facing homelessness on the street or as part of my church’s weekly homeless outreach helped me decide to address the issue of homelessness in Columbia. In the fall of that year, Dr. Andy Pope, the United Way of the Midlands Homeless Coalition Director, recommended that given my plans to pursue a legal career, I should study the Columbia Homeless Court. He explained the program to me and suggested that it would be a good topic because it was of a manageable scope but hadn’t been assessed yet. Dr. Pope helped connect me with Dr. Bret Kloos, of the University of South Carolina Psychology Department, who has made homelessness in Columbia an area of particular emphasis in his research and pedagogy. Dr. Kloos agreed to serve as my thesis director and advised me to enroll in Psych 489 Community Psychology Practicum, which he was teaching on homelessness in Spring 2018.

Next steps:

Taking Psych 489 with Dr. Kloos was an invaluable experience in building my background knowledge of homelessness. I developed a much stronger understanding of homelessness as a social problem, its contributing factors, and what can be done to improve it. This class challenged some of my previously held assumptions and viewpoints about homelessness. Taking it made me more sympathetic to the plight of the homeless and motivated to help improve the situation. One of the most important elements of Psych 489 was the built-in 45-hour service requirement, which I fulfilled by shadowing Richland County assistant public defender Constantine Pournaras, the main appointed counsel for homeless court participants. My
time shadowing Pournaras showed me how he embodies the emerging model of integrating legal advocacy and holistic community intervention.

**Observations from shadowing Mr. Pournaras:**

Pournaras has extensive connections with local service providers such as Transitions, MIRCI, Veterans Affairs, and Palmetto Health ACT and uses this knowledge to help get his clients connected with the people and organizations that can meet their needs and address their underlying problems. A significant aspect of his role of liaising between clients and service providers, has been Pournaras’ accessibility to his clients. He keeps with both his formal clients and an array of informal connections with the impoverished and homeless community on a day-to-day basis and his office functions as a safe space for members of the impoverished and homeless community to drop by and ask legal questions, be connected with service providers, or even just get life advice. Pournaras has spent years building relationships and fostering trust, with both clients and institutions. When his clients have problems, he knows who to call and what to ask for. Because he is so well-known, he is able to circumvent some of the red tape that apparently makes cooperation between various entities like hospitals and jails so difficult. Much of Pournaras’ knowledge and connections he is able to bring to bear on clients’ behalf are not things homeless and impoverished people would have access to on their own, which makes him an invaluable advocate and advisor for the poor of Columbia.

**Homeless court proceedings:**

Homeless court takes place on the last Tuesday of every month in the Transitions common room. The setting balances informality with respect; the parties involved sit at plastic
tables, but the judge does wear robes and men have to take their hats off when proceedings begin. The prosecutor and defense attorney are from Richland County, the judge is from the city municipal court, and case managers from clients’ service providers also participate in each session. A typical court session begins with a case manager coming up with their client to do one of three things: 1) introduce them to the court; 2) provide an update on their progress; 3) or say that they believe the client has made sufficient progress toward their goals for them to be graduated (i.e. have their charges dropped, fines dismissed, or prior offenses expunged).

Homeless court participants don’t get graduated very quickly, and due to jobs and rehabilitation programs, are often unable to attend the intermediate sessions in which their case manager discusses their progress but doesn’t request for a ruling to be made yet. The timeline by which the court operates might seem somewhat arbitrary to a new observer. However, my shadowing experiences allowed me to see what has to happen behind the scenes to make homeless court possible.

The “South Carolina Homeless Courts’ memo states that applications for the homeless court may be submitted by the would-be participant him- or herself, “his or her defense attorney, members of the public, law enforcement, any judge and/or service providers.” [18] Pournaras said that applicants are typically referred to the homeless court by a case manager, who then schedules a meeting with him to discuss the client. Pournaras also talks to the individual to assess their circumstances and ascertain whether their charges are potentially eligible. As mentioned above, the homeless court’s purpose is “to encourage participants to receive and complete treatment and rehabilitation programs in exchange for the possibility of dismissal of the fines associated with a criminal offense and in some cases, the dismissal of an offense;” according to the official brochure. [17] These dismissals are predicated on participants making
an effort to improve their circumstances, of course with the help of their case workers and available resources. Pournaras’ role is, by talking to the applicant and their case manager, to figure out whether they are committed to changing their behavior and circumstances.

**Homeless Court admission process:**

Pournaras regularly meets with the prosecuting attorney from the Solicitor’s Office to discuss whether to accept or reject applications to the homeless court. According to the 3-year Cumulative Report, the court has reviewed 152 applicants and accepted 58, all of whom have graduated. [23] Typically, Pournaras is able to draw on his experience with the client in question to offer the prosecutor recommendations. Even if a client’s case manager and Pournaras are convinced that the client is moving in a good direction, the case still must meet entry criteria (found on page 8 of the “South Carolina Homeless Courts” memo) including approval by the Solicitor’s Office, which is quite strict about what kind of crimes it will agree to have considered by the court. The “South Carolina Homeless Courts” memo [18] provides a non-exhaustive list of the offenses within and outside the homeless court’s standards of acceptance on page 9:
Joe Berry, the prosecutor assigned to the homeless court during my time shadowing Pournaras (he has since left the Solicitor’s Office for private practice), explained that if the homeless court were to dismiss the charges of someone with a violent criminal record and that person went on to commit another violent crime, then that would severely damage the court’s credibility, so any kind of violent crime is currently disqualified. (J. Berry, personal communication, 2018, March)

Another restriction on acceptance is that the homeless court only has formal jurisdiction over crimes committed in the city of Columbia. In the past they used to reject more cases that were out of jurisdiction, but now the court often informally accepts these kinds to try to work with them outside of the traditional court setting. For instance, for one client who had drug charges in Arizona, Pournaras was able to convince the court there to accept drug tests from a local lab rather than making the client ship samples all the way out there at great cost. In cases where it is not in the homeless court’s jurisdiction to dismiss charges, Pournaras can still serve as a legal advocate and liaison with other courts to help the participant resolve their legal issue.

These people helped under the umbrella of the homeless court but not formally admitted aren’t counted among the program’s graduates, so that number (58, according to the 3-year Cumulative Report [23]) is lower than the true number of people helped by the court. The most common charges reviewed by the Columbia Homeless Court are, according to the Cumulative Report: open container, disorderly conduct, public drunkenness, trespassing, littering, and pedestrian on roadway.

**Homeless court participant introduction, progress, and graduation:**

Once an applicant has been approved by the solicitor’s office, they are introduced at the next homeless court. In an introduction, the participant’s case manager tells the judge about their
client’s background and goals, then the client (typically they are required to be present for their introduction) has the option to tell the court about themselves, and the defense attorney describes the charges that they are hoping to get action on. For the next several homeless court sessions, the case manager gives updates on their client’s progress. I found that one case was resolved in as little as a month while another took almost two years; the process more commonly takes several months. Behind the scenes, Pournaras meets with the case manager and the client to assess the steps they’re taking to improve their circumstances, and he doesn’t move to have the case wrapped up until he and the case manager can see progress and tell that the participant is committed to change.

When the defense counsel and case manager think the participant has made sufficient progress, they meet with the prosecutor and judge to work out what kind of leniency the court will grant. This communication in advance allows for the dynamic between prosecutor and public defender to be cooperative rather than competitive and removes uncertainty from the participant. On the day of their ‘graduation,’ the public defender formally requests that the judge drop or expunge the charges or dismiss or reduce the fine, whichever has been agreed upon in the pre-trial conference. The prosecutor assents, and the judge announces their decision, then congratulates the participant and exhorts them to continue in the positive direction they have demonstrated already. Finally, those present, which normally includes a diverse bunch of case managers, well-wishers, and individuals experiencing homelessness staying at Transitions, applaud this significant step in the participant’s journey.

Homeless Court founder perspectives:
George Cauthen got his J.D. and MPA from USC (’76, ’84, respectively). He spent time as a gunnery and legal officer for the U.S. Navy and the Clerk of Court for the U.S. Bankruptcy Court of South Carolina before joining Nelson Mullins, a top 100 law firm based in Columbia, in 1989. Cauthen became known as a distinguished bankruptcy lawyer, but also for his participation in local pro bono efforts. In the latter capacity, he played a pivotal role in founding the Homeless Court.

A longtime Nelson Mullins partner, Cauthen describes the law firm’s atmosphere of service as fertile ground for the inception of the homeless court. In 2007, the firm helped launch a free legal clinic for individuals experiencing homelessness called Project Homeless Experience Legal Protection (HELP), which got Cauthen thinking about the issue of homelessness in the city. [24] His work there in family law and criminal record expungement shaped his awareness of the role legal obstacles play in perpetuating homelessness.

When the Columbia City Council was considering a proposal to round up downtown homeless and cart them off to a shelter in rural Lexington County in the summer of 2013, Cauthen was one of the most vocal opponents of the plan. He warned the City Council to straighten up the way they treat individuals experiencing homelessness or going to suffer the consequences when “some Yankee firm” came down and sued them. In response to Cauthen’s persistent advocacy on behalf of the homeless, Councilwoman Tameika Isaac Devine asked him to talk to then-Judge Dana Turner about setting up a homeless court.

Cauthen was then serving on the ABA Commission for Homelessness and Poverty, so he was familiar with the concept and readily agreed. Within two months, he was able to convene the first meeting of a task force of key players: service providers, Columbia Police Department, Richland County Solicitor’s and Public Defender’s offices, the county magistrate, and a city judge. Bringing together these groups was a significant step, but some players were skeptical of
the effort. Surprisingly the Public Defender’s office was one of them, pointing out that they didn’t have any dedicated employees to do city courts. Cauthen was able to successfully lobby City Council to add funding for two more public defenders to cover city courts and staff the homeless court, and the Public Defender’s office became one of the staunchest proponents of the program.

Key figure then-Solicitor Dan Johnson was cautious about the homeless court due to reservations about someone graduating the program only to commit some outrageous crime. Cauthen remembers that it took three months to get him to come to one of the meetings. As things continued, however, he says Johnson got braver and was on all board with the homeless court once he was comfortable with it. Cauthen noted that Johnson helped keep the program on track legally and credits him as being a real innovator on alternative punishment. He said the former solicitor, despite now facing corruption charges, did his best to make sure people that deserved a chance got a chance.

Getting the Solicitor on board with the program was crucial because it expanded its effective jurisdiction. When participants have pending charges in another county or jurisdiction, the solicitor’s office is able to contact those solicitors and ask to transfer charges so they can take care of them all at one time. This has allowed the homeless court to function as a one-stop shop for individuals experiencing homelessness, even if their criminal background is outside of Columbia.

The task force met monthly for a year, with the aim to review what was available and apply what they could. The American Bar Association sent a trainer from the San Diego court, the first such program in the country, for an orientation on the concept. During this time they studied different homeless court models and made trips to visit the San Diego and Birmingham
homeless courts. They decided to base the Columbia homeless court closely on the original in San Diego. Despite all the planning and preparation, Cauthen says the first homeless court was “a godawful mess.”

Inadequate communication between the legal officers involved led to a disagreement about charges and the defendant breaking down in tears during the very first session. Afterwards, some members of the committee were ready to walk away, Cauthen says. He had to woo them back, emphasizing that the homeless court would be evolving as they met periodically to make it better. After skipping the next month’s session, the court was held again in March and has met regularly since.

After the complications of the first session, the task force reconvened and decided that the prosecutor and public defender needed to do a pre-trial conference to work out the bugs in person beforehand, not in the courtroom. Cauthen said this ended up being the key to avoiding the breakdown in communications that hobbled the first homeless court session. He credits the effective relationship between Daniel Coble (the Solicitor’s Office prosecutor) and Constantine Pournaras (one of the public defenders hired to represent city court defendants) as being key to the Columbia Homeless Court’s success.

Having played an outsized role in bringing the homeless court to fruition, Cauthen is still involved in its oversight and planning. He sits an executive committee with the homeless court judge, solicitor, and public defender that meets every four months to assess trends and offer suggestions for improvement. Cauthen also sits on the board of Transitions, the downtown homeless shelter and service space that hosts the homeless court. He says holding it there is the best advertising they can do since the many residents and visitors of Transitions are all paying very close attention.
Other cities in the state are paying attention as well. Charleston established its own homeless court in October 2016 and Florence has expressed interest in developing one. Cauthen says that cities need to have a fairly large homeless population for a dedicated court to be worthwhile. That’s why he doesn’t see much of a push from other cities in the Columbia metro area to establish their own homeless courts. The involvement of Richland County Solicitor’s Office in Columbia’s homeless court allows it to pull in county cases and those from other circuits, meaning that it can help homeless offenders in other jurisdictions.

Rather than adding potentially redundant courts in nearby cities like Lexington and Cayce, Cauthen would like to see the Columbia homeless court take on a higher caseload (the court has accepted under 70 people in its almost four years of existence) and move to allow some people with lower-level felonies to participate (currently only misdemeanors are eligible). He acknowledges this second part is a long shot, given the ABA’s guidelines for homeless courts admit only up to serious misdemeanors [21]. But things have to start somewhere, and just by establishing the Columbia and Charleston homeless courts, South Carolina is proving an early adopter already. We’re one of only ten states with homeless courts [22]. Bringing up this fact, Cauthen wryly remarks that, for a change, we’re ahead of the curve. (G. Cauthen, personal communication, 2018, Nov. 27)

Daniel Coble

After his graduation from Clemson University in 2009, Daniel Coble returned to Columbia to attend the University of South Carolina School of Law. His father, Bob Coble, served 20 years as Columbia’s mayor. The younger Coble ran for the Third District City Council seat in his third year of law school in 2012. He graduated later that year, joined the Fifth Circuit Solicitor’s Office as a prosecutor, and served in that capacity until his appointment as a city magistrate judge in 2017. During his time with the Solicitor’s Office, Coble served as the lead prosecutor for the Columbia Homeless Court, working closely with Constantine Pournaras from the Public Defender’s Office to establish sustainable precedents for its operation.
Daniel Coble’s tenure with the Solicitor’s Office coincided with the inception of the Columbia Homeless Court, which he played a vital role in founding. A crucial factor during that period was the growing vitality of downtown Columbia, which is where the metro area’s homeless population tends to live. Business owners and new communities found themselves in conflict with individuals experiencing homelessness and pushed for the problem to be addressed. An early answer was proposed by Councilman Cameron Runyan in 2013, who proposed to round up the individuals experiencing homelessness downtown and bring them to a shelter in Lexington County, where their benefit checks (if they drew any) would be garnered to pay their way. The idea, which service providers opposed and many police officers were uncomfortable with, was scrapped after a media firestorm.

At this point, Coble says, George Cauthen and Norah Rogers from large Columbia law firm Nelson Mullins stepped in. Cauthen and Rogers helped assemble a working team with representatives from Richland County Solicitor’s and Public Defenders’ Offices and the city court. Then-solicitor Dan Johnson appointed Coble to represent the Solicitor’s Office. Coble says this was because Johnson knew he had grown up in Columbia & was familiar with the political dynamics of Columbia and how they would affect the project. (his father Bob Coble was the longtime mayor of the city) Coble said Cauthen was the crucial member of the working committee because he served as a neutral party to mediate between the other players, whose hopes for the program were at odds in some respects.

One major area of disagreement was on guidelines for acceptance. Solicitor Johnson was wary of the program exonerating former offenders only for them to return to crime. His office didn’t want anyone to be graduated through the program only to commit some egregious offense, as that would reflect poorly on the Solicitor’s Office and likely spell the end of the program. So
Coble pushed for tight qualifications for admission to the Homeless Court, while the public defender’s office and service providers urged for the program to be generous enough to actually help those who most needed help rather than just legitimating those who had already overcome their obstacles. Some other major issues that needed to be worked through were figuring out how the court should be chartered and whether it should function more as a diversion program or a court. Coble remembers that the main parties involved—judges, public defenders, solicitors, and service providers—were all saying that they wanted the same thing, but favored different means of reaching it.

According to Coble, Cauthen’s presence as a neutral party was instrumental in getting the key players on the same page. He pitched the homeless court idea as a way to get them working together rather than against each other, and after some rough patches at the beginning, it began to function in a constructive, collaborative manner. The Solicitor’s Office maintained the right to decide whom to accept based on criteria jointly laid out with the Public Defender’s Office, which also got an appeals mechanism included.

Coble wanted to get the program in place and work out kinks as they went along. The very first session of the Homeless Court was contentious because of a lack of agreement between the judge, public defender, and prosecutor about what to do with the participant’s charge. The next court wasn’t for two months, but since then it has run more smoothly. As the Homeless Court prosecutor, Coble envisioned accepting simple cases to build trust and confidence in the program before letting people who were initially denied re-apply. During his tenure, he says the court moved from rewarding people who had already improved their situation to encouraging ongoing personal improvement, which is more in line with traditional diversion court programs.
When Coble considers the future of the Columbia Homeless Court, he hopes that it will evolve into a more established diversion program with its own probation officers and more funding and services to tackle chronic homelessness. (D. Coble, personal communication, 2018, Nov. 16)

**Dan Johnson**

_Dan Johnson graduated from the Citadel in 1993 and the University of South Carolina School of Law in 1997. He worked for Richland County Sheriff’s Department for eight years as general counsel and chief deputy, then another eight years for South Carolina’s Fifth Circuit Solicitor’s Office as an assistant solicitor and special city prosecutor before running a successful campaign to become the Fifth Circuit Solicitor. He served in that role from 2011 to 2018. During that time, he helped oversee the planning and establishment of a homeless court in Columbia, SC._

Before Dan Johnson lost his primary race this spring due to mounting corruption charges, he served seven years as solicitor of Richland and Kershaw Counties. Johnson played an important role in establishing the homeless court during his tenure. According to others involved in the process of starting it, he was initially very cautious toward the idea, but soon gave it his support. He joined the executive committee that studied other cities’ homeless courts and developed one to fit Columbia’s needs. As part of that program, he traveled to cities such as San Diego and Birmingham and learned a lot about the problem of homelessness, coming to see that it is multifaceted and diverse.

Johnson said he first began thinking about how he could make a difference for the city’s homeless when during his first campaign a homeless man approached him and said “I don’t think you can help me.” The man had accumulated a number of fines and was unable to pay them, so they kept compounding. Johnson reflected that many people in these situations aren’t able to pay fines, so they end up sitting in jail, costing taxpayers $60 a day to keep them there. He
remembers learning that local jails are being used as homeless shelters at a greater cost than an actual homeless shelter.

According to Johnson, “Homelessness has always been a social problem that people want to treat as a criminal problem...People dump it on the justice system because they don’t want to see it.” His approach with the homeless court was to recognize and deal with the social problem element of homelessness rather than continuing the costly and inhumane method of criminalization.

Johnson explains that the homeless court is held at Transitions Homeless Shelter in order to de-emphasize the criminal justice side of it since many individuals experiencing homelessness have negative associations with the justice system. Locating it there, with the active involvement of service providers and members of the homeless community, has allowed a supportive, celebratory atmosphere to develop.

In addition to his formative role with the homeless court, Johnson also led efforts to identify the costliest chronically homeless individuals in Columbia. Working off the model of Minneapolis’s “Downtown 100,” his office set out to document the people who have a high level of law enforcement contact, figure out how much they were costing public resources, and trying to link them with services and get them on a better track. Documenting the economic impact of a small number of chronically individuals experiencing homelessness has proved an important tool in knowing which individuals experiencing homelessness to prioritize connecting with services and convincing local officials that inaction on the issue of homelessness has a real social cost.

Solicitor Johnson’s approval of this project was critical for it move forward. In our interview this spring, he told me he was glad to let academics examine his office’s data on the homeless court in order to assess it and determine whether it is heading in the right direction.
However, he made very certain that I was not nor planning to be involved in any sort of media coverage and expressed strong feelings about journalists, alleging that they tear everything down and leave nothing in its place. Considering the revelations about Johnson’s criminal misuse of public funds, his paranoia about the media seems justified. However, George Cauthen and others credit Johnson for his support for the homeless court in its critical stages, so despite his vices, he has not left an entirely negative legacy. (D. Johnson, personal communication, 2018, Feb.)

**Constantine Pournaras**

*Constantine Pournaras graduated from the University of South Carolina with a degree in engineering and worked as a chemist for many years before attending the University of South Carolina School of Law. After graduating USC Law in 2011, Pournaras began his legal career with the Richland County Public Defender’s Office and has served as a defense attorney in the Homeless Court since its inception. His extensive connections with local service producers such as Transitions, MIRCI, Veterans Affairs, and Palmetto Health ACT allow him to connect his clients with the people and organizations that can meet their needs and address their underlying problems.*

When he decided to enroll in law school, Constantine Pournaras had in mind intellectual property or patent law, drawing on his chemical engineering bachelor’s degree. But over the course of a summer clerkship with the Richland County Public Defender’s Office, he found he loved the job because it let him get to know people, help them with their problems, and see a direct impact. He wasn’t the first public defender involved in the task force to set up homeless court. But since he assumed the lead public defender role when a colleague departed early in the process, Pournaras has become the most enduring legal figure associated with the homeless court. At the time he was asked to join the homeless court task force, he had already been working with a lot of the community mental health and social service providers in the city. He saw the homeless court as an opportunity to expand that interdisciplinary approach to helping clients.
Before the homeless court coalesced, Pournaras said that it wasn’t that public defenders, judges, prosecutors, and service providers didn’t want to help individuals experiencing homelessness struggling with legal problems. Rather, it was the lack of cooperation between these entities that led to the mindset of saying, “I wish I could intervene in these cycles of homelessness and criminal activity, but all I can do is ______.” Without coming together to find solutions, these major stakeholders weren’t able to effectively address the problem. According to Pournaras, “the compassion and desire to help has always been there, but the collaboration is making everyone aware that there is more we can do.”

As the homeless court became more established, the collaborative mindset Pournaras thinks is helpful to resolving the interconnected problem of poverty and crime developed between the key stakeholders. Before, there were two major institutional interactions with individuals experiencing homelessness—the justice system and the social services network—with a lot of overlap but also substantial populations in just one system that were being overlooked by the other. Some major examples were homeless repeat offenders, who serve short sentences for minor property and public nuisance crimes, but because they get re-arrested for similar behavior within days or weeks of release end up spending most of their time in jail. Without coordination between the legal system and service providers, the cycle isn’t likely to be broken. On the other hand, service providers didn’t have the tools at their disposal to deal with client’s legal issues. This disruption of services between jail and posed problems for the goal of continuity of care.

Pournaras thinks that by contributing to a change in mindset among homelessness management stakeholders, the homeless court has had an impact beyond those people who have gone through it themselves. Now service providers have better engagement with people who are
incarcerated and public defenders are increasingly helping their clients connect with social services in addition to their legal advocacy. While not all homeless or housing-unstable people Pournaras and fellow homeless court public defender Kieley Sutton interact with end up being eligible for homeless court, it has still proved a powerful motivator for getting them connected to services. They conduct an informal needs assessment and then help the individual connect with the relevant service provider.

As you look at the homeless court data later on, you will probably be surprised at how few people have actually gone through the program in its more than three years of existence. However, the 54 participants in the data set represent those who have been formally accepted. Under current rules, applicants are only eligible for acceptance for criminal offenses in the city of Columbia court jurisdiction. That means charges outside of its jurisdiction, even pressed by state trooper and university police departments, aren’t eligible for acceptance. Neither are non-criminal problems such as DMV and eviction issues.

However, that doesn’t mean that the homeless court can’t do anything for these people. Under the homeless court umbrella, Pournaras and Sutton provide legal assistance to those technically outside of its jurisdiction, while the Solicitor’s Office can request that pending charges in other jurisdictions be transferred to the homeless court. Pournaras gave some details on a recent case, which involved negotiating with the DMV to lessen reinstatement fees on an indigent client’s vehicle that accumulated because being in jail prevented him from showing up to claim it in time. Clients which participate in the homeless court without being formally eligible still get introduced when their case is taken on and ‘graduated’ when it is completed, so they’re immersed in the same supportive and celebratory atmosphere that formal participants enjoy.
Looking ahead to the future of the homeless court, Pournaras sees positive trends developing and as-yet-unrealized possibilities. Among the former is that the court is expanding its collaboration with more service providers and getting people engaged earlier in the legal process. A lot more police officers are recognizing patterns of repeat offenders and are referring individuals experiencing homelessness to the homeless court public defenders instead of arresting them. There’s been a recognition that these people need help and have problems that aren’t solved by incarcerating them—which Pournaras calls “outside of the box thinking.” A major possibility for the homeless court is to expand its jurisdiction from within Columbia city limits to the whole of Richland County. He says current jurisdictional realities means that he and Sutton come across great candidates but because of where they were standing at the time of the offense (for example, in a USC parking garage) their ability to help them is greatly limited. The fact that the homeless court’s prosecutors come from the Richland County Solicitor’s Office means that expanding its jurisdiction is in theory possible. Obstacles to the expansion are being posed not by anyone hostile to the homeless court but by the complex logistics of it. Pournaras thinks a memorandum of understanding or an amendment to the Supreme Court order that created the court would be needed to accomplish the change.

Some justice oriented people might be skeptical that the homeless court provides criminal offenders with a ‘free pass’ or ‘lets them off the hook.’ Pournaras doesn’t see it that way. He believes that the holistic approach to justice embodied by the homeless court, which addresses the whole person and their life circumstances instead of just their crime, reduces recidivism. He says it’s not that homeless court participants have escaped the consequences of their bad acts but that they’ve made significant progress and need help getting to the next step. What’s more, the further they get toward those goals, the less likely they would be to have police interaction in the
future. Pournaras allows for the possibility that a homeless court participant to have a serious relapse.

But that possibility shouldn’t stop the court from continuing. Pournaras says that even if a major incident occurs after someone graduates from homeless court, the process shouldn’t be blamed. The public defender, prosecutor, and judge involved observe the client’s efforts to address their problems and get their life back on track. By the time they are graduated, they have shown that they can be successful. Pournaras remarks: “You can never tell what’s going to happen in the future. All we can do is provide opportunities and support for people to make progress in their goals to become independent and successful.”

Success isn’t going to be a self-sustaining job for all individuals experiencing homelessness. The mental illnesses and cognitive and physical disabilities of many mean that they will rely to some degree on services their whole lives. Pournaras thinks the important thing is that these people are given the opportunity to become as self-sufficient as possible and obtain the highest level of independence that they’re capable of. (C. Pournaras, 2018, Dec. 1)

**Homeless Court Participant Responses:**

**Justification for the composite narrative technique:**

When writing qualitative, case study-style accounts within the fields of sociology and legal advocacy, researchers face a tension between factuality and ethical considerations. In her 2009 paper “Protecting Respondent Confidentiality in Qualitative Research”, Karen Kaiser contends that “[t]he goal of the alternative approach is to be able to share detailed, rich data while maintaining the essence of the data and respecting our respondents’ perspectives on how
their data should be used.” [25] For homeless individuals with a history of criminal offenses and other experiences that would be unfavorably perceived, being identified in relation to these past actions could lead to adverse consequences. Accordingly, after taking into account the Belmont Report’s standard of “beneficence” [26] and the American Sociological Association’s Code of Ethics, which states that “sociologists have an obligation to protect confidential information and must remove personal identifiers or employ other methods to mask individual identities,” [27] Dr. Kloos and I decided that the best way to balance the afore-mentioned factors of factuality and ethical concerns was to use a composite narrative technique.

Drawing on precedents such as Hopkins’ 1993 report, “Is anonymity possible? Writing about refugees in the United States” [29] and Humphreys’ and Watson’s “Ethnographic Practices: From ‘Writing-up Ethnographic Research’ To ‘Writing Ethnography’” [29], I used the stories of four homeless court participants to construct four unidentifiable composite narratives. These participants were former clients of assistant public defender Constantine Pournaras, who referred them to me and gave me some initial background information on them once they had agreed to take part. The four former homeless participants all gave verbal consent to share their stories anonymously. Binny Miller, a law professor at American University Washington College of Law, makes the helpful distinction between story and narrative in her 2000 essay “Telling Stories About Cases and Clients: The Ethics of Narrative”: “A story describes an account of a happening, while a narrative denotes a broader theme or meaning. Stories are the raw material of personal experience; narratives are a construction from those stories” [30].

Using the stories of these four individuals, I created anonymized composite narratives that are grounded in their real-life experiences but have identifying details switched between the original stories, changed, or omitted. In the less frequent instances when I changed details rather
than merely moved them around between the narratives, I did so either to replace a characteristic which would make the participant on whom the narrative is primarily based more identifiable with an equivalent detail (e.g. type of job) or to better reflect typical experiences of homeless people in the Columbia area. In summary, each homeless court participant narrative that appears in the thesis is a mix of the original four stories, with some additional themes that are highly representative of Columbia’s homeless population included to give a more statistically accurate picture.

**Composite narratives:**

**Tina**

Tina grew up in Columbia and got her cosmetology license about twenty years ago. She got married not too long afterward, and she stopped working to be a homemaker and let her license lapse. Her husband eventually lost his job and they got evicted. They split up to live with various friends and family members. Couch surfing or doubling up, as it is called, isn’t a reliable form of housing, since either the guest eventually doesn’t want to intrude on their host’s hospitality any longer or the host reaches that point first. However, Tina was one of the lucky ones, never staying long-term on the streets or in a shelter.

She lived at Transitions briefly before getting connected with an organization that provided her with her own apartment, with the conditions that she receive home visits twice a month, show that she was working, and demonstrate progress toward goals she set for herself. Tina says that having housing stability helped her turn a corner on her drug and alcohol dependency, which had led to a dozen or so criminal charges over the years.

Once she regained her footing, Tina wanted to start styling hair again, but she found her criminal record closed doors in that field. As she showed progress, Tina’s case manager referred
her to the homeless court. Tina’s job in the food service industry kept her from attending some of the court dates, but Constantine Pournaras, the public defender for homeless court clients, had her case manager come in to give updates in her absence. Before too long, the court expunged almost all of her charges, which ranged over a 10-year period. A handful of charges couldn’t be expunged by the homeless court because they took place in West Columbia—outside of the Columbia Homeless Court’s jurisdiction.

Tina saved up and paid $100 to get two of the remaining charges expunged. She doesn’t think that the one remaining on her record will harm her prospects substantially as she prepares to get re-licensed as a cosmetologist. She says she wouldn’t have been able to pay to expunge all of them on her own and is thankful that the homeless court did they did what they could do for her. Drawing on her own experience of regaining independence through work, she added: “You can’t just stay in the situation and blame others and not try to help yourself.”

Tina thinks homelessness is a problem in Columbia and that people have negative perceptions of the homeless. In her experience, while the city is doing a lot to try to address the issue, many individuals experiencing homelessness are resistant to help. She compared helping the homeless to leading a horse to water, but added that they could improve the situation by getting more people into training and then jobs. She sees effective help for individuals experiencing homelessness being tied to them making an effort themselves: “There’s no hope for you if you just sit there and wait for someone to give you things.”

Robert

Before going through the homeless court process, Robert had little experience with the justice system and even fewer positive associations. The Upstate resident lost his trailer and many of his possessions in a bitter divorce, which convinced him to move to Columbia to be
with his adult son. A deteriorating financial situation made his son unable to take care of him, and Robert ended up homeless. Robert takes medications for anxiety and has age- and substance abuse-related cognitive disabilities that make it difficult for him to work. Out on the streets, Robert was sometimes able to spend the night in homeless shelters but often would be turned away from because they didn’t have enough beds or he didn’t have an ID on him.

After a few months of this he found his way to Transitions, Columbia’s large, integrated-service homeless shelter, and got a regular bed there. Before long he was granted supported housing and went to live on his own. Living alone was hard for Robert, who felt lonely and isolated. Robert’s drinking problem from decades before had re-emerged after the divorce and now got much worse. During his brief time in supported housing, he was arrested on several occasions on charges of open container, disorderly conduct, and pedestrian on roadway.

Robert’s case manager helped him make the decision to return to Transitions, where he was more comfortable with the structure and human interaction. He was worried about the substantial fines the charges carried and feared going to jail over them. But while at Transitions, his case manager introduced him to Constantine Pournaras, the public defender assigned to Columbia’s Homeless Court. He and the case manager helped walk Robert through the homeless court process, which included tackling his alcohol problem. In negotiations with the homeless court prosecutor, Pournaras pointed out Robert’s lack of a prior record and argued that the charges were an isolated incident. The homeless court process took a year in Robert’s case but culminated in his charges being dismissed.

Robert’s outstanding charges had been weighing on his mind, and he’s very grateful that they were removed and he avoided jail or crippling fines. He’s involved with Palmetto Health’s Assertive Community Treatment (ACT) team, a branch that provides mental health care to
individuals experiencing homelessness and helps connect them with services including housing. Having his own apartment wasn’t an ideal setup for Robert, but he’s hoping to move into a group home if a situation becomes available. ACT is helping him look into housing options, since technically speaking, Transitions only houses individuals experiencing homelessness for six months at a time, although in practice case managers work with the shelter to secure longer term housing for those who need it.

Robert feels that individuals experiencing homelessness have a harder time with the court system, in part because they are looked down upon as being lazy and a burden to society. In his mind, homeless court changes that perspective, showing that the homeless are people worth protecting, caring for, and helping.

*Dominick*

After his parents split up when he was young, Dominick lived with his mom in Columbia. By his late teens, he was tired of the household’s dysfunction and decided to move in with his dad. His mom disowned him when he did. He didn’t get along well with his dad, whom he had barely seen in a decade, so before too long he decided to move in with his girlfriend’s family. When the relationship fell through, he lived out of his car for months before coming to Transitions.

During this period, Dominick accumulated two drug-related charges, which would come back to haunt him as he tried to move forward with his life. He says that several times he got weeks into a new job before the background check came back and he was fired. So when his Transitions case manager told him about homeless court, he was eager to apply. The only problem was that neither of his charges was in Columbia, and one was in Florida.
So homeless court didn’t initially have the legal jurisdiction to remove Dominick’s charges. But what the Richland County Solicitor’s Office could do was contact the local prosecutors for the in-state offense and arrange for the charges to be transferred to their jurisdiction. For the out of state offense, the Solicitor was able to work out a much more affordable equivalent drug testing regimen to the expensive remote process the Florida authorities were demanding.

Dominick is now employed as a janitor, and even though he lives at Transitions, he was at work during his last two homeless court dates. That didn’t stop the court from graduating him earlier this year. He admits he was barely there for the process due to work and classes, but he told his attorney about his plans and they worked things out.

Dominick feels that he didn’t deserve all the help he got. He said that before homeless court he thought he had messed up too much and was out of options, but the program helped him get back on his feet and into a job. For the past few years Dominick has been taking online college classes and is about to receive his bachelor’s degree in business administration. He plans to start out in sales while saving money to start his own shoe store. Thanks to homeless court, these dreams may soon become reality.

Dominick says he hears people at the shelter he lives in complaining all day, but his mindset is gratitude—“you’re getting this all for free so you shouldn’t complain.” He says you should be ready to participate and take the opportunity if one is given for you to get your life back together.

Nicole

Nicole, a lifelong Columbia resident, manifested her first symptoms of schizophrenia in her late teens. Her condition, combined with depression and anxiety, soon grew more severe and
strained the ability of her family to take care of her. She would leave for days at a time and eventually stopped going back. On the streets, Nicole’s psychiatric condition declined. She says she tried to get admission to local hospitals, but they refused to admit her.

Nicole began to get in trouble with the law for walking in roadways, disorderly conduct, and trespassing. These minor charges racked up fines she wasn’t able to pay, and a bench warrant was eventually placed on her, resulting in her arrest. Spending weeks at a time in jail had its benefits for Nicole, who appreciated the air conditioning and regular meals, but the isolation and boredom also worsened her schizophrenia. She fell into a cycle of offending again within days or weeks of release and getting re-arrested, which went on for over a year.

Nicole was in a parking garage suffering from heat exhaustion in one of Columbia’s famously hot summers when Constantine Pournaras found her and helped her get admitted to the hospital. From there, she was transferred to a local mental health hospital, where she spent about six months. The hospital provided medicines for her schizophrenia, but no services for her depression, which she feels was aggravated by the confinement and inactivity of life at the hospital.

Next came a community care home, where Nicole spent another six months. The increased freedom, combined with therapy groups at the home, helped improve Nicole’s psychological well-being. However, her charges continued to weigh on her mind and feed her anxiety. Her case manager recommended her to Pournaras for the homeless court, which was able to expunge her charges. Nicole says it was a tremendous relief to have them removed.

During this time, Palmetto ACT helped Nicole get her own apartment. Under the ACT housing program, she gets regular visits from ACT team staff and bus tickets to get downtown to weekly group sessions. Getting back to a self-paced lifestyle has helped Nicole thrive. She
enjoys playing her guitar at home and spending time with family and friends in the area. Nicole says the homeless court was an intimidating experience because of the public speaking involved, but gave her the opportunity to pick herself up and move toward something more meaningful in life. The experience has shaped her view of the world; she says you have to be strong in heart and take matters into your own hands to overcome. For instance, she says, it takes strength just to admit yourself to a shelter.

Nicole thinks making more vocational services available to individuals experiencing homelessness would help a lot. At the moment, people that work with her don’t see her being able to have a job that makes enough money for her to independently support herself (her mental illness makes it hard for her to get and keep good-paying jobs), but they affirm her desire to engage in meaningful work.

Overview of quantitative data and plan for analysis:

**Description of data:**

My original data set came from the Richland County Public Defender’s Office and contained the following information: Name, Date of Court, Agency, Person Referring, Approved/Denied, Notes. Constantine Pournaras went back through and added dates of birth to this data before it was sent to Dr. Pope, who created a matching cohort of Columbia individuals experiencing homelessness who hadn’t gone through the homeless court. By the end of the project, researchers will have access to a broad range of outcome variables for this sample, notably arrest history, history of service reception, and permanent housing status. Dr. Kloos and I plan to analyze these data to compare outcomes of homeless court participants with people of similar backgrounds.
who did not participate. We hypothesize that participation in the homeless court will be correlated with less criminal activity and more housing stability and independence.

**Statistical method:**

To assess whether homeless court is having a significant effect on the outcomes of participants, I plan to use a comparison group method. This consisted of finding a ‘match’ for all homeless court alumni based on the following characteristics:

- Primary Service Provider
- Gender
- Race
- Age
- VI-Score
- Veteran status

*Step I:*

Working on my behalf, Dr. Andy Pope at the United Way of the Midlands Homeless Coalition used the Homeless Management Information System (HMIS) database to find a minimum of two matches for the homeless court participants based on these criteria. The data provided by Richland County Solicitor’s Office had 54 participants, but Dr. Pope was unable to identify seven of them with 100% confidence, so they were left out of the cohort. He found matches for the 47 that remained.

*Step II:*

Dr. Pope then sent those matches, along with the 47 homeless court participants who he confidently identified, to Constantine Pournaras at the Richland County Public Defender’s Office. Pournaras will winnow the 97 matches Dr. Pope found down to 47 based on whether or not they have a criminal record. All formally accepted homeless court participants have a
criminal record, so removing those matches that don’t further ensures the similarity of the matched cohort to the homeless court participants. If more than 47 matches have a criminal record, Pournaras will randomly drop matches until he gets to that that number. Once he has an equal number of matches and homeless court participants, he will search their criminal records information, using the date of first court indicator in the data as the cutoff for each pair consisting of a homeless court participant and control group individual. The indicator of criminal activity is to be arrests, so Pournaras will record the number of arrests for each individual after that date. This will give a basis for comparing the likelihood of homeless court participants to re-offend to that of similar individuals experiencing homelessness who weren’t accepted into the program.

*Step III:*

Having refined the cohort and added arrest history, he will send the data back to Dr. Pope, who will use HMIS to pull information on the following indicators:

- Age
- Gender
- Primary Race
- Secondary Race
- Ethnicity
- Veteran Status (Yes/No/Null)
- County
- Residence Prior to Project Entry (*Homeless Situation; Institutional Situation, Transitional/Permanent Housing Situation*)
- Length of Time Homeless
- Number of Times Homeless
- Disability (Yes/No)
- Chronically Homeless (Yes/No)
• Date of First Service
• Date of Most Recent Service
• Date of All Services
• Service Code (*Homeless Drop In Center, Emergency Shelter, Homelessness Prevention, Permanent Supportive Housing, Rapid Re-Housing, Street Outreach, Transitional Housing, Other*). For each client all service codes that apply will be included.
• Destination Exits (*i.e. Rental by client no ongoing housing subsidy, Deceased, Place not meant for habitation, Rental by client – with ongoing subsidy. There are 34 different Destination Exits.*)
• Client Notes
• VI-SPDAT Score (0-17)
• Head of Household (Yes/No)
• Permanently Housed
• Ever Permanently Housed (*since entering services*)

*Step IV:*

Dr. Pope will provide this raw data, now de-identified except by cohort, to Dr. Bret Kloos and I for analysis. The information included here about service reception history, most recent service, permanent housing status, and destination exits, in addition to the arrest history provided by Pournaras, will help us measure the empirical impact that acceptance to the homeless court has on homeless offenders.

**Expected results:**

We expect that this assessment will demonstrate that completion of homeless court is correlated with significant improvement in participants’ lives. The 3-Year Cumulative Report [23] showed that just three of the 58 graduates between January 2015 and July 2018 re-offended in the city of Columbia (only 5%). We suspect that this number will be higher for otherwise similar individuals experiencing homelessness who don’t go through the court. However, re-offense is a
narrow definition of success, and our approach will allow us to see if the homeless court has a positive effect on clients’ independence and housing stability as well. This would confirm that rerouting homeless offenders to a less formal trial setting tied to rehabilitation results in better outcomes for them and decreased burden on the justice system. If our findings point to this conclusion, I hope the project will serve as motivation for the more widespread acceptance of this pioneering model.

Conclusion:

I had hoped that this thesis would be able to provide quantitative confirmation that the homeless court is fulfilling its intended purpose in helping people move out of homelessness and crime toward self-sufficiency and healthy behavior. Because of the complexities of the process and the demanding workload of the individuals helping me obtain the needed data, the quantitative analysis I wanted to do has been delayed beyond the deadline of this thesis. It is encouraging to note, however, that the various players involved in the provision and analysis of the data gathered for this project—Richland County Public Defender’s Office, United Way of the Midlands, and the University of South Carolina Psychology Department—remain committed to completing the efforts I began. As such, the project up to this point can be viewed as having drawn up and then set into motion a formal plan for comparative analysis on the effect of homeless court participation. While this thesis doesn’t include all I had hoped to deliver, my work sparked an interest, collaborative effort, and commitment to carry on the intended goals between the entities mentioned above. It is probable that the analytical methods and data set described here will before long be used to create an assessment like the one originally
envisioned. This assessment will be published in a format that will allow relevant entities in Columbia and the state of South Carolina to access it and apply its findings.

Future efforts aside, this project still has merit as a qualitative assessment of the homeless court’s functioning. This document gathers a wealth of information about the history and broader concept of homeless courts, the process of establishing one in Columbia, founders’ views of its current functioning and possible improvements, participants’ thoughts on the role it played in their lives, and of course my own commentary on the how the court operates both on a public level and ‘under the hood.’ Accordingly, even without a data analysis section, I believe it can be a useful resource to players in the homeless management arena and ordinary people who want to learn about what our society is doing to help the homeless. I hope it helps give readers a glimpse of the obstacles faced by the homeless and housing challenged, which traditional judicial approaches have failed to adequately address but for which the homeless court model may prove an effective countermeasure. I hope this thesis raises questions about the role of a just society in restoring those who have transgressed and providing for those who are unable to provide for themselves. By integrating legal measures with services and treatment, the homeless court is trying to do both. While the data isn’t all in yet, based on what we’ve seen so far, it seems safe to say that the new approach of rehabilitative justice is a step in the right direction.
References:


Appendix
A Brief History of the Court

On September 23, 2014, the Supreme Court of SC issued an Order creating the Columbia Homeless Court ("Court"). The formation of the homeless Court was a collaborative effort of the City of Columbia Chief Administrative Judge, Fifth Circuit Solicitor’s Office, Richland County Public Defender’s Office, Columbia Police Department, private attorneys and many nonprofit service providers. The first session of Court took place on January 27, 2015, at Transitions homeless shelter. Since inception, homeless Court hearings have been conducted every last Tuesday of every month to help people experiencing homelessness complete treatment in exchange for the possible dismissal of fines or a minor criminal offense within established criteria.
Mission of the Court

The mission of the Court is to provide the homeless an opportunity to voluntarily seek treatment from a service provider and then the ability to apply to the Court to have their City of Columbia minor criminal offense or bench warrant, considered for dismissal by the Fifth Circuit Solicitor’s Office. Upon acceptance into the Court, the homeless individual is provided an attorney from the Public Defender’s Office. The Court is located at a local homeless shelter that is accessible, safe and familiar to those participating in a hearing. It is the hope of the Court that removing the barriers of fines and offenses, while accessing services, will help those looking for housing, employment and the desire for self-sufficiency.

Support From Service Providers

A key component to the success of the Court is the involvement of partner nonprofits that provide necessary services to the homeless and assist them in applying to the Court. The service providers support their clients in the court proceedings. They assist homeless court participants with other support services to include: employment/job training, substance treatment, housing, mental health treatment, applying for benefits.

The Court thanks the following partners:

- Transitions
- Mental Illness Recovery Center (MIRCI)
- United Way
- Alston Wilkes society
- Columbia Housing Authority
- Midlands Housing Alliance
- Dorn VA Homeless Services
- Lexington-Richland Alcohol and Drug Abuse Coalition (LRADAC)
- Palmetto Place
- USC Supportive Housing Services
- Palmetto Health A.C.T. Team
- Fast Forward

Approximate Data

The following reported data is from January, 2015 to July, 2018

- Applicants
  - Number of Applications Reviewed: 152
  - Number of Applications Accepted: 58

- Success Rates
  - Conducted 24 Court Sessions
  - 58 Graduates
  - (Only 3 re-arrested in the City of Columbia)
  - 16 Pending Applications

Legal Outcomes

Approximately 120+ charges have been addressed and dismissed, fines vacated, bench warrants removed and a few guilty pleas.

Top Charges Reviewed by the Court:

- Open Container
- Disorderly Conduct
- Drunkenness
- Trespassing
- Littering
- Pedestrian on Roadway