

May 5, 1992
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

CLEARING OUTSTANDING ARREST WARRANTS
FOR HOMELESS-RELATED CHARGES

The City Attorney's Office is fully committed to its long-standing efforts to help the homeless of San Diego. We will continue our successful work with Stand-down, the Women's Resource Fair and our participation with Ross McCollum, CCDC, and others on the committees and task forces that attempt to resolve the problem.

The Council asked last night that the City Attorney return with a proposal regarding illegal lodging warrants. We need first to identify the population we will be seeking to help in our renewed efforts. We are looking for people who have one or more warrants for lodging and camping violations which did not arise from property owner complaints and who have no warrants for the more serious drug, theft, violence and vandalism violations.

Specifically, regarding past warrants for lodging in public and camping overnight in the parks, we will immediately begin a two-pronged attack.

First, we will move for dismissal of any P.C. 647(i) or camping in public warrants for any defendant who comes into the court system and who fits the above criteria of having neither more serious crimes nor property owner complaints. We will do this for people at the Women's Resource Fair in two weeks, at the Veterans Stand-down in two months, and for anyone who comes to court at the Municipal Arraignment Department at 220 West Broadway any day before 12:30 p.m. We will also work with any of these defendants who have other minor-related warrants such as panhandling, urinating in public or similar offenses.

The second-prong of this attack will begin with the oldest warrants in the system. Working with the Marshal's Office and the Court Clerk's Office, we will identify, pull and move for dismissal all warrants for lodging in public and camping in the parks for people who meet the criteria of no serious cases and no property owner complaints. As we identify those people with these old warrants, we will attempt to clear from the system all the warrants they have for these charges. Dismissing warrants for people who do not appear in court will be a slow process limited not only by our resources but those of the Marshal's Office and the court staff, but we will begin and we have been assured

of cooperation from the other agencies.

With respect to the issues raised yesterday by the Council, it should also be noted:

1. This will not be a panacea which unclogs the system because there are only approximately 20,000 warrants countywide for these offenses out of the 700,000 warrants altogether.

2. Homeless persons are not apt to be booked into jail for illegal lodging alone. The new city jail booking criteria do not allow for booking people with outstanding warrants unless those warrants total \$15,000 or include much more serious offenses. It would take 50 lodging in public warrants to reach \$15,000.

3. Our experience with the courts is that once we have listed cases for dismissal actual dismissal by the courts can take months to be fully processed, dismissed and the warrants recalled when there is no appearance by the defendant. Pulling dockets and processing them for dismissal when the defendant is not before the court is always a lower priority for the court than serving the people who actually come to court.

Respectfully submitted,

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City Attorney

SMH:DCJ:mbo(043.1)

Attachments

RC-92-35