



# County of San Diego

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AUG 5 2005

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AUG 8 2005

SAN DIEGO  
COUNTY GRAND JURY

August 3, 2005

The Honorable John S. Einhorn  
San Diego Superior Court, Presiding Dept.  
220 West Broadway  
San Diego, CA 92101

## **RESPONSE FROM COUNTY OF SAN DIEGO ON FINAL 2004-2005 GRAND JURY REPORTS**

Dear Judge Einhorn:

On August 2, 2005, the County of San Diego Board of Supervisors approved responses to the four 2004-2005 San Diego County Grand Jury reports which addressed recommendations to them. The Board further directed that these responses be sent to your office, pursuant to the Penal Code requirements.

The four reports for which responses are attached are titled: Homeless in San Diego; The Politics of Medical Marijuana: A Question of Compassion; Brush, Wind and Fire: An Active Approach to Preventing Future Tragedies; and the Supervisor's Community Funds

Since these were the only 2004-2005 Grand Jury reports to address recommendations to the County Board or departments under their jurisdiction, this completes our organization's commitment to submit responses to reports issued during the 2004-2005 Grand Jury session.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

**WALTER F. EKARD**  
Chief Administrative Officer

Attachment

**COUNTY OF SAN DIEGO RESPONSE TO 2004-2005 GRAND JURY REPORT**  
**“HOMELESS IN SAN DIEGO”**  
**Issued June 13, 2005**

**Finding 1:** The effort is underway to address the chronic homeless problem in San Diego County, the State of California and the nation.

**Agree**

**Finding 2:** The San Diego Regional Task Force to End Chronic Homelessness continues to make progress on a regional plan.

**Agree**

**Finding 3:** The need for services clearly exists.

**Agree.**

**Finding 4:** San Diego is not one of them.

**Not Applicable**

**Finding 5:** Legislation is necessary to provide leverage to effect a response.

**Not Applicable.** This statement applies to the Court, which has authority to impose terms and conditions of probation. The Court is a state entity and not an agency of the County.

**Finding 6:** A more effective process is required.

**Disagree.** While it is always possible to improve services with additional resources, the current process addresses all legal requirements.

**Finding 7:** Conservatorships are beneficial to the homeless and could be more effectively utilized.

**Disagree.** Conservatorship is an involuntary legal process whereby the person and his or her assets can be protected only through the removal of certain rights and liberties. Conservatorships may be beneficial to some limited number of gravely disabled homeless persons.

**Finding 8:** City and County run shelters are not allowed to use these behavioral rules because of legislative constraint.

**Disagree.** The County of San Diego does not run any shelters for the homeless.

**Finding 9:** Homeless Court supports the rehabilitation process by dismissing warrants and charges after evidence of continuing rehabilitation efforts.

**Agree.**

**Finding 10:** The Homeless Outreach Team is effective in dealing with those homeless willing to improve their situation.

**Agree.**

**Finding 11:** The Serial Inebriate Program reduces the revolving door and the large associated expense for medical care.

**Agree**

**Recommendation 05-36: Develop within the San Diego County Sheriff's Department Central Jail an assessment team (similar to the Serial Inebriate Program) to evaluate the homeless who are in custody.**

**This recommendation will not be implemented** because this recommendation refers to a law enforcement function operated by the elected Sheriff. The Board of Supervisors has no authority over the operation of the Central Jail operated by the Sheriff.

**Recommendation 05-37: Encourage the Public Defenders and Public Guardians to more actively use the provisions of the Conservatorship Program for the dysfunctional and gravely disabled homeless.**

**This recommendation will be implemented.** The County of San Diego will communicate to and educate the public and professionals as to the appropriate use of the Lanterman-Petris-Short conservatorship.

**Recommendation 05-38: Encourage the county officers of the Arraignment Courts to more actively utilize the leverage provided to them to require that conditions of probation include rehabilitation programs.**

**This recommendation has been implemented.** Deputy Public Defenders who serve in Arraignment Courts continually seek alternatives to incarceration and particularly seek rehabilitation where it would help resolve the case in a way that avoids future contact with the courts for that individual. The Homeless Court Program, recognized as a finalist for the Harvard University Kennedy School of Government Innovations in Government award in 2004, is one such example. The Homeless Court is a special Superior Court session, convened in a homeless shelter, to resolve outstanding misdemeanor offenses and warrants. The Homeless Court Program (HCP) builds on partnerships between the court, local

shelters and service agencies, and the prosecutor and public defender. It attempts to resolve the problems that homelessness represents with practical solutions. Initial referrals to Homeless Court originate in shelters and service agencies. The prosecution and defense review the cases before the court hearing, both to make sure the offense is eligible for disposition through HCP, and to create appropriate alternative sentencing. Alternative sentencing substitutes participation in agency programs for fines and custody. The HCP is designed for efficiency: cases are heard and resolved, and people are sentenced, in one hearing.