

City's Homeless Court participants complete program

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City Municipal Judge Erika McJimpsey shares thoughts as program bears fruit



The man was no stranger to Judge Erika McJimpsey's courtroom. Usually answering to a misdemeanor charge such as trespassing, he had been locked up dozens of times over the years. But just like band-aids don't prevent injuries, throwing a destitute person in jail doesn't fix the root causes of homelessness.

So every few weeks, the man would again stand in front of Judge McJimpsey, who has served as the City of Spartanburg's municipal judge since 2009. Sometimes, the judge and her staff through their connections with local homeless shelters and other organizations and charities would find temporary housing for him. Sometimes, they had no choice but to confine him to jail for a short period of time.

"He had come before the court over 100 times, and we had begun to notice a decline in his health," McJimpsey said. "It was a gradual decline that had become more obvious. He came to court back in January 2019, and we had a really, really bad cold snap around that time — around three or four weeks of really cold weather and he was out there in the cold."

Two days later, McJimpsey received a phone call on her way to work, notifying her that the man had frozen to death.

"From a judicial standpoint, you must be neutral and unbiased, but that doesn't shut down your compassion to want to see people live a better life," McJimpsey said. "Sometimes I may do that more than some people would like, but I want to help. And sometimes that help is not locking someone up.

"At that point, I felt like we had to do something. We had to do something different."

That something became the City's Homeless Court, an innovative approach to addressing the root cause of homelessness.

What is Homeless Court?

Spartanburg is one of just five cities in South Carolina (the other four are Columbia, Charleston, Myrtle

Beach and Florence) to create a homeless court as an alternative to the punitive approach the criminal justice system normally takes toward homelessness.

As George Cauthen, an attorney who has helped develop homeless courts in the state, and Jennifer Wilson, a municipal judge in Myrtle Beach, wrote in the May 2019 issue of SC Lawyer magazine, the theory behind creating a Homeless Court is that homeless people come into contact with law enforcement and receive citations more often than other people. At the same time, they often do not show up for court. Cauthen and Wilson explain:

“... The greatest single factor that prevents individuals who are homeless from attending a traditional court is fear. They fear a system that in general has not treated them well in the past. They fear their inability to pay the fines imposed on them. They fear incarceration, especially when they are working or in some type of treatment program and incarceration means starting over at square one upon release. Other than providing temporary housing, incarceration of the homeless does nothing to benefit the homeless or the community. Yet, court attendance is the only way to resolve legal issues.”

But resolving those legal issues isn't the only goal of Spartanburg's homeless court.

“Back in 2018, we started to notice a marked increase in the number of homeless people appearing in municipal court,” McJimpsey said. “There were growing numbers of people falling on hard times, and from my perspective there was no direction for how to help them when they came here. There was nothing to address the underlying problems.”

After McJimpsey and Spartanburg Court Administrator Alma Miller met with Cauthen and homeless court officials in Columbia, they came back to Spartanburg and got to work. They met with leaders from social service organizations across the community and learned what resources Spartanburg already was investing in addressing those underlying issues.

They also met with 7th Circuit Solicitor Barry Barnette, Deputy Solicitor Derrick Balsa and the Public Defender's Office to share the idea, which they quickly got behind. “The things we really needed — the passion, the goodwill — were already in place,” McJimpsey said. “Everyone was like ‘Yes, let's do it.’”

“We met with Hannah Jarrett from United Way of the Piedmont and Carey Rothschild from Spartanburg Regional Healthcare System. We met with SPIHN (Spartanburg Interfaith Hospitality Network) and our community's Homeless Task Force. I knew what homelessness looked like in my courtroom but I didn't know what it looked like beyond that. Spartanburg was already doing some things that needed to be done to establish a homeless court. There were a lot of things in place because a lot of people were doing the work and had laid the foundation.”

That foundation was critical to getting the homeless court up and running in record time — normally, it takes a community a year or two to receive approval from the state Supreme Court to establish a homeless court. But with many of the wraparound services and resources in place and the organizations who provide them already collaborating, Spartanburg was able to launch its homeless court in September of 2019, just eight months after McJimpsey started to research the concept.

What Happens in Homeless Court?

Every person who has their case moved to homeless court is appointed a local attorney and a case manager who has volunteered their time to help. From housing assistance and health care to SNAP benefits and help finding employment, homeless court case managers create a plan for each person and then connect them to the social services they need to get off the streets and begin to build a more stable life for themselves and their families.

Andrea Moore and Suzy Cole are two of the dozen or so local attorneys who heeded the court's call for pro bono legal services. Their firm, Village Legal Hub, focuses on assisting non-profits and charitable organizations and the two women have worked for many years in the community's social service sector. Cole and Moore make a unique team because Moore is able to serve as both counsel and case manager for homeless court clients.

Their first homeless court client was a young pregnant woman who had been living under a bridge, but with Moore and Cole's help, the woman now has stable employment and an apartment, where she is raising her baby. She was one of the first five graduates from the city's homeless court earlier this month. To graduate, one must have obtained stable housing, be employed or receiving unemployment benefits, and be connected to a primary service provider. Upon graduation, the charges the person was facing are expunged.

When McJimpsey congratulated the young woman and announced she had completed the requirements of the homeless court and her charges were expunged, the other people in the courtroom stood and applauded. It was "the most uplifting and rewarding experience I have ever had in court," Cole said. "You don't usually walk out of a courtroom feeling like that."

"These are lives that have been changed," McJimpsey said of the initial class of homeless court graduates. "Not changed by homeless court, but by people like the service providers and the local attorneys and a lot of other people who are willing to do the work. We should be proud of our community — we have a lot of work to do, but we have a lot of people who care and are working very hard."