

## *Downtown Austin Community Court: A Different Kind of Justice for those with Quality of Life Offenses*

*Story by Kristin Elmore*

As Judge Michael Coffey casually takes the stand to confront a Monday morning docket, it becomes apparent this will not be an ordinary day in court. At first, the absence of an intimidating and unapproachable black robe signaled the exceptionally distinct courtroom experience. Furthermore, there was no bailiff ordering the court to please rise upon Judge Coffey's climb to his honorable position on the bench. But as Judge Coffey began to address the day's defendants, I found it was much more than just the absence of formalities in courtroom procedure that separates this court from many others. Inside the Downtown Austin Community Court (DACC) on 6th Street, the cold hand of the law becomes compassionate, while offenders are given a chance to turn their offenses into action from which they, and the entire Austin community, can profit.

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**Judge Michael Coffey, Downtown Austin Community Court**

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Primarily dealing with college students and those currently in homeless situations, the DACC is responsible for punishing defendants charged with Class

C Misdemeanors (such as public intoxication, minor in possession, and possession of drug paraphernalia charges) in their catchment area. This area's borders are Lamar to I-35, and Town Lake to MLK. Although the homeless community is not the only group found in the DACC, they do make up a significant portion of the defendants seen in court. Considering the concentration of homeless persons in the downtown area, it is probable that if they are ticketed for a Class C Misdemeanor within the borders described, they will go before Judge Coffey and receive either a conventional or the judicially unconventional options offered by this court.

The office door of the court's prosecutor, John Wall, displays the court's mission: Providing judicial alternatives to restore the individual and community. This notion, known as restorative justice, is the focus of the DACC. Restorative justice allows the DACC to achieve its two most crucial goals: to provide due process, and to offer a social service component that an otherwise unforgiving criminal justice system is not able to provide. While maintaining respect for the law, the DACC is able to offer offenders sensible punishments. For instance, a defendant accused of public intoxication may be afforded the chance to work off his or her offense by completing an appropriate treatment plan and assigned community service hours. This alternative is seen as a chance for offenders to obtain treatment and hopefully avoid repeat offenses, as well as to repay the community for the offenses they have committed. Community service opportunities include: cleaning trash from streets and parks, removing graffiti, grounds maintenance, feeding the homeless, sorting recyclables and much more. The DACC also stands to provide rehabilitative services to those in need. Oftentimes, defendants enter the court addicted and in need of substantial treatment for alcohol or drug use. In this case, the court is in a position to send defendants to a rehabilitative treatment program. Inpatient and outpatient services are available free of charge to the defendant, though this option requires a great deal of commitment on the part of the offender. Funds for rehabilitative treatment can go to waste if the defendant is not willing or ready to seek such treatment. Therefore, Judge Coffey and his team of caseworkers take a considerable amount of time consulting with prospective rehabilitation patients to be certain they are ready to change their lives for the better.

The court strives to help offenders as well as hold them accountable for their actions. This goal is achieved by carefully managing each case and recognizing specific needs of defendants. The DACC also believes in swift reaction to a crime. Through quick response, the court hopes to instill a sense of cause and effect on its defendants, as opposed to lengthy waiting periods as is seen in other courts. Unfortunately, the court is challenged by defendants' inability or unwillingness to appear in court. This challenge to meet their goals is most often a problem for those defendants who currently find themselves in a homeless situation. However, Judge Coffey believes the DACC has a good feel for the homeless in our downtown area. The DACC strives to provide a less intimidating

courtroom where defendants may walk in voluntarily when they need help. In fact, a pending case in the court is not a requirement to receive their services. Anyone is eligible for most services.

The DACC has many resources and options to offer its clients. Beyond simple and philanthropic resolutions to their offenses, defendants are also provided with a laminated list of Austin resource providers. The names, addresses, and phone numbers of providers who may be able to help them with issues such as: social services, shelter, medical care, mental health services, legal aid, and dental care, are offered laminated especially for the homeless defendants. This list includes agencies and programs such as: City of Austin Homeless Health Services, Lifeworks Street Outreach, AIDS Services of Austin, Safe Place, MHMR, Austin Recovery Clinic, Legal Aid for the Homeless, Women's Advocacy Project, House the Homeless, Caritas, Baptist Community Center, Salvation Army, ARCH, Cold Weather Shelter, Casa Marianella, and many more.

The DACC is one of nineteen community courts in the United States. It was the first in Texas and seventh in the nation. Having seen the advantages in the downtown area, the west campus and east Austin communities are requesting the court to expand in their areas as soon as funding permits. Though the court hopes to expand as soon as possible, there is currently no firm timetable.

The revolving door of the criminal justice system often traps homeless defendants in precarious situations. Without the means necessary to appear in court, those homeless individuals accused of crimes may find themselves trapped under the threat of arrest or the accumulation of fines. The DACC offers these defendants a sensible solution to having charges dismissed while still holding them accountable for their actions. All the while, the community benefits from acts of community service and rehabilitation for those who commit quality of life offenses in the DACC jurisdiction.