

GAY LAW STUDENTS ASSOCIATION

Announcement

PRESS RELEASE: November 15, 1972

CONCERNING: ARRAIGNMENT INTERVENTION PROGRAM of the Gay Community Services Center and the Gay Law Students Association

The ARRAIGNMENT INTERVENTION PROGRAM at Division 81 of the Los Angeles Municipal Court is a joint venture of the Gay Community Services Center and the Gay Law Students Association. The program was instituted last June by Judge Kenyan, the presiding judge at division 81 at the request of these two organizations.

The Gay Community Services Center is a professional and paraprofessional social service agency established within and operated under the laws and regulations of the State of California governing all nonprofit organizations. Virtually all the services at the Center are provided free to the gay community. These services include: 24 hour hotline, Self-Development Programs, Food and Shelter, Full Time Employment Counselling and Placement Services, Senior Citizens Program, Social Alternatives and Activities, Prisoner Probation and Parole Program, Alcoholics Together Program, Transsexual and Transvestite Counselling Group, Draft and Military Counselling, etc. The Center answers the requests and meets the needs of an average of 5,000 individuals per month.

The Gay Law Students Association is a professional association which has a threefold purpose: To work toward the solution of legal problems indigenous to gay individuals as a minority, as members of society and of the legal profession; to provide and expand social and professional relationships among and between law students and with the Bar; and to increase the usefulness of the legal profession to the gay community and to the public at large. Membership in the association now includes law students from all major law schools in Los Angeles as well as lawyers and interested lay persons in the community. Affiliated Gay Law Student Associations are operating in San Francisco and in Buffalo, New York.

The Arraignment Intervention Program is designed to give assistance to gay people who have been arrested and have thus come into contact with the judicial system. As of this writing, processes and procedures have been established whereby defendants, immediately upon arrest or pre-arraignment are informed of the program. This initial contact is often made in the following ways: 1) the accused calls the center directly, 2) the arraignment intervention counsellors review the arrest through the cooperation of the office of the public defender, or 3) through a direct contact between a private attorney or a public defender and the arraignment intervention counsellor on duty at the arraignment court.

Currently, Rick Angel and Tom Coleman, both law students at Loyola Law School in L.A. and members of the Gay Law Students Association are working at the court as Arraignment Intervention Counsellors. One counsellor will report to Division 81 (Misdemeanor Arraignment Court) each day. Working closely with the public defenders, Rick or Tom interview gay defendants for the purpose of determining their legal, social, economic, and psychological needs. They advise the defendants of the alternatives available to them at the Center. They will also fully explain the purpose and the implications of the arraignment process. (cont. next page)

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or Mike Miller c/o Gay Community Services Center
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On each case they review, they will work with the public defenders to secure the best possible terms of probation. They will investigate the defendant's case history to determine if he is eligible for an "O.R." release.

The very minimum that the programs offers any defendant is the chance to become acquainted with the services of the Center. Most defendants have also found it comforting to know that they have a "friend" at the court. This initial interview enlightens the individual as to the variety of resource people and programs available to them in the gay community. This contact with the arraignment counsellor has stimulated many of the defendants to use the services of the center upon their release. It is not unusual for as many as 10 defendants per week to so contact the Center.

The value and usefulness of this program has been evidenced by the number of gay individuals that have been served. Since June, Rick and Tom have personally interviewed over 300 defendants. Many more have received information about the program directly from the public defenders.

One of the greatest successes of the program has been the involvement of the arraignment intervention counsellors in the plea bargaining process. The typical gay defendant has been arrested for an alleged violation of either 647(a) or 647(b) of the California Penal Code. 647(a) includes "lewd conduct" in a public place or a place exposed to the public view, or "solicitation" in public of a lewd sex act to be performed in public or private. Generally, the arrests for "lewd conduct" are made in public parks and restrooms; some are also made in bars. Arrests for "solicitation" are less frequent and are usually made in a bar or on the street. 647(b) includes solicitation to commit an act of prostitution. These arrests are most frequently made on the streets but some are made in bars. The maximum sentence for both 647(a) or (b) is 6 months in jail.

At the time of arraignment the city attorney will initiate the plea bargaining process by making the defendant an offer. The underlying rationale behind this procedure is simple. The courts are not equipped to have every case go to trial. There are just too many cases. As an example, there are over 6,000 males arraigned at division 81 each year just for 647(a) and (b) violations. The judicial system would cease functioning if all these cases went to trial. Therefore, to entice the defendant not to go to trial, the city attorney will usually make him an offer. If it is the defendant's first offense the offer will usually be to allow the defendant to plead guilty to a lesser offense, usually 602L of the Penal Code which is "trespassing". That is often attractive to the defendant because he will not have to tell his employer or others that he was convicted of a sex offense. In addition, the defendant will have to pay a fine of between \$50.00 and \$100.00. He will often be given 30 days to pay the fine. In some instances he will serve 5 days in jail instead of paying the fine. If the defendant chooses not to accept the offer and decides to go to trial he faces the possibility of being convicted of a sex offense and a possible sentence of 6 months in jail. If he cannot bail out and if he is not eligible for an "O.R." release, he will have to wait in jail up to 3 weeks for his trial. In view of these considerations, over 90% of first offenders accept the offer.

If the defendant has had prior sex offenses, or if he is currently on probation for a prior offense, the city attorney's offer will not be so attractive. In this type of case the offer may range from 30 to 90 days in jail, depending on the past record and the present circumstances of the defendant. It is in these cases that the arraignment intervention counsellors have been of most benefit. After interviewing the defendant and conferring with the attorney, Rick or Tom will often make a recommendation to the judge concerning the case. They will recommend against the city attorney's offer and instead request the judge to work out special arrangements for the defendant. If the judge agrees, then special

that the defendant report back to the court in 30 days with a progress report from the Center.

It is during that 30 day release that the services of the Center are most vital. When the defendant is released he will contact Mike Miller, the Director of the Prisoner, Probation and Parole Program at the Center, Mike will interview the person to determine his background and his special needs. Mike will then introduce him and familiarize him with the various staff and services at the Center. The first person the defendant usually meets is the job counsellor.

At the end of the 30 day period, the defendant will return to the court with a progress report from the Center. The report will include information pertaining to the number of job interviews the defendant had, the status of his housing, and the other activities at the Center that he participated in.

The arraignment intervention counsellor and the public defender will present the report to the judge on behalf of the defendant. If the defendant has been out of trouble for that period and if he has found a job or made a good faith effort to do so, and if he reports back to court on time, the judge will suspend the sentence. If the court is unsure of the defendant's "progress" it will require him to report back in another 30 days. However, if the defendant has not cooperated with the program, has had a subsequent offense, or has failed to report back to the court on time, the court will order that he serve the sentence as initially recommended by the city attorney.

The judges and commissioners at the arraignment court have come to rely on and trust the recommendations of the arraignment counsellors. Outside community support from such persons as State Senator David Roberti has been beneficial in building the confidence of the court in the program.

Through the joint efforts of the law students at the court, the public defenders, the judges, and the staff at the Center, many gay individuals are released and find work and permanent housing. Since so often an underlying reason for the arrest and detention stemmed from the unemployment or misdirection of the individual, these services often result in an end to the "revolving jail door" to which so many gay brothers and sisters have become accustomed.

The Center hopes to expand the program into other arraignment courts in Los Angeles and vicinity in the future. However, in order to do so both continued community support and more volunteer law students are needed. It is often possible for a law student to get academic credit from his law school for his participation in this program.

Anyone who wishes further information concerning the program should direct their inquiries to: Mike Miller, c/o Gay Community Services Center,
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Phone: (213) 482-3062

Anyone wishing further information concerning the programs and activities of the Gay Law Students Association should contact: Tom Coleman, 618-A E. Lomita Ave.
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