

## KEY PROPOSAL: OUTREACH, TREATMENT AND SERVICES

### Los Angeles, California

#### *Sleeping homeless attacked with bats*

**August 16, 2006:** Two 19-year-old men, allegedly inspired by the “Bumfights” videos, roamed the streets of Downtown Los Angeles hitting sleeping homeless people with aluminum baseball bats, leaving an elderly man in critical condition with severe head wounds, police said... The first victim, Gerald McHenry, 38, was attacked at 2 a.m. while sleeping on a sidewalk. About 90 minutes later, a security guard saw two men beating a homeless man on the head with baseball bats. The suspects fled by car, but officers soon caught up with them. Officers recovered two aluminum bats and a replica firearm in the car. Both suspects were arrested on suspicion of attempted murder.

Excerpts from “Hate Violence and Death on Main Street USA in 2005,” *National Coalition for the Homeless*. [www.nationalhomeless.org](http://www.nationalhomeless.org). February 2006 citing *LA Times* “Sleeping Homeless Attacked with Bats.” 17 August 2005; *Daily Breeze* “Police Say beating Suspects got Idea From ‘Bumfights’ 19 August 2005; *NBC4TV News* “Men Stand Trial for Attacks on Two Homeless Men.” 29 September 2005.

### **Violence Against Homeless Californians is a Troubling and Dangerous Trend**

Over the past seven years 169 homeless people in the United States have been killed as a result of hate crimes.<sup>1</sup> In 2002, according to a report commissioned by the State Senate, sixty-six percent of homeless Californians surveyed reported that they had been victimized in the past year; seventy-two percent of the homeless Californians who were victimized were victimized more than once.<sup>2</sup>

Homeless people are particularly vulnerable to being attacked, robbed, and killed for a number of reasons. Among the primary reasons:

- Opportunity. Homeless people frequently sleep and live in public places, exposing them to danger from attackers when they are at their most vulnerable.
- Many homeless people suffer from serious mental illnesses, have physical disabilities, and/or suffer from addictions. Each of these ailments makes homeless people more likely to be victimized.
- Societal Prejudice. Prejudice against people living in poverty, particularly homeless people, remains an acceptable bias.<sup>3</sup>
- Homeless people frequently encounter disbelief and a lack of support from law enforcement when they report crimes against them. The 2002 report commissioned by the State Senate found that seventy-five percent of homeless Californians who were victimized did not report the attacks to law enforcement.<sup>4</sup> Of those who reported being victimized, many reported feeling that police officers either did not believe them or did not care.<sup>5</sup>

## **Sacramento, California**

### *BB gun attacks hit the needy*

**June 25, 2005:** At least four homeless people received minor injuries from a series of attacks with a BB gun in the Sacramento area. One victim required stitches. Another homeless woman said someone “stomped on her face with his foot,” said Sacramento police spokeswoman Michelle Lazark.

These assaults were not the first against homeless people. The Citizens' Crime Alert Reward Program had previously put out a flier warning: “Be on the lookout in the Downtown & North Sacramento areas for subjects who have been targeting the homeless with pellet or BB guns... These subjects drive up to their victims and ask for directions. The subjects will then shoot the victim(s) at close range,” read the bulletin. There was no apparent motive in the attacks...

Excerpts from “Hate Violence and Death on Main Street USA in 2005,” *National Coalition for the Homeless*.  
www.nationalhomeless.org. February 2006 citing *Sacramento Bee* “BB Gun Attacks Hit the Needy.” 25 June 2005.

## **California Takes the Lead in Protecting Homeless People**

In 2004 the California legislature took action to address the problems associated with homeless people reporting crimes committed against them. Under Cal. Penal Code § 13519.64, the Commission on Peace Officer Standards and Training is now required to create a telecourse for all police officers to educate them about crimes against homeless people and how to deal effectively and humanely with homeless people, including homeless people with disabilities. As a result of this legislation, California became the first state in the nation to require its law enforcement officers to become educated about crimes against homeless people.

## **Fairfield, California**

### *Homeless father beaten*

**August 18, 2005:** A homeless man was beaten to unconsciousness and was found in a pool of blood in a church parking lot. Police discovered the victim lying unconscious next to the car with blood pooled around him. He was beaten, stomped on and appeared to have suffered severe head trauma. He was left blind and neurologically damaged by the beating. The victim of this savage attack was a homeless father who was living out of his car at the Parkway Community Church on Heath Drive.

Excerpts from “Hate Violence and Death on Main Street USA in 2005,” *National Coalition for the Homeless*.  
www.nationalhomeless.org. February 2006 citing *Daily Republic* “Homeless Man Found Beaten.” 29 August 2005; *The Daily Republic* “Suspects in Beating of Homeless Man Pleads Innocent.” 29 September 2005. *The Reporter*. “Judge Sets Suspects' Date in Homeless Man's Beating.” 8 November 2005.

## **The Next Step**

California's next step is to do what it attempted 12 years ago\* – amend the definition of people protected under the hate crime statute to include homeless people. California already has one of the

\* In 1994 the State legislature passed a bill including immigrants and homeless people as protected classes under the hate crime statute. Then Governor Pete Wilson vetoed the bill.

most inclusive hate crime statutes in the country.<sup>6</sup> California's hate crime statute affords protection to victims if the crime was due to the "victim's actual or perceived race, color, ethnicity, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation."<sup>7</sup> Including homeless people as a protected class under California's hate crime statute would result in stricter punishments for crimes committed against homeless people that are motivated because of perceived or actual status as a homeless person.<sup>8</sup> It would also mean that perpetrators of hate crimes against homeless people would be required to obtain counseling for a year, make payment to an agency that provides services to victims of hate violence, and reimburse the victim for any counseling he or she requires as a result of the acts of violence.<sup>9</sup>

California is the second most dangerous state for homeless people to live.<sup>10</sup> But it has the opportunity to change that statistic by becoming the first state to pass legislation that makes homeless people a protected class under its hate crime statute.<sup>\*\*</sup> As a leader in the field of civil rights, California should protect one of its most vulnerable populations, homeless Californians, by making them a protected class under the hate crime statute.

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<sup>1</sup> National Coalition for the Homeless at <http://www.nationalhomeless.org/civilrights/modelstatelegislation.html>

<sup>2</sup> Criminal Justice Statistics Center, Office of the Attorney General. "Special Report to the Legislature on Senate Resolution 18." October 2002.

<sup>3</sup> *Center for the Prevention of Hate Violence*, "Homeless and Hated: Bias Motivated Violence, Degradation and Discrimination Against Maine's Homeless" available at <http://www.preventinghate.org/publications/homeless.htm>. February 2005.

<sup>4</sup> Criminal Justice Statistics Center, Office of the Attorney General. "Special Report to the Legislature on Senate Resolution 18." October 2002.

<sup>5</sup> *Id.*

<sup>6</sup> Shively, Michael, Ph.d, "Study of Literature and Legislation on Hate Crime in America," *National Institute of Justice*. June 2005.

<sup>7</sup> CAL. PENAL CODE § 422.865(a)

<sup>8</sup> CAL. PENAL CODE §422.75

<sup>9</sup> CAL. PENAL CODE §422.85

<sup>10</sup> *National Coalition for the Homeless*. "Hate Violence and Death on Main Street USA in 2005." available at [www.nationalhomeless.org](http://www.nationalhomeless.org). February 2006

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<sup>\*\*</sup> The National Coalition for the Homeless has proposed two-part legislation that would (1) make homeless people a protected class from hate crimes and (2) require that police officers be trained regarding crimes against homeless people. As discussed above, California has already adopted the second part of the proposed legislation in substantial part.