

TESTIMONY IN SUPPORT OF HB 2591: RELATING TO THE HOMELESS

TO: Representative Mele Carroll, Chair; Representative Bertrand Kobayashi, Vice Chair; and Members, Committee on Human Services

FROM: Connie Mitchell, Executive Director
IHS, The Institute for Human Services, Inc.

Hearing: Thursday, February 13, 2014; Room 329; 9:30 a.m.

Chair Carroll, Vice Chair Kobayashi, and Members, Committee on Human Services:

Thank you for the opportunity to provide testimony in strong support of House Bill 2591 with amendments relating to sentencing of imprisonment for offenses against the homeless. IHS, The Institute for Human Services, Inc. provides an array of homelessness prevention and post-shelter services. IHS is particularly concerned with the growing violence against unsheltered homeless persons. We strongly urge the legislature to send a clear message that violence against vulnerable persons is unacceptable and deserving of punishment comparable to that ordered when other very vulnerable persons are victims of crime. It is also important to call the senseless assault of homeless persons because they are homeless a hate crime so that it can be tracked as such according to Hawaii's Hate Crimes legislation.

We offer friendly amendments to narrow the group of persons to whom this law will apply by amending the measure to **unsheltered homeless** and to not require mandatory sentencing but simply allowing the judge latitude in sentencing if the unsheltered homeless persons is victim to a violent crime.

According to the National Coalition for the Homeless, damage done by hate crimes has a wide-span effect, "hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable and unprotected by the law." Within a 7 week period, 3 homeless, unsheltered men spanning the ages of mid 30's – 83-years of age were murdered on the streets of Oahu. A witness of the December 27, 2013 murder says that the 3-4 men who fled the scene yelled "we are going to get rid of homeless in this area". This crime effectively intimidated the homeless, unsheltered persons in the area and across the state. In the most recent murder a man was sleeping in Kailua outside a popular restaurant when he was attacked and killed arguably victimized because of his status as a homeless person. By including homeless persons as a protected class in Hawaii, the response for crimes against the unsheltered homeless will be heightened, sentencing could be extended (HRS §706-662) and data collection will be mandated (HRS §846-51) improving the tracking and enforcement systems in place.

Thank you for the opportunity to comment on HB 2591. IHS strongly supports the intent of this bill to deter crimes against individuals experiencing homelessness and send a strong message that such violence will not be tolerated.

Summary of Incidences:

December 4, 2013 83-year-old homeless man found unconscious and beaten in Chinatown pronounced dead the next day. Police arrested an 18-year-old man.

December 27, 2013 at about 3:10 a.m. in the McCully area (King and Punahou) a 62-year-old homeless man was assaulted by 3-4 men following an argument, and he died after being hospitalized. A witness says the men were yelling "we are going to get rid of the homeless in this area" after the attack as they fled.

January 13, 2014 in Kailua a homeless man in his mid 30's was taken to the hospital at 11:45 p.m. where he died from multiple stab wounds. They say the victim was sleeping outside Cinnamon's Restaurant. Suspect is a white male, slim build wearing dark clothing.

Jan 31, 2014 on Kapahulu, two homeless men in their 50's were taken to the hospital with stab wounds, and police arrested a 36 year old homeless man suspected of two counts of first-degree assault.

February 10, 2014

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NOTICE OF HEARING

DATE: Thursday, February 13, 2014

TIME: 9:30AM

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB2591
RELATING TO THE HOMELESS**

Aloha, Committee on Human Services:

On behalf of the Pacific Alliance to Stop Slavery (PASS), I stand in strong support of HB2591. PASS supports this bill for many reasons including our mission to protect juveniles at high risk for human trafficking who are houseless and endangered runaways deserving basic rights, services, and care in this present culture of criminalization and dehumanization.

It has become clear that the Houseless have become an unprotected class suffering from serious harm and an erosion of basic civil rights through their recent criminalization through laws and subsequent dehumanization by some percentage of the public.

I enumerate some facts to consider with regard to the criminalization, dehumanization, and erosion of rights for the Houseless:

- 1) Criminalization of the houseless has serious repercussions in our overall society. When marginalized groups of people are criminalized by law, surrounding community members tend to dehumanize this group as we've seen throughout the past, especially with the Nuremberg Laws of Nazi Germany. In present day Hawaii, we have seen several violent beatings, and even murder of houseless persons in the recent past, coming on the heels of well publicized laws and ordinances criminalizing the houseless. <http://www.examiner.com/article/third-homeless-man-murdered-on-oahu-6-weeks>

- 2) Criminalizing the houseless is also a human rights violation recognized by the United Nations. The UN has called upon the United States to repeal laws criminalizing homelessness.
<http://www.unmultimedia.org/radio/english/2012/04/united-states-urged-to-repeal-laws-criminalizing-homelessness/>

Houseless population on O‘ahu

According to the 2013 Point In Time Study, between 2012 and 2013, the houseless population in Honolulu County increased 4.7%, more than any other county in Hawai‘i. Among O‘ahu’s houseless, the portion that live unsheltered is growing rapidly, by a margin of 11% since 2012 and 23% since 2009. The rate of unsheltered families with children also rose 5% since 2012.

PASS kindly urges your committee to pass HB2591 and undo the dehumanization of the Houseless which leads to their harm.

Sincerely,

Kathryn Xian
Executive Director



Community Alliance for Mental Health

February, 13, 2014

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To: House Committee on Human Services
Re: HB 2591

Aloha Chair Carroll and members of the committee,

On behalf of the Community Alliance for Mental Health along with United Self Help we strongly support the passage of HB 2591.

We believe that the recent rash of deaths of the homeless and most vulnerable members of our Ohana is despicable. There are many things that could be written now, the imposition of the awareness of the economic and social disparities amongst our community are only a few.

One could speak to the fact that unlike "Jerry's Kids," or say puppies, the homeless are just not cute or cuddly. The simple fact is that like kicking a puppy or God forbid one of "Jerry's Kids," the battery to death of any of our most vulnerable population is a hate crime regardless of the motivation and should be treated as such.

Scott Wall
VP/Legislative Advocate
Community Alliance for Mental Health

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Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Comments on HB 2591 Relating to the Homeless
House Committee on Human Services
Hearing Scheduled for Thursday, February 13, 2014, 9:30 AM, Room 329

Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit, 501(c)(3) law firm created to advocate on behalf of low income individuals and families in Hawai'i on civil legal issues of statewide importance. Our core mission is to help our clients gain access to the resources, services, and fair treatment that they need to realize their opportunities for self-achievement and economic security.

Thank you for an opportunity to comment on House Bill 2591, which would require mandatory minimum sentencing for certain violent crimes upon individuals experiencing homelessness and subjects crimes that inflict serious or substantial bodily injury upon a homeless person to extended terms of imprisonment if the offender knew or reasonable should have known the victim was homeless. Hawai'i Appleseed Center for Law and Economic Justice strongly **supports the intent** of this bill to stop the growing wave of violence against individuals experiencing homelessness in our community. We respectfully propose **amendments** to:

Section 1: Eliminate mandatory sentences of imprisonment for crimes against the homeless.

Section 2: Add homeless status to the existing provision for extended sentencing in hate crimes in Hawai'i Revised Statutes § 706-662.6 (b).

Recent acts of violence against unsheltered homeless individuals indicate the dire need for increased protections. We respectfully propose amending HB 2591 to provide protection for homeless victims who were targeted on the basis of their housing status. We propose that Hawai'i Revised Statutes § 706-662.6(b) be amended to read:

“The defendant intentionally selected a victim or, in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, ~~or~~ sexual orientation, or homeless status of any person.”

We propose this amendment because we believe that **covering homelessness status under bias-motivated sentencing more fully addresses the terrible crimes against people experiencing homelessness**. Some of the killings that have been committed follow the typical pattern for hate crimes against people experiencing homelessness, and it is important to address the underlying discrimination that is motivating these acts of violence. Hate crimes should receive a priority response because of the broader damage that such bias-motivated acts inflict upon our community. Other unsheltered homeless individuals must live with the very real fear that they will be targeted and attacked because they are unsheltered. Our community is also damaged by knowledge that members of our community are seeking out the most vulnerable individuals and committing brutalities. Including homelessness under 6(b) is an effective way to address bias against homeless individuals and show that our community will not tolerate this targeted, dehumanizing violence against people who have already

experienced so much hardship. We should be targeting the underlying discrimination and hatred of people experiencing homelessness to more fully address the bias-motivated nature of this violence.

We also respectfully request **eliminating Section 1, which would expand the mandatory sentencing law to include victims** who are known or reasonably should have been known to the defendant to be homeless. Such "vulnerable victims" statutes such as HRS §§706-660.2 may also be used to extend sentences for perpetrators who are themselves experiencing homelessness. While no intentional violence is ever excusable, **homeless perpetrators, especially those with mental illness or substance use disorders, deserve consideration of mitigating factors**, regardless of the housing status of the victims. For example, there has been a horrifying national trend of "bum fights," in which desperate homeless individuals are paid in cash or alcohol to fight others who are also homeless and then recorded and distributed online. The most severe punishment in these instances should be brought against the instigator of such violence rather than the troubled individuals who are manipulated into acts of violence. Similarly, the "reasonably known" standard for people with mental illness, which many of the homeless are, poses problems in providing for adequate judicial discretion. Judges should have the discretion to order an appropriate sentence that addresses how best to rehabilitate and treat the individual, instead of mandatory incarceration for a very vulnerable group of people.

Thank you for the opportunity to propose amendments to HB 2591. Hawai'i Appleseed strongly supports the intent of this bill to deter crimes against individuals experiencing homelessness and send a strong message that such violence will not be tolerated. However, we believe the proposed amendment to treat bias-motivated crimes against the homeless like other hate crimes will be a powerful expression of our community's commitment to all of its members.

Hawai'i Appleseed Center for Law and Economic Justice

February 12, 2014

Page 3 of 3

To: Rep. Mele Carroll, Chair
Rep. Bertrand Kobayashi, Vice Chair

Date: Thursday February 11, 2014, Conference Room 329, 9:30 a.m.

Re: HB2591 – Relating Violence against the Homeless

Chair Carroll and Committee Members:

Thank you for the opportunity to submit written testimony in STRONG SUPPORT of HB 2591 Relating to Violence against the Homeless. My name is Mark Crumpton and I am Social Work Student at Hawaii Pacific University and live in the Puck's Alley area of Honolulu. The passage of this bill is vital as:

VIOLECE OR INTENTIONAL HARM AGAINST OUR MOST VULNERABLE CITIZENS MUST BE PROSECUTED WITH MANDATORY MINIMUMS TO STOP FURTHER SUBJEGATION OF THOSE IN NEED

Recently, I have been exposed to the countless challenges of the unsheltered in my work with social work practitioners in the area of homelessness and more personally with my interactions with the numerous unsheltered individuals and families in my area of Mo'i'ilili. As we prepare for the possibility of a sustained economic recovery, more families may encounter the challenges of homelessness. It is my sincere hope that our lawmakers and those we entrust with the safety of all our citizens maybe equipped with the knowledge and tools to mitigate harm and to aid those that are most vulnerable in their growing challenges by enforcing laws that are enacted to protect them

As everyday citizens and proud residents of this beautiful State, we urge that our elected officials of the State of Hawaii to continue to provide assistance to those of us who are suffering or are vulnerable. Without the services of the strict laws that may act as a deterrent against those who may prey on our vulnerable citizen's, further violence and exploitation may continue and grow.

I urge you to support our most vulnerable citizens by voting yes on HB 2591.

Mark Crumpton

BSW Candidate – Hawaii Pacific University

Puck's Alley / Honolulu

kobayashi1-Joni

From: John Heidel <jheidel808@icloud.com>
Sent: Wednesday, February 12, 2014 5:18 AM
To: HUSstimony
Subject: Fwd: Testimony for HB 2591

Sent from my iPad

Begin forwarded message:

From: John Heidel <jheidel808@icloud.com>
Date: February 12, 2014 8:28:22 AM EST
To: HUSstimony@capitol.hawaii.gov
Subject: **Fwd: Testimony for HB 2591**

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Begin forwarded message:

From: John Heidel <jheidel808@icloud.com>
Date: February 12, 2014 8:26:49 AM EST
To: "HUSstimony@capitol.hawaii.gov" <HUSstimony@capitol.hawaii.gov>
Subject: **Testimony for HB 2591**

I am in strong support of HB 2591 that would address the violence toward the houseless in our communities.

I've been a minister of the United Church of Christ on Oahu for over 50 years (Central Union Church and chaplain at Punahou School), am a founder of Family Promise Hawaii that provides transitional shelter for the houseless in our local congregations and was the former president of The Interfaith Alliance Hawaii.

I believe we should eradicate violence of all forms but especially toward the vulnerable of our community. I also think justice for all citizens and creating a safe, healthy environment in which to live are two of the cornerstones for a civil society.

Thank you for considering this bill and I urge you to pass it out of Committee.

Rev. Dr. John Heidel
1341 Manu Mele Street
Kailua, HI 96734
261-4585

Sent from my iPad

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 8:34 PM
To: HUS testimony
Cc: toddhairgrove@hotmail.com
Subject: *Submitted testimony for HB2591 on Feb 13, 2014 09:30AM*

HB2591

Submitted on: 2/10/2014

Testimony for HUS on Feb 13, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Hairgrove	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kobayashi1-Joni

From: Shanna Kodo <skodo@hawaii.edu>
Sent: Wednesday, February 12, 2014 7:36 PM
To: HUSstestimony
Subject: HB2591 Testimony



To whom it may concern,

I would like to **support** HB2591 because I think the laws need to be more strict when it comes to crimes against the homeless population. We need to send the message to these violent offenders that it is not okay to hurt someone just because they are homeless. I think the problem is that these criminals have no empathy for others. By pushing for harsher punishments, we are also ensuring that other non-homeless people are protected. After all, if these criminals would stoop so low as to hurt someone in a vulnerable state, what is preventing them from hurting the rest of the population or perhaps even turning to more violent crimes such as murder? Therefore, I am asking you to please pass HB2591. Thank you for your time.

Sincerely,
Shanna Kodo