

INTRODUCTION

Purpose

The purpose of the present study is to respond to the requests outlined in Senate Resolution 18 which was introduced by Senator Burton in August 2001. The resolution requests the Attorney General to assess the extent of the problem of crimes against homeless persons and to develop a plan to improve prevention, reporting, apprehension, and prosecution. The resolution also requests the Attorney General to submit a report of the findings, recommendations for any legislation necessary to carry out the plan, and a recommendation whether to include housing status as a hate crime category to the legislature by December 2002. The legislative mandate reads as follows:

Resolved by the Senate of California, That the Senate requests the Attorney General to do each of the following:

(a) Assess the extent of the problem of crimes against homeless persons and to develop a plan to prevent and report these crimes and to apprehend and prosecute the perpetrators of these crimes. The Senate requests that, in developing the assessment and plan, the Attorney General consult homeless persons and their advocates, law enforcement agencies experienced with antihomeless crime, and the Commission on Peace Officer Standards and Training.

(b) Make an initial report to the legislature by January 7, 2002, and a final report by December 1, 2002. The Senate requests that the report include recommendations for any legislation necessary to carry out the plan, and a recommendation on whether to expand the definition of hate crime to include crimes committed in whole or in part because the victim is homeless or is perceived to be homeless.

Accordingly, no primary hypothesis has been formulated. The objective of the present investigative analysis is the process itself, which was designed to uncover specific patterns in existing interview data and current literature indications in order to develop an explanatory theoretical framework.

Funding Limitations

No funding was provided for this study. Therefore, the following restrictions were applied: (1) mode of travel, (2) number of interviewers, (3) location and number of cities, and (4) sample size. Specifically, the location of cities was limited to those that could be driven to within three hours or less from the California Department of Justice in Sacramento. The number of cities, and therefore the sample size, was limited to the number of participants who could be interviewed by one individual.

Operational Definitions of Concepts

Homelessness. According to the Stewart B. McKinney Act, 42 U.S.C. §11301, et seq. (1994), persons are considered homeless who lack a fixed, regular, and adequate night-time residence and persons whose night-time residence is: (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, (2) an institution that provides a temporary residence for individuals intended to be institutionalized, or (3) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, 42 U.S.C. §11302(a), U.S.C. §11302(c).

The McKinney definition usually refers to persons in large, urban communities who are literally homeless (living on the streets or in

shelters; Breakey, Fischer, Kramer, Nestadt, Romanoski, Ross, Royall, and Stine, 1989) or those who face imminent eviction (within a 7-day period) from a private dwelling or institution with no viable subsequent plans for housing (U.S. Department of Housing and Urban Development). Persons experiencing homelessness in rural areas are less likely to live on the street or in a shelter and more likely to live with relatives in overcrowded or substandard housing (U.S. Department of Agriculture, 1996).

Prevalence of Homelessness. Adults are homeless for a multiplicity of reasons (Bassuk and Rosenberg, 1988; Weitzman, Knickman, and Shin, 1990). Episodic (typically a function of a short-term, non-recurring financial setback or acute crisis), cyclical (usually precipitated by a temporary physical illness, accident, or income reduction), and chronic homelessness (usually due to permanent job loss, eviction, mental illness and/or substance abuse problems, protracted health issues or disability, or domestic violence) continues to rise in and around both large metropolitan cities and rural areas. Since 1970, the U.S. has been faced with a simultaneous increase in the number of indigent persons and a decrease in places for them to live (U.S. Department of Housing and Urban Development, 1994; National Law Center on Homelessness and Poverty, 1999; National Coalition for the Homeless, 2000). The U.S. Conference of Mayors annual Report on Status of Hunger and Homeless in American Cities indicates a consistent rise in homeless populations across the nation's cities since 1999.

Current national estimates of homeless persons vary widely from 600,000 (Department of Urban Development) to three million (National Coalition on Homelessness). This variation appears to be a function of several logistical challenges faced by Census Bureau enumerators including mobility of the homeless population, timing of observations

(late arrival or early departure to selected sites), and knowledge of the esoteric nature of homeless camping sites (U.S. Census Bureau, 1992; Martin, Laska, Hopper, Meisner, Wanderling, 1997).

Based on figures from a report issued by the National Law Center on Homelessness and Poverty, conservative estimates for the current number of homeless persons in California municipalities indicate upwards of 100,000 on any given night. Larger cities within California such as San Francisco and Los Angeles (including Beverly Hills, Pasadena, and Santa Monica) account for the largest portion of the homeless population (over 14,000 and 77,000, respectively).

Demographic Characteristics Associated with Homeless Victimization. Contrary to the stereotypical image of homeless persons being single adult males panhandling in and around large cities, past research indicates that demographic profiles of this marginal population is dynamic and much more complex. The new face of the homeless community is one of a diverse group that not only includes individual adults, but is also made up of youth and families (Baxter and Hopper, 1984; Committee on Health Care for Homeless People, 1988). In fact, families with children constitute approximately 40% of people who have become homeless (Bassuk, Rubin, and Lauriat, 1986; Shimm and Weitzman, 1996). Findings from the U.S. Conference of Mayors survey in 1998 indicated that families comprised 38% of the homeless population.

Studies comparing urban and rural homeless communities illustrate this trend. Homeless adults in rural areas are now more likely to be employed married females with children, many of whom are battered women living in poverty (National Coalition for the Homeless, 2000; Vissing, 1996). Of 777 homeless parents interviewed in ten U.S. cities, 22% said they had left their last place of residence because of domestic violence (Homes for the Homeless, 1998). Forty percent of the

cities surveyed by the U.S. Conference of Mayors (1998) identified domestic violence as a primary cause of homelessness.

Another large segment of the homeless population is comprised of those with mental illness (Robertson, 1992; and Tuprin and Tate, 1997). Most of what is known about mentally ill homeless people is based on descriptive statistics from several studies conducted in various parts of the U.S.

Belcher (1989), in his study of 132 discharged mental patients from the Midwest, found that those who became homeless were more likely to be involved with law enforcement than those who were domiciled. Gelberg, Linn, and Leake (1988) surveyed 529 adults in Los Angeles for arrest and conviction rates and history of psychiatric illness. Results indicated that homeless individuals with a history of psychiatric hospitalization were more likely to have self-reported arrest and felony convictions from age 18. Pruett (1989) found that undomiciled male detainees in Chicago had the highest rates of serious mental disorders. Finally, in his survey of 137 perpetrators in New York City's primary forensic treatment facility, Martell (1991) found that 50% of the patients were undomiciled.

Many homeless persons with mental illness are also experiencing substance abuse disorders (Robertson, 1992; and Tuprin and Tate, 1997). An estimated 25% of the homeless community suffers from mental illness (Koegel, 1996) and also possess exceedingly high rates of addiction disorders (National Coalition for the Homeless, 1997).

Recent epidemiologic research, for example, has identified alcohol use as the single most common health problem for homeless adults (Fischer and Breakey, 1991; Institute of Medicine, 1998). While estimates of prevalence of alcohol use among homeless persons vary, they are consistently more than twice those of the general

domiciled population at any one point in time (Fischer, 1991). Additionally, there is an over-representation of homeless adults among clients of public alcohol treatment programs (Speigman, 1989).

A substantial portion of homeless persons with either mental or substance abuse disorders are U.S. Veterans. Research indicates that 40% of homeless adult males have served in the armed forces, compared to 34% of the general adult male population (Rosenheck, 1996). The U.S. Conference of Mayors survey (1998) found that 22% of the urban homeless population were veterans.

Other demographic commonalities of homeless persons include isolation from social support networks (Belcher, 1998; and Walsh and Bricout, 1996), tendencies toward depression (Feital, Chamas, and Lipman, 1992; Kufeldt and Nimmo, 1987; and Whitbeck, Hoyt, and Ackley, 1997), poor general health (Bunston and Breton, 1990; Northern California Council for the Community, 1998; Wojtusik and White, 1997), extreme poverty (Lubrin, 1990), and chronic interpersonal challenges (Fischer, Shapiro, Breakey, Anthony, and Kramer, 1986). Experiencing any one of these conditions singularly, or living with the cumulative effects of two or more of them, results in increased vulnerability to victimization.

Current Literature and Past Research Indications

Prevalence of Crimes Against Homeless Persons. Homelessness is not a new phenomenon (Hopper and Hamberg, 1986; Momeni, 1989); it has been researched widely with respect to its nature and prevalence. However, very few studies have investigated the frequency and type of criminal activities that often accompany the experience of being homeless. Moreover, the studies that have focused on homeless victimization were conducted in varying locations across the country and provide conflicting evidence about the relationship between homelessness and crime.

There are relatively few but longstanding findings suggesting that sociodemographic characteristics associated with homeless persons causes them to view criminal activity as a viable means of survival (Benda 1979; Glueck and Glueck, 1937, 1943; Johnson, 1987; Toch, 1969; Wooten, 1959). The overriding thesis of these studies is that current afflictions among homeless persons are related to a history of problems and are not solely the result of being homeless (Bachrach, 1984).

Conversely, results of other studies have indicated a reversed causal relationship, meaning that street experience precipitates criminal activity by the individual as opposed to characteristics of the individual causing criminal activity in the streets. These findings illustrate the opportunity model of predatory victimization (Cohen and Felson, 1979; and Cohen, Kluegel, and Land, 1981), which suggests that certain ecological conditions (the presence of motivated offenders, suitable targets, and the absence of capable guardians) increase the likelihood of victimization (Sampson, 1985; Stafford and Galle, 1984).

Because the perception among homeless adults is that there are few legitimate means of survival, subsistence strategies often involve deviant or risky behaviors such as panhandling, shoplifting, selling drugs, theft, or selling sexual acts (Hersch, 1988; Janus, McCormack, Burgess, and Hartman, 1987; Simons and Whitbeck, 1991). For homeless youth, spending time on the streets increases the risk of victimization by increasing the likelihood of affiliation with defiant peers who may serve both to socialize antisocial behaviors and to directly exploit one another (Whitbeck and Simons, 1990). The general theory here is that the very nature of the homeless experience fosters involvement in deviant subsistence strategies (Hagan and McCarthy, 1992, 1997; Whitbeck and Simmons, 1990; Whitbeck, Hoyt, and Ackley, 1997).

Several theories have emerged attempting to explain the causal effect of homelessness on victimization. The routine activity theory (convergence of time and place, motivated offenders, suitable targets and absence of guardianship; Cohen and Felson, 1979), lifestyle theory (variation in victimization patterns as a function of differing levels of exposure to criminal opportunities; Hindelang, Gottfredson, and Garofalo, 1978), and structural-choice theory (a synthesis of the routine activity and lifestyle theories; Miethe and Meier, 1990) have been applied to the study of victimization, with emphasis on causal influences. With minor variation across these three perspectives, higher rates of victimization have been associated with proximity to potential offenders, exposure to high risk situations, target attractiveness of the potential victim, and low levels of guardianship (Miethe and Meier, 1990).

Two consistent findings across homeless victimization studies indicate that homeless persons tend to be victimized more than the general domiciled population (Cohen and Sokolovsky, 1986; D'Ercole and Struening, 1990) and tend to have disproportionately higher incarceration rates relative to persons with housing (Rossi, 1989; and Momeni, 1989).

For example, in a comparative analysis of arrest rates for homeless and non-homeless males in Austin, Texas, Snow, Baker, and Anderson (1989) provide evidence of higher arrest rates for the homeless. Specifically, the report shows that homeless males had significantly higher rates of arrest for car theft, burglary, petty theft, trespassing, and substance-related offenses (but not for assault, murder, and rape) than non-homeless males. Similarly, Gelberg, Lin, and Leake (1988) reported a disproportionate arrest and conviction rate for 529 homeless adults interviewed in Los Angeles. In a survey of

mission users in Eastern Baltimore, Fischer, Shapiro, Breakey, Anthony, and Kramer (1986) found that homeless adult males were more than twice as likely to have been arrested (58%) than domiciled men (24%), were more likely to have experienced multiple arrests (97% vs. 38%), and were more likely to report felony convictions (16% vs. 5%).

Preventing and Reporting Crimes Against Homeless Persons. The goal of preventing crimes committed against homeless persons is to make various types of offenses more difficult to commit (situational prevention; targeting the situation and location of the crime) and to reduce the supply of motivated offenders (social prevention; targeting the offender and risk factors associated with offending). As has been the case with homeless victimization in general, there is a dearth of research on the prevention and reporting of crimes committed against homeless persons (Whitbeck and Simons, 1990). Consequently, empirical evidence for the situational and social factors specific to the homeless community are unknown and therefore not reported, measured, and analyzed.

Programs throughout various municipalities in the state of California, while not expressly stating crime prevention as their goal, have served to effectively target both the situational and social aspects of crime prevention in the homeless community. For example, the Matrix program, implemented in San Francisco in 1993, was a joint effort between law enforcement officers and the city's social service workers to restore order and to help get homeless persons off the street.

The program dictated enforcement of existing ordinances covering such offenses as public inebriation, public urination and defecation, trespassing, street sales of narcotics, dumping of refuse, graffiti, camping and lodging in public parks, and obstructing walkways. The Matrix program also provided social service outreach to

homeless persons. While not without criticism, the program has served to decrease the number of persons living on the street and consequently the number of complaints from domiciled San Franciscans, business owners, and tourists.

State homeless programs, the objectives of which mirror those governed by cities, are multidisciplinary efforts administered by several state departments including the Departments of Aging, Alcohol and Drug Programs, Economic Opportunity, Education, General Services, Health Services, Housing and Community Development, Mental Health, Veteran Affairs, Social Services, Employment Development, and the Office of Criminal Justice Planning.

Apprehending and Prosecuting Perpetrators of Crimes Against Homeless Persons. Apprehension efforts by law enforcement for those crimes that are not prevented, and subsequent prosecutorial efforts, are hampered by low reporting rates, irrespective of the victim's housing status. The absence of a standardized and centralized reporting system for homeless victims makes it difficult, if not insurmountable, to analyze the distribution of victimization and to explore factors that impact reporting rates for homeless victimization across California cities. Where attempts have been made to classify crimes that have been reported, findings support the idea that the pattern of victimizations among homeless populations tends towards misdemeanor offenses resulting in jail stays (Fischer, 1988; Snow *et al.*, 1988).

Hate Crime. As defined in California Penal Code §13023, a hate crime is any criminal act or attempted criminal act motivated by hatred based on race, ethnicity, religion, gender, sexual orientation, or disability. Aspects of these crimes currently reported to the Department of Justice by all California Law Enforcement Agencies include bias motivation, type of crime, location of crime, number of victims, and number of known alleged perpetrators.

Hate crimes are typically called bias-motivated crimes (of violence and/or intimidation), referring to the bias of the perpetrator against the victim's real or perceived affiliation or circumstance. A requisite for legislatively including a class of citizens as a protected group is the ability to prove bias-motivation.

Federal hate crime legislation has existed in broad form since the Civil Rights Act of 1964, which designated racial, religious, and nationality groups as protected classes. Subsequent expansions have occurred to include sexual orientation, gender, and disability.

There have been efforts on the part of advocates of homeless persons, both at the state and federal level, to include housing status as a

hate crime category. In California in 1994, AB 2521, which sought to include homeless people and immigration status among protected groups, passed both houses of the California legislature but was not signed into law.

For the past several years, an advocate group for homeless persons (National Coalition for Homeless Persons) has reported statistics on crime motivated by the victim's housing status (based on data from news reports and homeless shelters) from around the country. Based on this report, there were approximately 78 reported anti-homeless crimes committed against homeless persons in the U.S. in 2001, five of which were reported to have occurred in California.

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