Mrs. Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

Sent via email to: urgent-action@ohchr.org

Ref. Urgent Appeal regarding the continued attempts to criminally prosecute Mr. Steve Richardson of Los Angeles, California, USA

Dear Mrs. Sekaggya:

We are writing to you on behalf of Mr. Steve Richardson, a Black male resident of Los Angeles, California to request that you investigate the recent persecution and pending threats directed at Mr. Richardson. Mr. Richardson has been actively working to promote and defend human rights in the Skid Row community of Los Angeles for the past five years.

We urge you to investigate the allegations that authorities in the United States acted in violation of Mr. Richardson's fundamental rights and that you raise your concerns with the US government. We hope that you can both protect the basic rights of Mr. Richardson and help ensure that the right to defend human rights in the US is respected.

Background

Los Angeles is facing some of the most dire consequences of the U.S. housing crisis. Nowhere is this more evident than in the Skid Row community of downtown Los Angeles. Skid Row is home to about 15,000 extremely low-income residents, of whom roughly 1/3 are homeless. Another 40-45 percent live in rental housing covered by the City's Rent Stabilization Ordinance (RSO), one of the only City laws in place to protect low-income tenants relying on the private market for adequate housing. The remainder live in units assisted by social housing programs, mostly through project-based government subsidies.

Instead of focusing on housing solutions such as expanding rent-stabilized or subsidized housing, the City of Los Angeles' primary response to the homeless crisis in Skid Row has been intensified policing through the so-called Safer Cities Initiative. Since September 2006, between 50 and 100 additional Los Angeles Police Department (LAPD) officers have been assigned to the 50-square blocks that comprise the core of the Skid Row community, which, notably, abuts a fashionable area of LA that the City is trying to redevelop. In its first three years of existence, Safer Cities led to 27,000 arrests, many for actions needed for survival (sitting on the sidewalk, public urination, etc.), and cost taxpayers \$118 million, of which about \$5 million was spent to enforce jaywalking alone. In fact, the City is spending in excess of \$6 million per year of general fund revenue solely for the salaries of the 50 permanently-assigned officers, while spending only \$5.7 million for emergency housing, services, and permanent housing in the remaining 464 square miles of the City.¹

¹ Testimony of Gary Blasi, UCLA Professor of Law, University of California, Los Angeles, to State Legislators in Sacramento, CA (July 18, 2007).

The City of Los Angeles began a review of the RSO in early 2009. Housing rights organizations comprised of impacted low-income and homeless people have been involved in the process from the beginning, working to ensure that reforms to the RSO that provide stronger protections for tenants are enacted as the housing crisis escalates in Los Angeles and throughout the country.

International Response

A number of United Nations human rights monitoring bodies have assessed the US Government's response to the hardships facing Skid Row residents in light of the government's human rights obligations, including:

The **UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance**, Doudou Diène, in May 2009, brought special attention to the Skid Row area of Los Angeles, where African Americans comprise more than 70 percent of the homeless population and where law enforcement officers are increasingly arresting homeless and low-income persons for minor violations. His report said racial disparities in enforcement result in a "disproportionately high number of African-American homeless persons [taken into] the criminal justice system."

The **UN Special Rapporteur on the Right to Adequate Housing**, Raquel Rolnik, filed a report in February 2010 based on her fact-finding mission to the US in October 2009, which included a walking tour of the Skid Row community. She asserted that "Homeless people need access to affordable housing; the lack of it is the main cause of homelessness. Many cities that do not provide enough affordable housing and shelters are resorting to the criminal justice system to punish people living on the streets."

Attack on Emerging Human Rights Defenders

As the severity of the human rights crisis intensified in Skid Row when the Safer Cities policing was launched in 2006, the Los Angeles Community Action Network's (LA CAN) organizing has inspired the emergence of a range of human rights defenders, including Mr. Steve Richardson. LA CAN is a not-for-profit social organization that is comprised of and operated by low-income and homeless residents in Los Angeles, primarily from the Skid Row community.

Mr. Richardson, an African-American male, has lived in the Skid Row community numerous times throughout his life and, recently, has continuously resided in the community for the past 8 years. His father also lives in the community and, therefore, he has considered it home for the majority of his life. Mr. Richardson has experienced homelessness, incarceration, and has faced many other similar life experiences that disproportionately impact Black men in the United States and in the Skid Row community specifically. For these and other reasons, Mr. Richardson has become a visible leader in efforts to improve the Skid Row community and end human rights violations.

For the past five years, Mr. Richardson has been an active member and community organizer for LA CAN, assuming visible leadership in the organization's human and civil rights programs. In his roles with LA CAN, among other duties, Mr. Richardson leads LA CAN's CommunityWatch program, which trains local residents to document and monitor, within their communities, human rights violations by the

LAPD. Mr. Richardson leads CommunityWatch teams in the Skid Row community between 2 and 5 times per week and carries a video camera at all other times. Mr. Richardson is also active on LA CAN's housing rights team and often participates in delegation visits and public testimony in front of elected officials on housing issues. He has recently been very active in public hearings and actions to promote strong reforms to the RSO.

LA CAN, as an organization, and Mr. Richardson, as an individual, are well-known to City officials and the LAPD due to their persistent and visible advocacy to increase housing rights and prevent civil and human rights violations by the police as a consequence of the LAPD's oversaturation of the Skid Row community under the Safer Cities Initiative. Specifically, Mr. Richardson is known as a leader in this work by both face and name to Skid Row's City Councilmember Jan Perry, Mayor Villaraigosa, Chief of Police Charlie Beck, LAPD Commanders Andy Smith and Blake Chow, LAPD Central Division Captain Chamberlain, and numerous police officers and other city officials.

LA CAN's CommunityWatch teams and, specifically Mr. Richardson, are responsible for releasing crucial video evidence of human rights violations by the LAPD. In many cases, this has resulted in discipline taken against individual officers, as well as public embarrassment of the Department in the media. Additionally, the evidence has been used in civil rights lawsuits against the LAPD. Through LA CAN's human rights organizing and monitoring, many LAPD tactics have been forced to change, yet many violations continue. There is clear and blatant animosity expressed toward LA CAN by LAPD officers in public meetings, on their blog, and in other arenas. Mr. Richardson, or "General Dogon" as he is commonly known in the neighborhood, is the LA CAN member most targeted in degrading or retaliatory comments by LAPD officers.

In the 1990s, Mr. Richardson was convicted of a series of robberies. None involved any violence; the source of the crimes was related to his active drug addiction and need for quick cash. Mr. Richardson served more than 10 years in state prison for these crimes. During the time of his incarceration, the State of California enacted its "3-Strikes" law which requires anyone convicted of three serious felonies to serve 25 years to life in prison. Since Mr. Richardson served time for more than two serious felonies prior to this law, he now faces the risk of a third strike charge and related penalty for any serious felony (the definition of which leaves significant discretion to arresting officers and charging prosecutors). This information is well-known to LAPD Central Division officers.

In March 2008, Mr. Richardson was arrested while performing CommunityWatch duties. Although the teams are usually on foot, on this occasion the team was in a car to cover more ground. The car was stopped by LAPD using "felony stop" procedures, which include guns drawn, numerous patrol cars, and removing the driver and passenger individually. The three team members were handcuffed, forcefully thrown against a brick wall, and searched. Additional force was used against Mr. Richardson and one other person. Mr. Richardson was arrested, the other two were released. Mr. Richardson was ultimately charged with a felony, resisting arrest, which was a third strike charge. An officer claimed that Mr. Richardson twisted his finger while he was handcuffed, and therefore the charge was justified. After pleading not guilty and enduring eight months of the criminal justice system, the case was dismissed in November 2008. The City has the right to re-file the charges for up to three years after the

dismissal; therefore the potential impacts of this unjust arrest and the fear of retaliation remain a serious issue.

In May 2010, Mr. Richardson was part of a group of more than 300 housing rights defenders present in the Los Angeles City Council Chambers. The City Council was due to vote on a much-needed rent freeze for RSO tenants, who face a minimum 3 percent rent increase yearly, in the midst of the worst economic crisis in the past several decades. When the Council narrowly voted to return the measure to Committee, effectively killing the rent freeze for the fiscal year starting July 1st, 2010, low-income residents and their supporters began chanting their opposition. The Council responded by deploying dozens of police officers into Council Chambers to forcibly remove seniors, veterans, mothers with children, people with disabilities, and others who were exercising their rights to participate in public processes.

Of the 300 people present during this session, three were arrested. All were LA CAN members, although more than 10 other organizations identifiable by their colored tee-shirts were present in Chambers. One of the arrestees was Steve Richardson. LAPD officers used significant force with Mr. Richardson, pushing, kicking, hitting and kneeing him. Again, he was charged with a felony for resisting arrest; again, he faced the third strike charge and 25 years to life in prison. This time, however, when he attended his arraignment, the District Attorney rejected the charges. He was told the charge would be reduced to a misdemeanor and was given a new arraignment date in a different court. When he attended the second arraignment, the City Attorney rejected the charges. Although, again, officials could still decide to re-file charges, for the time being the pressures and fears were reduced.

In response to the Council's action to unfairly raise rents and the use of police violence against housing rights defenders, LA CAN and other not-for-profit social organizations continued to publicly demand action and accountability from the LA City Council. In August 2010, Mr. Richardson was one of the residents who testified in front of the Council. He provided testimony about his LA City Commendation Award for completing a violence prevention program—the program was designed to give residents, members of social organizations, and law-enforcement the tools necessary to reduce the incidence of violence—and talked about how he had turned his life around since serving time for his past offenses. He then returned the award to the Council, stating that it wasn't worth the paper it was printed on since the City had acted so violently against him and hundreds of others on May 21st.

Approximately one week later, Mr. Richardson received a letter stating the City Attorney had filed misdemeanor charges against him due to the original allegations and arrest on May 21st, 2010. He recently pled not-guilty and pre-trial proceedings have begun. The next pre-trial dates are December 6 and December 15, 2010. Although he does not face a 25 years to life sentence because of the current refusal of the District Attorney to file felony charges, he is potentially facing as much as 3 years incarceration on the misdemeanor charges. The continued use of the criminal justice system to target and retaliate against Mr. Richardson's efforts to promote human rights creates undue stress and burden on him, his friends and human rights colleagues at LA CAN, while also sending a clear message to other existing and potential human rights defenders.

Abusive Police Actions Pose Constant Threat

Mr. Richardson's case is an example of the almost constant threat of retaliation from the Los Angeles Police Department and City prosecutors faced by those speaking out in defense of human rights. During the past month, more than 45 human rights defenders working on housing rights, immigrant rights workers' rights, and transportation rights have faced criminal charges. The City Attorney has released numerous press releases to highlight his attempts to crack down on "protesters."

Mr. Richardson's case is even more extreme due to his past criminal convictions, which is commonly-known information to many police officers and other City officials. Mr. Richardson is at risk of serving 25 years to life in prison for his ongoing work as a human rights defender. In both of the abovementioned instances of arrest, while in the process of documenting or protesting human rights violations as an identifiable member of a larger group, Mr. Richardson has been the only person charged with felonies.

Too often, local authorities are exercising their expansive discretion in ways that target and discriminate against vocal human rights defenders. This has been especially true in the Skid Row community, where human rights violations in the form of homelessness, racially disparate criminalization, and unjust policing are more common than any other community in Los Angeles.

International Protection of Human Rights Defenders

The Declaration on Human Rights Defenders sets out the obligations of the state with regards to human rights defenders. In particular, pursuant to article 12 of the Declaration, states have the obligation to "take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration."

Petition

The circumstances described concerning the arrest, prosecution and ongoing threats by US authorities on Mr. Richardson raise urgent concerns about imminent and continuing violations of internationally protected rights to freedom from threats, retaliatory and arbitrary action against human rights defenders and rights of minorities, among others.

We therefore request that you investigate this matter and communicate your concerns to the US Government.

Please contact us should you require additional information.

This letter is submitted by:

Los Angeles Community Action Network; Los Angeles, CA National and Economic Social Rights Initiative; New York, NY Picture the Homeless; New York, NY Mayday New Orleans; New Orleans, LA

Chicago Anti-Eviction Campaign; Chicago, IL

Northeast Pennsylvania Organizing Center; Wilkes-Barre, PA

Campaign to Restore National Housing Rights; representing multiple regions and states

Main contact for signatories:

Becky Dennison
Co-Director, Los Angeles Community Action Network
beckyd@cangress.org
530 S. Main Street
Los Angeles, CA 90013, U.S.A.
(213) 228-0024