

Hate Crimes against the Homeless

The Brutality of Violence Unveiled

December 2012



Unidentified Human Remains, BM, Cause of Death: Blunt Force Trauma 2012 Photo by NCH



A Report From
National Coalition for the Homeless



A Report From **National Coalition for the Homeless**

www.nationalhomeless.org

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A Report From
National Coalition for the Homeless

The National Coalition for the Homeless

The National Coalition for the Homeless (NCH), founded in 1982, works to bring about the social change necessary to prevent and end homelessness, as well as to protect the rights of people affected by this issue. NCH achieves this by engaging our membership in policy advocacy, capacity building, and sharing solutions to homelessness with the greater community. NCH is a national network of people who are currently and formerly homeless, activists and advocates, service providers, and others committed to ending homelessness. NCH is committed to creating the systemic and attitudinal changes necessary to prevent and mitigate homelessness; but also, in working to meet the immediate needs of people who are currently experiencing it.

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A Report From
National Coalition for the Homeless

Hate Crimes against the Homeless

The Brutality of Homeless Unveiled

Report Contents

Dedication	9	Beatings	37
Introduction	10	Harassment	44
Executive Summary	11	Multi-Media	44
Purpose Statement	12	Multi-Media Exploitation	46
Methodology	12	Violence/Hatred A Risky	
History of Hate Crimes	13	Combination by Brian Levin	47
Where Hate Crimes Occur	15	Legislation	48
Profile of Homeless Victim	18	Resource Guide	54
Profile of Accused/Convicted	18	Model Legislation	65
Case Descriptions	18	Recommendations	69
Deaths	19	Conclusion	70
Non-Lethal	28	Appendix A: Sources	71
Rape/ Sexual Assault	28	Appendix B: Location of Cases	90
Fire-Related Attacks	30	Appendix C: H.R. 3528	91
Police Brutality	30	Appendix D: H.R. 3419/S. 1765	92
Deadly Weapons	32	Appendix E: Flyer and Video	93
		Appendix F: Essay on K. Thomas	94

Dedication

**The National Coalition for the Homeless
dedicates this report to the thousands of
homeless men, women and children
whose lives were changed by violence and hatred.**

**To those who have died,
may they rest in peace.
To those who continue to live among us,
may their wounds begin to heal
and their pains lessen.**

**And may we, as a nation,
work toward rejecting hatred and eradicating
*The Brutality of Violence Unveiled.***



Introduction

Hate the Sin, Love the Sinner.

In order to remain free of the toxins which accompany more than a decade of researching hate crimes against the homeless, the National Coalition for the Homeless works to recognize the fundamental humanity of both the victims and perpetrators of hate crime. We recognize the need to understand and report on the consequences of criminal acts of hate, as well as the motivations which lie beneath.

The National Coalition for the Homeless challenges Americans to adopt a similar resolution for the New Year, as a means of ending bias motivated crimes. A hate crime occurs when a perpetrator targets a victim because of his or her perceived membership in a certain social group. The unique identity of the victim can be secondary, but most often is simply unknown.

The path to purging America of hate crimes lies in our collective ability to acknowledge one another as unique individuals. When we know each other, this very knowledge strips us of any ability to generalize a bias upon another.

In 2011, the United States not only saw an increase in hate motivated lethal deaths, but a rise in those crimes as serial murders. An equally alarming trend was the rate of violent and lethal acts committed by juveniles, some as young as thirteen. This devolution in hate crimes speaks to the nature of the relationship between the victim, the criminal and the crime. Like never before, we are seeing individuals strike out with unbridled malice towards an individual or individuals of their own mind's making.

Healthy reasonable individuals can quickly determine that a person, whose sole identifying characteristic is a lack of a home, does not deserve to be detested. In such cases, only a disturbed mind is capable of applying such an intense passion of dislike, as to act upon his biased feelings towards another. These acts deserve to be condemned and the motivation for such bias must be labeled for what it is, *A Hate Crime* in both action and in law.

The initial work of ending bias motivated crime must start by separating the act of hate from the hater. We face two tasks demanding equal attention, certainty and force. We must define the victims of these crimes as needing the same protections as other social groups currently protected by law. We also must choose to believe that the perpetrators, though often responsible and accountable for their actions, are unique from hate itself. We as a country will benefit immeasurably from this understanding and this compassion. It is only through understanding and compassion that we can find the strength and resolve to educate the ignorant, treat the mentally ill, and *Hate the sin, love the sinner.*

Neil J. Donovan
Executive Director
National Coalition for the Homeless

Executive Summary

In the past thirteen years (1999-2011), the National Coalition for the Homeless (NCH) has documented one thousand, two hundred and eighty-nine acts of violence against homeless individuals by housed perpetrators. These crimes are believed to be motivated by the perpetrators' bias against homeless individuals or their ability to target homeless people with relative ease. The documented violence includes everything from murder to beatings, rapes, and setting people on fire. *Hate Crimes against the Homeless: The Brutality Unveiled* is the thirteenth annual report documenting violence against homeless persons.

The violence continues, and with thirty-two known deaths, 2011 ranks in the top-five deadliest years for attacks on homeless people over the past thirteen years, and with one hundred and five attacks, ranks as the sixth most violent year since NCH began tracking the violence in 1999. NCH has found startling data in the number and severity of attacks. However, the reports also acknowledge that since the homeless community is treated so poorly in our society, many more attacks go unreported. Hate crimes against the homeless community is a growing wave in need of public attention.

- 1,289 reported acts of bias motivated violence have been committed against homeless individuals between 1999-2011.
- 339 homeless individuals lost their lives as a result of the attacks
- Reported violence has occurred in 47 states, Puerto Rico, and Washington, DC

Our data also suggests that the perpetrators of these attacks tend to be young men and teenage boys. In the thirteen year history of our hate crime reports, the vast majority of the attacks against homeless people have been committed by youth and young adults. In 2011:

- 72% percent of the attacks were committed by people under thirty years of age
- 97% percent of perpetrators were men
- 30% of the attacks ended in death

Hate Crimes against the Homeless: The Brutality Unveiled documents the known cases of violence against homeless individuals by housed individuals in 2011. The report includes descriptions of the cases, current and pending legislation that would help protect homeless people, and recommendations for advocates to help prevent violence against homeless individuals.

Purpose Statement

The main objective of this report is to educate lawmakers, advocates, and the general public about the problem of hate crimes and violence against homeless people in order to instigate change and ensure protection of civil rights for everyone, regardless of their economic circumstances or housing status. As part of its mission, the NCH is committed to creating the systemic and attitudinal changes necessary to end homelessness. A major component of these changes must include the societal guarantee of safety and protection, as well as a commitment by lawmakers to combat hate crimes and violent acts against people who experience homelessness.

Methodology

The data on violent acts committed against homeless population was gathered from a variety of sources. A number of narratives were taken from published news reports (national and local). Information was also provided by homeless advocates and service providers across the country dedicated to raising awareness about violence against homeless individuals. Lastly, this report relied on the voices of homeless persons and formerly homeless people, who self-reported incidents they had experienced first-hand.

Upon receipt of each incident, a rigorous fact-checking process was completed to evaluate and verify accuracy. This process entailed multiple follow-ups with those closely involved with the incident. Cross comparisons were also made with other news sources reporting the incident.

While we could not always identify the motive for each attack based on our sources of information, some of these violent acts were perpetrated due to a bias against the victim that emerged from his or her homeless status. Other attacks may have been committed merely because the homeless person, due to the nature of homelessness, was in a vulnerable position that turned him or her into an easy target. Only attacks committed by housed individuals against the homeless population were evaluated. Crimes committed by homeless people against other homeless persons were excluded from this report.

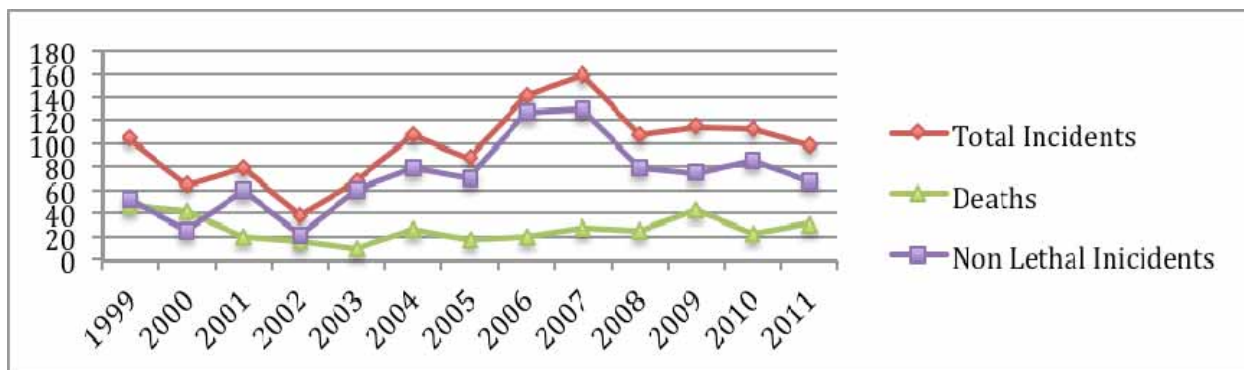
Although the NCH has made every effort to verify the facts regarding each incident included in this report, sometimes new information about cases sometimes becomes available after its publication. For this reason, the NCH constantly researches and reviews all facts related to the included data. As additional evidence emerges about prior, new, or previously unknown cases, it is the policy of NCH to adjust tabulations based on the new information

History of Hate Crimes against the Homeless

A hate crime is defined by the U.S. Department of Justice’s Federal Bureau of Investigation (FBI) as a “criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender’s bias”¹. Although the FBI does not currently recognize a protected status for the homeless population, the NCH, during the past thirteen years, recorded one thousand two hundred and eighty-nine incidents of crimes committed against homeless individuals due to housed offender’s bias of victims’ housing status. In 2011 alone, of the one hundred and five attacks, thirty-two resulted in deaths. While this report provides alarming numbers, it is important to note that homeless people are treated so poorly by society that their attacks are often forgotten or unreported.

In our country, hate crimes are committed against a group of vulnerable people who are at constant risk because they live in public spaces. Many of our communities do not have adequate, affordable housing or shelter space to meet their needs. According to the U.S. Department of Housing and Urban Development, on any given night, over 649, 917 people are homeless, and forty percent of the homeless population is unsheltered.²

Hate Crimes 1999- 2011



This graph shows that violence against the homeless population by housed individuals is an alarming trend that, even though has slightly decreased, does not show intentions of disappearing. There were thirty-two deaths in 2011 compared to the twenty-four deaths in 2010. This reality worsens if it is considered that many violent acts against homeless populations go unreported, so the true number of incidents is likely to be much higher. This graph also illustrates the number of attacks that led to death has increased since 2010. Therefore, if both this scenario, and the fact that violent incidents have decreased are taken into account, a dramatic conclusion arises: violent acts have become more lethal through time.

¹ U.S. Department of Justice Federal Bureau of Investigation. “Hate Crime” http://www.fbi.gov/uct/cius_04/offenses_reported/hate_crime/index.html

² Office of Planning and Development, U.S. Department of Housing and Urban Development. *The 2010 Annual Homeless Assessment Report to Congress*. June 2011.

Comparison of FBI Defined Hate Crime Homicides v. Fatal Attacks on Homeless³

YEAR	Homicides Classified as Hate Crimes (FBI Data)	Fatal Attacks on Homeless Individuals (NCH Data)
1999	17 (9 racially, 2 religiously, 3 sexual orientation, 3 ethnically motivated)	49
2000	19 (10 racially, 1 religiously, 2 sexual orientation, 6 ethnically motivated)	43
2001	10 (4 racially, 1 sexual orientation, 5 ethnically motivated)	18
2002	13 (4 racially, 3 religious, 4 sexual orientation, 2 ethnically motivated)	14*
2003	14 (5 racially, 6 sexual orientation, 2 ethnically, 1 anti-disability motivated)	8*
2004	5 (3 racially, 1 religiously, 1 sexual orientation motivated)	25
2005	6 (3 racially, 3 ethnically motivated)	13
2006	3 (3 racially motivated)	20
2007	9 (5 sexual orientation, 2 racially, 2 ethnicity motivated)	28
2008	7 (5 sexual orientation, 1 racially, 1 ethnically motivated)	22**
2009	8 (6 racially, 1 sexual orientation, 1 ethnically motivated)	43
2010	7 (1 racially, 3 religiously, 1 ethnically, 2 sexual orientation motivated)	24
2011	4 (1 racially, 3 sexual orientation)	32
13 Year Total	122	339

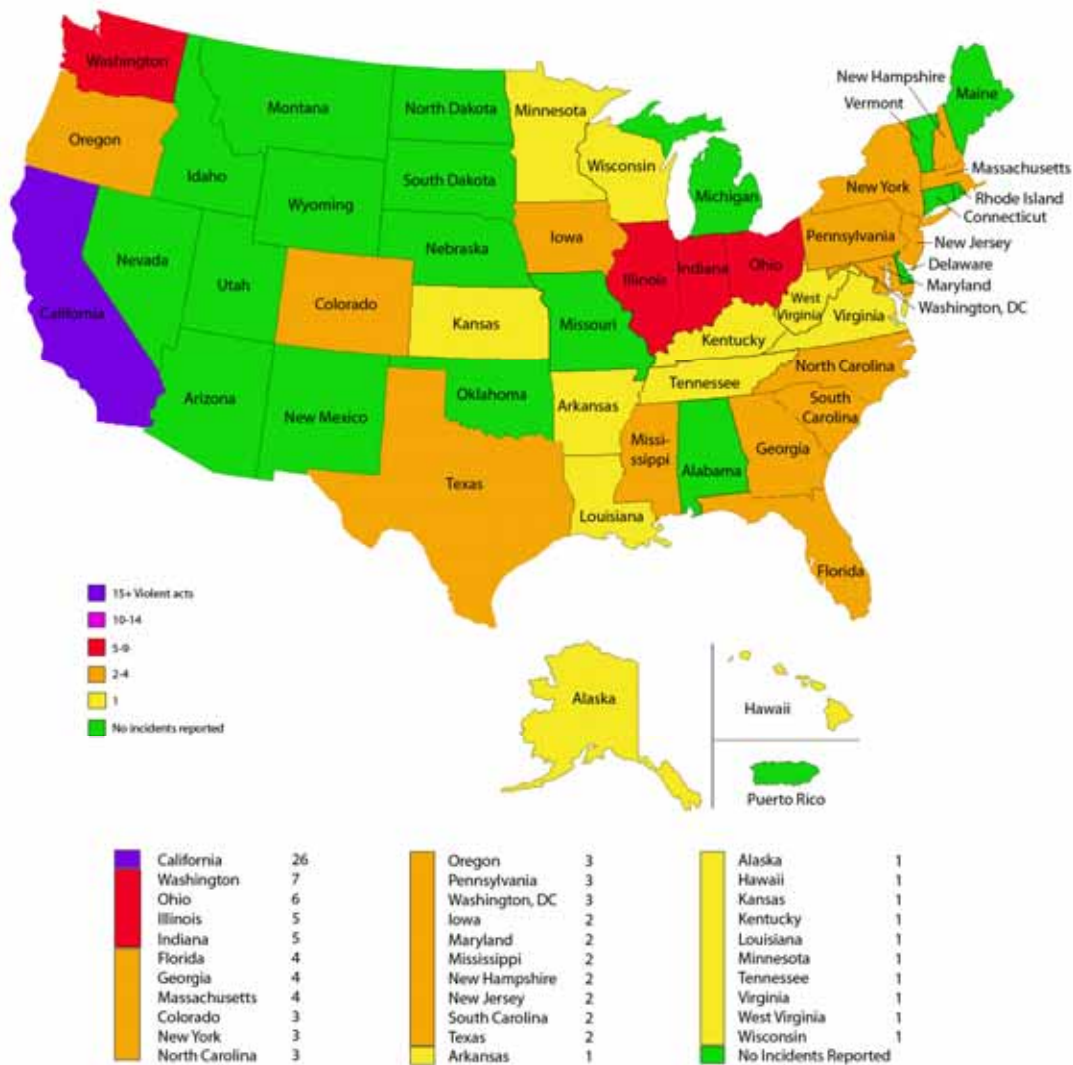
*Note: Upon receipt of further information, these numbers have been decreased by one.

**Note: Upon receipt of further information, these numbers have decreased by five.

Chart compiled by using data from the Center for the Study of Hate & Extremism (California State University, San Bernardino): Analysis of Data from the F.B.I. and the National Coalition for the Homeless.

The amount of deaths the NCH has registered is alarming when compared to the number of deaths determined to be hate crimes for all of the current protected classes. The table below shows that over the past thirteen years, there are almost triple the amount of homeless hate crime deaths than there are for all current protected classes combined.

Hate Crimes against the Homeless by State Reported Violence in 2011



In 2011, California reported the most hate crime attacks against homeless persons, compared to Florida which has seen a significant decrease in these attacks. Generally, the 2011 locations of hate crimes committed against homeless people mirror the previous years' figures for those locations.

Bias-motivated hate crimes committed against homeless people are not isolated issues occurring once or twice a year. Homeless hate crimes are a national issue spanning every corner of our country. Over the past thirteen years, the NCH has documented one thousand two hundred and eighty-nine violent acts against homeless people, with hundreds more going undocumented. The following map helps to illustrate where violence against the homeless occurs most frequently.

Hate Crimes against the Homeless by State 1999-2011



As you can see, Florida and California are the states where violence most affects the homeless population. At the NCH, we can only speculate that as the generally warm temperatures in these areas are conducive to outdoor living, homeless persons have more probabilities to interact with housed individuals, and as a result, to be attacked by these people. Generally, our data suggests that warmer year-round climates with higher concentrations of homeless individuals document more violent acts against the homeless.

Criminalizing the Homeless Community

There is a documented relationship between the appearance of criminalization of homelessness laws, and the increase of hate crimes or violent acts against homeless people. In order to prove this, Florida and California will be used as case studies. Lately, many cities in these two states have enacted severe anti-camping, panhandling, and anti-food sharing laws, as well as other homelessness criminalization regulations. A high number of cities that are mentioned in NCH's bi-annual criminalization of homelessness report are also the ones with the most elevated numbers of hate crimes against homeless people. In fact, four of the ten meanest cities identified in Homes Not Handcuffs were located in Florida and three were in California.³ The legislative scenario constitutes in one of the factors that explains why these two states hold the highest amounts of bias-motivated crimes against homeless individuals, far surpassing their closest competitors.

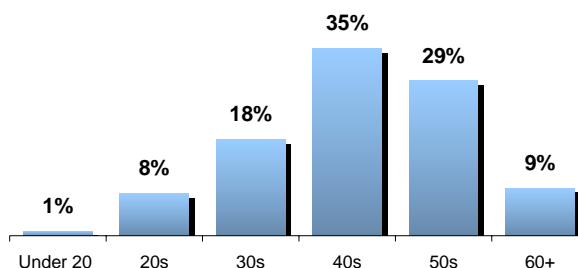
One possible explanation for this is the message that homelessness criminalizing sends to the general public: "Homeless people do not matter and are not worthy of living in our city." This message is blatant in the attitudes many cities have toward homeless people and can be used as an internal justification for attacking someone.

It is important to highlight that in 2011, hate crimes against homeless people significantly decreased in Florida due to the emergence of a new state-level legislation that incorporated homelessness into its hate crimes law. In 2010, twenty-one violent acts against the homeless were reported within this state, while the following year, only a total of four incidents were documented. This frame illustrates that in order to reduce violent acts against homeless population, it is imperative that states (specifically California) start directing their efforts toward the elaboration of legislation that include homelessness in their hate crime laws.

Profile of Homeless Victim

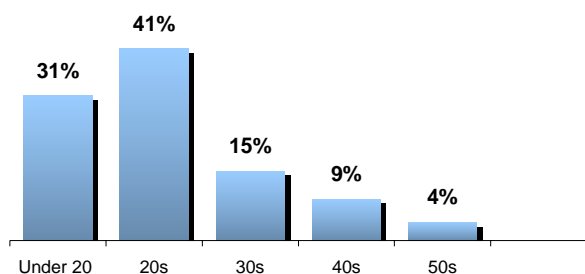
The most common victim of homeless hate crimes is a middle aged, homeless man. Between 1999 and 2011, on average, almost thirty-five percent of victims were between the ages of forty and fifty, and sixty-four percent of the victims are between the ages of forty and sixty. In 2011, the average age of homeless victims was forty-seven. Additionally, it is essential to mention that the majority (eighty-four percent) of victims were male.

Ages of Victims between 1999-2011



Profile of Homeless Victim Profile of the Accused/Convicted Perpetrators

Ages of 2011 Accused/Convicted Perpetrators



In contrast to the victim, the most common perpetrator of homeless hate crimes is a young man. In the past thirteen years, eighty percent of the perpetrators were under the age of thirty. In 2011, nearly half of the accused/convicted perpetrators were in their twenties. In fact, this year, the youngest known perpetrator in 2011 was just thirteen years old. In order to complete the perpetrator's profile, it is important to highlight that almost all (ninety-seven percent) perpetrators of homeless hate crimes in 2011 were male.

Cases in 2011

In 2011, the NCH identified that one hundred and five homeless people were directly affected by the one hundred and ninety-six perpetrators' attacks that were documented in this year. Of the one hundred and five victims, seventy-three were not fatally injured, while thirty-two lost their lives. Over the past thirteen years, more than one in four violent attacks on the homeless population resulted in death, and in 2011, thirty percent resulted in death.

Examples of 2011 headlines include:

- *Two Young Men Bludgeon a Homeless Man with a Tire Iron "Just for Fun"*
- *Homeless Woman Raped, Strangled and Set on Fire Homeless*
- *Police leave Homeless Man's Body Mangled*
- *Hearing Impaired Homeless Teen's Skull Bashed and Fractured as He Tried to Sleep behind a School*
- *Teenager Makes a Game of Knocking a Homeless Man Unconscious*

Case Descriptions: Deaths

Total Deaths: 32

Teenager Shoots Homeless Man Over a Radio

METAIRIE, LOUISIANA—March 29, 2011

Cody Smoot, 17, was charged with second-degree murder for shooting homeless man John L. Ferrell, 49, to death in a dispute over a radio. Ferrell was pronounced dead at the scene. Smoot was already serving a seven-year prison sentence for possession with intent to distribute when charged with the murder.

Selfless Homeless Man Beaten to Death by Five Youths

INDIANAPOLIS, INDIANA—April 22, 2011

In a particularly harrowing incident, 4 gang members, ages 19 to 26, were arrested in association with the death of homeless man, Stephen McGuire. A surveillance video captured the attack, during which four boys and a girl began kicking McGuire while he was sleeping. The perpetrators can be seen laughing as they kick and punch McGuire, who lies on the ground. Even after his death the group returned with three others to admire their work and poke at the body. McGuire was a Marine Corps veteran who had close connections to his community and his family. Though he could have lived with his family, he suffered from bipolar disorder and did not want to burden anyone, so he chose to live on the streets. James Crombaugh, one of the perpetrators, was sentenced to 50 years in prison, and another perpetrator, Jordan Strickland, was sentenced to 10 years in prison.

Man Beats Homeless Victim Outside of a Trailer

LACONIA, NEW HAMPSHIRE—May 2, 2011

A homeless man Leo LaPierre, 54, died at the hands of Jason Durgin, 37. LaPierre was given a place to stay in Durgin's downtown trailer. One night, however, Durgin beat LaPierre, kicking and punching him multiple times. The next morning, officials found the victim outside of the trailer in a coma with injuries to his head and bruises along his legs. He was transported by helicopter to the Dartmouth-Hitchcock medical center, where he was pronounced dead on May 10th due to irreversible head trauma. Dr. Jennifer Duval confirmed that his injuries were due to forced trauma to the head. Durgin was found guilty of negligent homicide and second-degree assault.

Homeless Man Stabbed in Broad Daylight

BOSTON, MASSACHUSETTS—May 15, 2011

Andrew Wyman, a 29-year-old homeless veteran, was stabbed to death by Darryl Mitchell, 24, in full view of several witnesses. After a verbal altercation between the two men, Mitchell pulled his car up to Wyman and stabbed him in the chest before speeding away. After Wyman died

from his injuries at the hospital, Mitchell turned himself over to the police and was charged with murder.

Elderly Homeless Man Beaten to Death by a Group of People

LOS ANGELES, CALIFORNIA–May 18, 2011

A 70-year-old homeless man was found dead by a Beverly Boulevard building in Historic Filipinotown. Eyewitness reports say that the man was beaten to death by a group of three males and one female. The woman was eventually arrested for murder, but the police are still searching for the three male suspects. The homeless people in the area were helpful in providing information that could lead to the arrests.

Homeless Man Beaten to Death

NASHUA, NEW HAMPSHIRE–May 30, 2011

Mark Vallee, 51, a homeless man and a beloved member of the Nashua community, was killed by Ricky Munster, 20. Munster punched, kicked, and beat the victim to death with a blunt object. Munster already had a criminal record. In one of his previous arrests, he told police that he “wanted to prove how tough he was.” He was charged second-degree murder. In Sept. of 2012, he was sentenced to 28-56 years in prison. Vallee was a valued member of the community; soup kitchen director Lisa Christie said that he “was the nicest guy in the world.” More than 250 people attended a memorial service for Vallee.

Homeless Man is Stabbed, Killed, and Robbed

WINSTON-SALEM, NORTH CAROLINA–June 6, 2011

Homeless man Paul Anthony Bowlin, 44, was walking in the early morning, when Derrick Bernard Watson, 40, was caught on surveillance camera running up behind him and attacking him. Bowlin tried to defend himself as he was being robbed, but Watson pulled out a knife and stabbed him in the chest, killing him. The surveillance camera then caught Watson, “walking nonchalantly away”. During an arrest for an unrelated charge, Watson was discovered to be the perpetrator of the murder. He was charged with robbery with a dangerous weapon and murder.

Surveillance Footage Captures the Shooting of a Homeless Man

CHAMBLEE, GEORGIA–June 22, 2011

Ramon Rojas, a 41-year-old homeless man, was shot in the head while sitting on the sidewalk with another homeless woman. A man walked up to the pair and after an argument, shot Rojas in the forehead. He attempted to shoot the woman next, but his handgun jammed, and the woman was able to escape. A surveillance camera captured the scene, and the police used it to corroborate the witness’ account of the shooting.

“When I first walked into the hospital, I look at what his mother describes as my son...I didn’t recognize him.”

-Ron Thomas speaking about his son’s condition after the attack

Gay Homeless Man Beaten to Death with a Rock

SAN DIEGO, CALIFORNIA–June 22, 2011

Jason Huggins, a 31-year-old homeless gay man, was viciously beaten with a rock, an attack that led to the brain injuries that caused his death two weeks later. Joshua Larson, 37, was arrested and charged with the murder. Huggins was very popular in San Diego. In fact, one of his friends, Justin Newman, said, “He was the person that, even though in the last six months he was homeless, he’d still give someone the shirt off his back.”

Young Man Turns Himself in after Murdering Homeless Woman

NEW YORK CITY, NEW YORK–June 29, 2011

A 20-year-old, Hector Garcia, turned himself into the police for killing a 57-year-old homeless woman, who people had heard screaming in the early morning when the attack took place. Unfortunately, she was unconscious with severe head trauma when the police found her. Garcia was charged for the murder.

Three Teenagers Beat Homeless Man to Death

CHICAGO, ILLINOIS–July 5, 2011

Scott Butvilas, a 32-year-old homeless man, was standing on a street corner when he was attacked by three men aged 16 to 19. He was beaten by the teens until he collapsed, after which they continued to punch and kick him before leaving the scene. Butvilas was taken to the hospital where he died from his injuries on July 12th. His death was ruled a homicide, and the police searched for the three suspects but have made no arrests.

Police Leave Homeless Man’s Body Mangled

FULLERTON, CALIFORNIA–July 5, 2011

Kelly Thomas was described as “a free spirit” by his younger sister Tina Kisner. “You couldn’t go anywhere without him knowing someone,” said childhood friend Eddie Florence. Unfortunately however, this 37-year-old homeless man was not liked by everyone. He died of brain injuries after 5 days in a coma following a brutal beating from six Fullerton police officers. Thomas’s injuries were so severe that his father, Ron Thomas, said, “When I first walked into the hospital, I looked at what his mother described as my son... I didn’t recognize him.” Medical records released by Thomas’ family indicate that he had a broken nose, a broken cheekbone, several broken ribs and severe internal bleeding. One witness “described seeing officers slamming Thomas’s face into the concrete after he was tied.” The coroner reported the cause of death as asphyxia due to chest compression when Thomas was being pinned.

Why did the police officers attack this innocent man? Jeremy Popoff, owner of the Slidebar Rock-N-Roll Kitchen, established a “no-homeless-people policy,” in which police were called every time a homeless person was found loitering outside of the restaurant. Because the cops

would often be delayed in their response to the calls, Popoff told Slidebar's manager, Jeanette DeMarco, to take all necessary measures to keep the homeless away at all times. The night of Thomas's death, DeMarco allegedly gave the police a false report, claiming that Thomas was breaking into cars alongside the street. Police officers then rushed to the scene. Interestingly, one of the bouncers told the manager she was wrong for lying, and consequently, the bouncer was fired for "insubordination" and "violating company policy." He has now filed a sixteen million dollar lawsuit against the restaurant for wrongful termination.

Three of the police officers involved in Thomas's death have been indicted by the Orange County District Attorney. Manuel Ramos, 37, was charged with second-degree murder and involuntary manslaughter and Jay Cicinelli, 39, was charged with involuntary manslaughter and excessive force. Both plead not guilty. Ramos is reported to have told Thomas that, "These fists are ready to f--- you up," as he snapped on latex gloves. Ramos and Cicinelli, along with one of the other police officers involved in the beating have ended their employment with the city. The brutality of the police behavior while arresting an unarmed, mentally ill man has sparked widespread outrage. Thomas' father has been active in mobilizing a community response saying, "We all recognize this as a hate crime against the homeless and the mentally ill." There have been weekly demonstrations drawing in hundreds of people, and three City Council recall elections have been initiated as a result of the incident.

A musician named Julian Porte sang a song in tribute to Kelly Thomas. A video of his performance can be found at the following link:

<http://www.youtube.com/watch?v=jUorquYMgC0>

*Please see Appendix F. for a reflection essay on the murder of Kelly Thomas by a formerly homeless Orange County (CA) resident.

Transgender Homeless Woman Gunned Down on the Street

WASHINGTON, DISTRICT OF COLUMBIA– July 20, 2011

Lashai Mclean, a 23-year-old transgender homeless woman, was shot and killed by two men near a shelter for gay and transgender young people. Friends like Domo Hardy remember Mclean as a very kind person. Hardy said, "She was the caring type. She cared about a lot of people, and she showed that." The police have brought the two men in for questioning but have not made any arrests.

Homeless Man Fatally Shot

SMYRNA, GEORGIA–July 26, 2011

Warren Broadnax, 55, was living in his car when he was shot and killed by Jelani A. Anthony, 35, and Eric N. Scales, 29. Broadnax was found in the parking lot of an apartment complex and taken to the hospital where he died. The police arrested the two attackers, and both were charged with murder.

Homeless Man Beaten to Death at a Bus Stop

LILIHA, HAWAII–August 5, 2011

Homeless man John Abiley, 64, was beaten to death by an unknown assailant in his 20s while sitting at a bus stop. The attacker was chased off when bystanders intervened, and Abiley was taken to the hospital where he died six days later. Abiley’s long white beard led many who saw him on a regular basis to fondly call him Santa Claus. He was also the father of 10 children, some of whom had tried to get Abiley off the streets, but because he became acclimated to his life, he refused. Despite this, his children accepted him for who he was and spoke out on the issue of homelessness. Jeremy Abiley, the victim’s son, said, “If they’re homeless, they still have the right to live just like any other human being.” Abiley’s daughter, Shannon Abiley, said to the perpetrator, “I am so upset. You guys took my father from me. He ain’t never bothered nobody.”

“I am so upset. You guys took my father from me. He ain’t never bothered nobody.”

-Shannon Abiley, daughter of John Abiley

Younger Man Hurls Fire Extinguisher at a Sleeping Homeless Veteran

ELGIN, ILLINOIS–August 11, 2011

Richard Gibbons, a 60-year-old homeless veteran, sustained severe abdominal injuries when Yancarlo Garcia, 23, and a few friends attacked him. Garcia dropped a fire extinguisher off of a five-story parking garage on Gibbons. Gibbons reportedly woke up to the sound of laughter seconds before the fire extinguisher hit him. The attack ruptured several of his organs and broke his pelvis, causing him to die three weeks later. Garcia was charged with murder after Gibbons passed away. The Elgin Police Chief said, “It’s particularly sad when someone decides to randomly harm another who posed no imminent threat to anyone.” The Elgin community responded to Gibbons’ death with an outpouring of support and quickly raised more than enough money for the family to cover the funeral costs. Gibbons’ children plan to use the extra money to buy winter supplies for homeless people excluded from shelters.

Homeless Man Strangled and Dumped on a Racetrack

TEXARKANA, ARKANSAS–August 13, 2011

The body of homeless man Shannon Watkins, 45, was found on a racetrack in Arkansas on August 13th. The coroner found that the cause of death was asphyxiation. The two people who dumped his body, 46-year-old Leslie Larcade and 37-year-old Chrystal Larcade, were charged with his murder.

Homeless Man Stripped Naked, then Shot and Left for Dead

MINNEAPOLIS, MINNESOTA–AUGUST 14, 2011

Michael McMillan, a 30-year-old homeless man, was shot to death by 3 attackers, Nisius McAllister, 39, Leondis McAllister, 25, and Justin Fineday, 21, who were charged with aggravated robbery and second-degree murder. The men knocked McMillan down and kicked him brutally before stripping him naked and shooting him in the torso. After McMillan was shot, the attackers fled, but then one of the men returned to shoot the victim in the head. Police discovered McMillan lying in an alley and rushed him to the hospital where he died on September 1st.

Homeless Woman Raped, Strangled and Set on Fire

PITTSBURGH, PENNSYLVANIA–August 28, 2011

The body of homeless woman Elaina Davis, 57, was found in a parking lot in Pittsburgh. A passerby noticed her body and reported it to the police. The police examined her body and determined that she had not been dead for long before she was found. Parts of her body had been severely burned, and it was determined that she had been strangled to death after being raped. Nathan Williams, 29, was later arrested and charged with her rape and murder. Police in the area tried to track down her whereabouts earlier that night to piece together the events. However, they stated, “There’s not a lot of information.”

Homeless Man Found Dead in the Street

ATLANTA, GEORGIA–September 9, 2011

A 61-year-old-homeless man, Stanley Craigwell, was found dead in the middle of the street in southwest Atlanta. His death was caused by a gunshot wound to the back and blunt force injury to the head. Police charged Donterius Cokley, 20, with murder and aggravated assault.

Teens Murder Homeless Man Over a Bicycle

STOCKTON, CALIFORNIA–September 9, 2011

Homeless man Francisco Menesses, 38, was shot multiple times in the torso by two teenage boys who wanted to steal his bicycle. His body was discovered by the police later that day. The 14-year-old and 15-year-old were arrested and charged with robbery and murder. Menesses was described as a loving father to his 10-year-old son Francisco Menesses Jr. Stockton police spokesman Pete Smith described the crime as “Shocking, even for a seasoned homicide detective.”

Teenager shoots four homeless people

SEATTLE, WASHINGTON—September 12, 2011

Say Sulin Keodara, 18, is accused of killing one homeless man, and injuring three others. The injured said that a car approached them when sitting at a bus shelter. Someone inside the car asked if they wanted to buy cocaine. Although the car left the scene, the three occupants returned to the shelter on foot. One of the men demanded that the victims hand over their money. When one victim tried fleeing the scene, Keodara allegedly began shooting. He is said to have shot Victor Parker, 54, in the leg and the forehead, killing Parker. He is also accused of injuring the other three victims, shooting a woman in the thigh and another man twice in the chest. Keodara has been charged with first-degree murder and first-degree assault. His trial was scheduled to take place August 30th, 2012.

Well-known Homeless Man Stabbed to Death

AUGUSTA, GEORGIA—September 13, 2011

Michael L. Coleman, a 54-year-old homeless man known as “Hey How’s it Goin’ Mike” to neighborhood residents, was stabbed repeatedly by 31-year-old Sean J. Mosley. Coleman died in the ambulance on the way to the hospital. Mosley was arrested the next day and has been charged with murder and possession of a knife in commission of a crime. Coleman will be remembered as a kind and generous man by those who knew him, including his friend Cameron Dyches. Dyches said, “He tried to help me out. I was homeless for a while, too, and Mike helped me get on my feet. He actually cared about me. Mike said, 'Here' and gave me a plate of food, gave me a few loaves of bread.”

Homeless Man Beaten to Death and Left on a Sidewalk

CHAMPAIGN, ILLINOIS—September 16, 2011

Russell Allen Stokes, a 54-year-old homeless man, was viciously beaten and left for dead. Police have identified Jermaine Davis, 36 as the attacker. Stokes’ body was discovered by the police on the sidewalk. The Champaign County Coroner determined he had died of brain and neck injuries sustained during the attack. Davis was arrested for aggravated battery. Another man, Constance Y. Chapple, 45, was arrested for obstructing justice because he tried to hinder Davis’s prosecution by destroying useful evidence.

NYPD Shoots Disabled Homeless Woman to Death

NEW YORK CITY, NEW YORK—October 1, 2011

Yvonne McNeal, a 57-year-old homeless woman who walked with a cane, was shot to death by two New York City police officers in front of her homeless shelter. McNeal was trying to re-enter the shelter where she lived when she was approached by the officers. The police had responded to a domestic disturbance call that was prompted by an argument she was having with her girlfriend over the phone. McNeal had two knives and when she refused to put them down, the police opened fire. She was pronounced dead at the hospital. Other residents of the shelter were stunned at the

“I feel that as homeless people, we don’t have a justice system.”

-A member of Queers for Economic Justice

nights' events, saying of McNeal, "She never bothered nobody. She never talked to nobody. She stayed all to herself, she'd speak and that was it. So I was surprised that it was her." Queers for Economic Justice held a march at Occupy Wall Street in McNeal's honor. The organization said the attack was unwarranted and non-lethal methods should have been used. "I feel that as homeless people, we don't have a justice system," said a member of the group.

Group Robs Older Homeless Man of Hard-Earned Money and Beats Him to Death

JACKSON, MISSISSIPPI–October 11, 2011

Kerry Prisock, a 50-year-old homeless man who lived in his van, was beaten to death and robbed. Three people have been arrested and charged for their role in the murder. Jonathan Keen, 28, has been charged with murder, while Nicole Sanderford, 31, and Willie Meyers, 22, were charged with armed carjacking, aggravated assault, and kidnapping. The group robbed Prisock of the money he had earned doing different construction jobs. They then beat him in the head with a blunt object before driving his van to a remote location and abandoning it. Ronnie McWilliams described Prisock, his friend and fellow painter, as "a real likeable guy. ...just down on his luck."

Homeless Man Found Dead After Sustaining Stab Wounds and a Slit Throat

REDDING, CALIFORNIA–November 5, 2011

Deklyn Bishop, 21, murdered Randy Gale, a 50-year-old homeless man. Bishop had a problem with the victim camping in the green belt area. Previous arguments had arisen between the two, but on the night of November 5, Bishop decided he had enough. He stabbed Gale multiple times and slit his throat. He then left the man's body on the street in a pool of blood. Police arrested Bishop, and he has been charged with murder.

Six Teens Charged in the Death of a Homeless Man

ROCKY MOUNT, NORTH CAROLINA–November 19, 2011

Juan De La Cruz, 67, was leaving a local convenience store when a group of young teens beat him after stealing beer from him. The attackers included three 16 year olds, Trekwan Dickens, Mikel Jones, and Xaviera Davis, two 14 year olds, and one 13 year old. An eyewitness called the police and said, "Some teens jumped on a man. They robbed him and beat him. He's beat up very bad. He's bleeding everywhere." De La Cruz was in critical condition for over a month and passed away in January. He was a regular at the convenience store, and those who knew him said he was a "polite, kindhearted man." An autopsy showed he died from blunt force trauma to the head. All six teenagers are being charged with first-degree murder

Homeless Woman Found Dead on Bike Path

EUGENE, OREGON–November 25, 2011

Dana Crippen, 50, a homeless woman who lived in Eugene, was well known for being friendly and an involved member of the homeless community. In January of 2011, Crippen was

interviewed for a news story about efforts to count the number of homeless people in Oregon. In the interview, she supported the project and said, “If I can fill out a form that helps tell the story of homelessness, I’m going to do it.” Crippen was found dead on a bike path early on the morning of November 25, 2011. A police officer was flagged down by a passerby who had discovered Crippen’s body. Investigators released the information that she died of “traumatic homicidal violence.” On December 9, 2011 authorities arrested Larry James Mullins Jr. and charged him with murder. Mullin’s alleged justification for the crime is unknown.

Serial Killer Targets the Homeless

ORANGE COUNTY, CALIFORNIA–December 20, December 27 & December 30, 2011

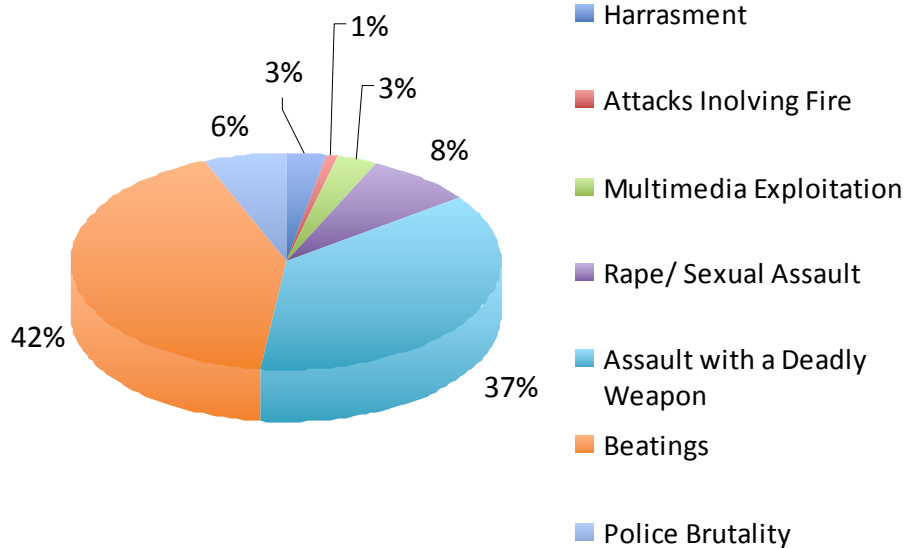
Over the span of a matter of days, four homeless men were killed in what appeared to be a serial killing spree. The first victim, James McGillivray, 53, was killed on the night of December 20, 2011. He was struck in the head and upper torso and stabbed 40 times. He was found dead behind commercial buildings. The second victim, Lloyd Middaugh, 42, was stabbed more than 50 times on December 27, 2011 on the Santa Ana River Trail near State Route 91. Three days later, the third victim, Paulus Smit, 57, was stabbed more than 60 times near the Yorba Linda Public Library.

The only lead police had initially was from a surveillance video recording of the first attack. However, a fourth attack against homeless man, John Berry, in January of 2012 led to the arrest of a suspect. Witnesses chased down Berry’s attacker until a security guard was able to intervene and capture the suspect.

The attacker, Itzcoatl Ocampo, 23, is a former Marine. Ocampo said he originally joined the Marines in order to become a killer. Because he did not kill anyone during his time in the military, he felt as though he was not yet a “real” Marine. Ocampo told investigators he had planned to kill 16 people in total. He targeted the homeless because “they were available and vulnerable” and felt the presence of homeless people was a “blight” on the community. Ocampo is being charged with six counts of murder with special circumstances of multiple murders, lying-in-wait, and use of a deadly weapon. It is possible that he will receive the death penalty. His trial is scheduled to begin in September of 2012.

Non-Lethal Case Descriptions

The seventy-three incidents that did not result in death in 2011 include various types of violence and have been divided into these categories:



In 2011, of the homeless people who survived their attacks, six were raped or sexually assaulted and one was set on fire. Six percent of non-lethal attacks included police brutality, and six percent included harassment and multimedia exploitation of homeless persons.

Case Descriptions: Non-Lethal Rape/Sexual Assault Total Assaults: 6

Homeless Woman Threatened and Raped in Public Park

VENICE, FLORIDA—January 16, 2011

A homeless woman, 41, was sleeping on a public park bench when she was awoken by a man punching her in the face. Lee Roy Selvage, 56, was standing over her and threatened that he would slit her throat if she did not stay quiet. Selvage then raped his victim. The woman called the police and was taken to the hospital, where they found DNA evidence that led to Selvage’s arrest; he was charged with sexual battery.

Man Assaults and Robs a Homeless Woman

FORT WORTH, TEXAS—February 14, 2011

James Wesley Jackson, 42, threatened a homeless woman, 54, with a gun, robbed her, and then attempted to sexually assault her. Although Jackson was arrested, the victim was unable to testify

due to a history of mental illness and the charges were dismissed because she was the sole witness to the crimes. However, less than three weeks later Jackson was arrested and accused of sexually assaulting and killing another woman.

Youth Rapes Elderly Homeless Woman

GARY, INDIANA–August 13, 2011

A homeless woman, 68, had taken shelter in Miller South Shore rain station when Aarion Mosley, 16, walked into the station and pulled out a gun. He threatened to kill the woman if she did not do what he said; he then proceeded to rape her. A security camera recorded the attack as well as Mosley escaping on his bike. The victim was taken to the hospital, and Mosley was arrested the following week. Mosley was charged with rape, robbery, deviate conduct and six other felony counts. In August of 2012, he received an 18-year prison term.

Four Men Sexually Assault Homeless Woman and Beat Homeless Man

SALISBURY, MARYLAND–November 7, 2011

Two homeless people, a man and a woman, were sleeping in a vacant house when four men kicked down the door and attacked them. The attackers beat the homeless man so severely that a boot-shaped mark was found on his back. The attackers then took the woman into another room and sexually assaulted her. The perpetrators, Carl Anderson, 26, David Leonardus, 25, Mychal Seeney, 28, and Sekouru Clark, 22, were charged with burglary, assault, reckless endangerment, robbery, kidnapping, sex offence, sodomy, and perverted practice. The victims were taken to the hospital and treated for their injuries.

Man Attacks and Rapes Homeless Woman

ENID, OHIO–November 29, 2011

After offering a homeless woman a ride from her campsite to the local Salvation Army, Ricky Dean Ratzlaff, 53, began drinking. He then became violent, striking and raping the homeless woman. After he stopped his car, he bashed her head onto the trunk of his car, knocked her unconscious and proceeded to leave her on the side of the road. After regaining consciousness, the woman lit a fire in a nearby ditch to stay warm. A man on his way to work stopped when he saw her and drove her to the hospital. When talking to the authorities, the woman said she had been forced to leave her glasses, backpack and other possessions in the attacker's car. The police recognized the profile of the crime; Ratzlaff was the prime suspect in another, almost identical, case. Authorities obtained a search warrant for his vehicle and were able to find blood-stains, smears and strands of hair that matched that of the victim. Ratzlaff has had prior convictions for rape and is facing possible life sentences.

Case Descriptions: Non-Lethal Attacks Involving Fire
Total Assaults: 1

Homeless Man Set Alight in His Sleep

TRENTON, NEW JERSEY—October 25, 2011

Robert Scott, 47, woke up and his leg on fire. He did not see who had attacked him, but he believed it was a group of local teenagers who had attacked him multiple times in the past. Additionally, witnesses reported seeing three teenagers flee the scene. Scott was taken to the hospital where he was treated for second-degree burns. The attack shocked local residents: Marcia Bethea said, “That's absolutely horrible. I can't imagine why someone would do something like that. It makes me sick.”

Case Description: Non-Lethal Police Brutality
Total Assaults: 4

Disabled Homeless Veteran Forced to Crawl Out of a Police Station

PORTLAND, OREGON—May 23, 2011

“A red flag should have gone off..we’re going to review this, hold people accountable, talk to people who were there that night, make sure they understand they have a duty to serve.”

-Chief Deputy Michael Shults

Scott Hamilton, 37, a veteran of the Iraq War, lost his leg in a motorcycle accident. Due to the theft of his prosthetic leg, he resorts to using a wheelchair. When Hamilton was arrested for drinking in public, his wheelchair was confiscated and was not returned to him upon his release. Hamilton was loaned a wheelchair, but an officer took it away while he was on the phone. After an argument with the officer over the wheelchair, Hamilton crawled out of the police station in full view of several officers. The day after the incident, Chief Deputy Michael Shults ordered an internal investigation, saying, “A red flag should have gone off...we’re going to review this, hold people accountable, talk to people who were there that night, make sure they understand they have a duty to serve.”

Crippled Homeless Man Thrown Out of His Wheelchair by Metro Police

WASHINGTON, DISTRICT OF COLUMBIA—May 26, 2011

Dwight Harris, 55, a disabled homeless man, was sitting in his wheelchair when two male Metro Transit Police officers noticed he was holding an open container of alcohol. When Harris refused to answer the officers' questions, they grabbed him by the upper arms and threw him out of his wheelchair. Harris landed on his face; his injuries were so severe he needed stitches to close a gash above his right eye. After being taken to the hospital, he was charged with resisting arrest and carrying an open alcohol container. The charges were dropped when a video of the incident surfaced. The U.S. Attorney's Office is investigating the officers' conduct, and they have been placed on administrative leave until the investigation concludes.

Deputy Punches Homeless Man without Reason

BROWARD COUNTY, FLORIDA—November, 2011

In November, Deputy Matthew E. Eisenberg, 39, punched homeless man, James Rhode, in the back of a police car. Rhodes was actually handcuffed at the time, proving no threat to Eisenberg. Eisenberg saw Rhodes panhandling and arrested him immediately. When Rhodes was denied his duffel bag upon entering the police car, he responded by saying, "Well Broward County can buy me a new one." It was after this, that Eisenberg attacked Rhodes. The Deputy turned himself nearly a year after the attack. He is being charged with official misconduct, battery and falsifying records. His lawyer stated that they will fight these charges, claiming Eisenberg was doing his job.

Homeless Veteran Beaten by Two Police Officers

LONG BEACH, CALIFORNIA—December 18, 2011

Veteran and homeless man, George Diller was released from service prior to the incident due to a back injury. On December 18, 2011 Diller was talking with his parents and smoking a cigarette when he was approached by two police officers. The officers informed Diller that he was not permitted to smoke in the area and he extinguished his cigarette. Disregarding his compliance, the officers attacked and knocked him down. They then proceeded to drag him into a park and choke him until he was unconscious. Even after he lost consciousness, one of the officers continued beating him on the head. A resident of the Long Beach area, Chris Perkins, witnessed the attack. The officers involved have not been charged but Diller was charged with smoking in a public place, obstructing justice, and resisting arrest. The investigation is on going.

Case Descriptions: Non-Lethal Assaults with a Deadly Weapon **Total Assaults: 27**

Homeless Man's Face Beaten with Wooden Board

SAN DIEGO, CALIFORNIA—January 17, 2011

A homeless man was assaulted because he parked his pushcart on the corner of 3000 Central Avenue. The assailant hit the homeless man in the face with a two by four board. The victim was transported to a local hospital and treated for his facial injuries and his attacker was arrested on assault charges.

Teens Beat Sleeping Homeless Man

BOSTON, MASSACHUSETTS—March 13, 2011

Two Medford teens, James Marino, 19, and Marc Sico, 19, were charged with beating a sleeping homeless man, 44. Marino and Sico were accompanied by an unidentified third man; they were noticed by the police while the attack was occurring. The assailants fled when approached by the police. The police believe that the three teens had attacked other homeless people earlier in the night. One news story reported that, “[the] teens beat and kicked homeless men so hard, police seized their blood-drenched shoes as evidence.” Marino and Sico were apprehended and charged with assault and battery with a deadly weapon. Sico subsequently failed to appear for his court appearances, and a warrant was issued for his arrest. He was re-arrested on September 28, 2012

“[The] teens beat and kicked homeless men so hard, police seized their blood-drenched shoes as evidence.”

-News Report

Teenager Stabs Homeless Man Brutally, Causing the Knife to Break

RICHMOND, CALIFORNIA—March 20, 2011

A young man, 17, struck up a conversation with a homeless man, 61, for a few moments before abruptly stabbing him in the neck. The attacker used the knife with enough force to break its handle. The victim flagged down a police officer for help and was taken to the regional trauma center in critical condition. When the teenager was picked up by police he had no memory of the stabbing; he was arrested and taken to juvenile hall. The police are still unclear about the motive of the attack.

Robbers Attack Homeless Man and Set His Tent on Fire

SAN FRANCISCO, CALIFORNIA—April 22

Four young people severely beat a homeless man, 50, after attempting to rob him. The man was pistol-whipped and stabbed in the cheek by two of the men, one of whom was between the ages

of 25 to 30. Then, another man and a woman set his tent on fire. The homeless man recovered from his injuries after checking himself into a local hospital, but the fire destroyed everything he owned. No arrests have been made in this case.

Two Young Men Bludgeon a Homeless Man with a Tire Iron “Just for Fun”

KITTANNING, PENNSYLVANIA–April 28, 2011

According to Nicholas Beck, 21, and Cameron Bryan, 22, they beat a homeless man with a tire iron “just for fun.” An off-duty police officer noticed suspicious activity behind a grocery store and spotted the Beck and Bryan leaving the area, in a car driven by their accomplice, Chasity Gervasoni, 19. The three await trial, and have waived preliminary hearing rights. Beck and Bryan face charges of aggravated assault, attempted robbery, simple assault, and reckless endangerment. Gervasoni faces charges for criminal conspiracy and driving while operating privilege is suspended or revoked.

Three Men Bash Homeless Man’s Head with a Baseball Bat

ELYRIA, OHIO–May 15, 2011

On the afternoon of May 15, 2011, police found a blood covered homeless man, Michael Bair, 50, asking for help. He had “sustained facial and neck fractures” at the hands of three men who, in an attempted robbery, bashed his head with a baseball bat. The victim was taken to the hospital for treatment and released several days later.

Gang-related Beating of Young Homeless Man

SAN DIEGO, CALIFORNIA–June 11, 2011

A homeless man, 21, was sitting on the sidewalk when an estimated eight to ten men in their twenties approached him and attempted to rob him. After stabbing him in the back and stealing his wallet, the group fled the scene. Luckily, the injuries were not life-threatening. No one has been arrested in association with the incident. The detective investigating the case believes that it was a gang-related incident.

Homeless Man Pounded with a Tire Iron

LOS ANGELES, CALIFORNIA–June 15, 2011

Young Lee, 47, the co-founder of the popular frozen yogurt company Pinkberry, attacked Donald Bolding, 42, panhandling off the ramp on a Los Angeles freeway. Lee was offended somehow by a sexually provocative tattoo the victim had on his stomach. After Lee and the passenger in Lee’s car exchanged words with the homeless man, Lee beat the victim with a tire iron. The victim’s face was covered in blood. Despite the victim’s attempt to escape, Lee continued to chase him down and beat him. The victim recalled Lee yelling, “Say I’m sorry! Say I’m sorry.” While police were piecing the evidence together, Lee left the country to travel to Korea. On his way back to the U.S., he was arrested and charged with assault with a deadly weapon.

Man Brutally Stabs Two Squatters

COLORADO SPRINGS, COLORADO–July 17, 2011

Two homeless men with stab wounds were taken to the hospital after they were found on the steps of a homeless shelter. Geremiah Vargas, 22, and Marshal Hamilton-Parks, 23, were sleeping in an abandoned building when two men from the house next door broke in through a window. One man yelled “you owe me rent” before punching and stabbing Vargas and Hamilton-Parks. The police arrested Randy Bishop and Cornelius Battes for assault, but the men were not indicted because of insufficient evidence. While it is reported that homophobic slurs were shouted during the attack, police and neighborhood residents view the attack as motivated by growing animosity of neighborhood residents towards the homeless population.

Homeless Man Cut to the Bone in Dispute over Money

SCRANTON, PENNSYLVANIA–July 20, 2011

Norman Gamble, 20, a homeless man, was punched repeatedly and stabbed in the chest and the arm by Lester Baldwin, 25, in a dispute over money. The cut on Gamble’s left arm was so deep that it exposed bone, and he left a heavy blood trail for over two blocks. Gamble collapsed in a friend’s house before being taken to the hospital by police. The wound on his arm required surgery, and those on his chest were stapled shut. Baldwin was arrested and charged with aggravated assault, simple assault, reckless endangerment, harassment, and disorderly conduct.

Teenagers Rob and Beat Homeless Man with Broken Bottles and Bricks

CLEVELAND, OHIO–July 21, 2011

“This unprovoked, savage attack on a homeless man is impossible to understand.”

-Prosecutor Bill Mason

Two teenagers, 17 and 14, walked up to a homeless man, 52, and attempted to steal belongings from his shopping cart. When the man tried to stop them, the teenagers attacked him with broken bottles and bricks. The assailants were chased away by an onlooker who proceeded to call the police. When the police found the victim “his hands were covered in blood,” and he had sustained injuries to his head. The police searched the area and found a group of teenagers nearby, two of whom were identified by the victim and other witnesses as having participated in the beating. The two boys were arrested and charged with aggravated robbery and felony assault. When asked about the case the prosecutor, Bill Mason, said, “This unprovoked, savage attack on a homeless man is impossible to understand.”

Homeless Man Slashed by Two Unknown Men

INDIANAPOLIS, INDIANA–July 27, 2011

A homeless man named John E. Higgins, 53, needed stitches after a night at a homeless camp. Higgins awoke to the sound of men yelling and found two men throwing around his possessions. One of the men then slashed his neck leaving a five-inch gash. The perpetrators then sped away in a van with no license plate. The police filed a report but no suspects were identified.

Beating Leaves Homeless Man Blind in One Eye

DAVENPORT, IOWA–July 31, 2011

Melvin Gott, 57, was sleeping on a park bench when he was attacked by Frankie L. Sird, 27. Sird put a knife to Gott's throat and demanded money. When Gott tried to pull the knife away, he was punched by another assailant who had approached from behind. Sird proceeded to kick Gott in the face with steel-toed boots. The attackers ran off when an ambulance arrived in response to a witness's 911 call. The victim needed stitches for the slashes on his neck, and the beating left him blind in one eye. Helen Ptacek, one of Gott's friends, said, "He's such a good-hearted person. He's my friend, and this makes me so angry that people would do that." When talking about his attacker, Gott stated, "Hate's a very strong word, and I try not to use that word. But I hate what he did to me." The police arrested Sird three weeks later, and he has been charged with attempted murder, willful injury, and first-degree robbery.

"Hate's a very strong word, and I try not to use that word. But I hate what he did to me."

-Melvin Gott

Homeless Man Pistol-Whipped, Causing a Fractured Skull

BILOXI, MISSISSIPPI–August 2, 2011

Michael Gillich III, 44, pistol whipped and repeatedly kicked a homeless man, 51, fracturing his skull, breaking his jaw, knocking his teeth out, and breaking his wrist. The homeless man was taken to the hospital where he was treated for his injuries. Police arrested Gillich, and he has been charged with aggravated assault.

Homeless Man Beaten with Cane

WASHINGTON, DISTRICT OF COLUMBIA–August 20, 2011

William C Williams, 57, became annoyed with a homeless man, 47, standing on a street corner. Williams beat the man with his walking cane. The homeless man was given medical attention at the scene and had to have his cuts stapled shut. Williams was charged with second-degree assault.

Two Attackers Use Sticks to Beat A Homeless Man into Unconsciousness

REDDING, CALIFORNIA–August 21, 2011

Davis Kivenas, 48, was sleeping outside when he was awoken by two attackers with large sticks. They beat him on the head and legs until he was knocked unconscious. Kivenas was treated at the hospital for cuts and bruises and reported the assault to the police, who investigated the crime further. Kivenas was able to determine that one of the attackers was a thin white male, but police have still found no leads.

Homeless Man Stabbed Outside of Walmart

INDIANAPOLIS, INDIANA–August 24, 2011

An argument broke out between a homeless man, Kenneth A. Montgomery, and an unknown attacker inside Walmart. The conflict escalated and was moved outside to the parking lot where Montgomery was stabbed several times. He was in critical condition when he arrived at the hospital. Montgomery's girlfriend was witness to the attack and helped the police piece together the events that led up to it.

Father and Son Beat Homeless Man with Tire Iron

EL CENTRO, CALIFORNIA –September 22, 2011

Jose Martinez, a homeless man, suffered several cuts and blunt force trauma to his head when he was attacked by a father and son outside of a gas station. Zachary Forrester attacked Martinez after a verbal altercation; when Martinez tried to protect himself, Forrester's father Jack, 50, got involved. Jack Forrester held Martinez down while his son retrieved a tire iron from their car and beat Martinez with it. Martinez was taken to hospital and treated for his injuries. Both Jack and Zachary Forrester were arrested and charged with assault with a deadly weapon.

Homeless Man Attacked in His Sleep by Group of Young Men

ESCONDIDO, CALIFORNIA–October 27, 2011

Bill Spann, 65, was sleeping in the bushes and was awoken by a group of 8 boys. The boys threw large rocks at him and spray-painted his face. After the attack, Spann was taken to the hospital and treated for his severe cuts and bruises. Escondido police have been investigating the incident as an assault with a deadly weapon, but no arrests have been made. Bill Spann has been described as a generous man who even helped out other homeless persons. When talking about his attackers, Spann said, "Personally, I hope they find out where God is, not the devil." In response to the attack, members of a local church donated food for Spann and his dog Buddy.

Homeless Man Attacked with His Own Bike

MODESTO, CALIFORNIA–October 27, 2011

A homeless man was assaulted by three teenagers in the park. The boys hit him with a piece of concrete and then proceeded to toss his bike at him. When the police arrived at the scene, the suspects had escaped. No arrests have since been made, but the man was taken to the hospital to be treated for his injuries.

Homeless Victim Stomped on Outside of a Gas Station

FITCHBURG, MASSACHUSETTS–December 3, 2011

Calvin L. Bailey Jr., 22, beat an unidentified homeless man to the ground and proceeded to kick him and stomp on his head repeatedly with great force. An officer was flagged down by a number of people who had just witnessed the crime. The officer at the scene attempted to ask the victim his name, but it was impossible to understand him because his jaw was broken. The officer then found the attacker and questioned him. Bailey told the officer that the victim “wanted to fight me”. The victim was taken to the hospital to be treated. He checked out a day later with a concussion. Bailey was arraigned in Fitchburg District Court on a single charge of assault and battery with a dangerous weapon (his foot).

Homeless Man Attacked by a Group of Men

LOUISVILLE, KENTUCKY–December 29, 2011

Michael Young, 35, a local homeless man was approached by four men early on the morning of December 29, 2011. The men proceeded to ask if Young had ever raped anyone. Young responded no and one of the men pulled out a gun, and another began beating him with a stick. Several moments later, another group of men joined in on the beating. Young says that even after he was shot in the left hand, the group, which police estimate to have been ten people, continued to beat him. Although the police do not believe the attack was gang related, they pointed out that transient people often make an easy target. The police have noticed an increase in gangs abusing the homeless.

**Case Descriptions: Non-Lethal Beatings
Total Assaults: 30**

Homeless Man Brutally Beaten by Group of Men

PORTLAND, OREGON–January 8, 2011

Bruno Arthur Schultz, 51, was inside his box shelter when he heard men vandalizing the wall next to him. When he came out to talk to them, 5 to 6 men brutally beat him, causing multiple facial fractures. At his Alcoholics Anonymous meeting the next day, Schultz reported the attack and was sent by an ambulance to the hospital. No one was arrested for the beating.

Library Guard Beats Fleeing Homeless Man

CLEVELAND, OHIO–January 22, 2011

A witness captured an incident on video in which a library guard beat-up a homeless man. While the library guard alleges the homeless man initiated the fight by punching him, the guard tackled the homeless man and punched him repeatedly until he was unable to move. The guard was subsequently removed from his post and the police ran an investigation. One week prior to the incident, the library guard had received training on minimizing conflict between the library community and homeless individuals.

Two Young Men Assault a Homeless Man

NEW YORK CITY, NEW YORK–February 7, 2011

After making bail on a prior assault charge, Matthew Francis, 21, in collaboration with Lattea Tate, 19, beat-up a homeless man during a failed drug deal. Police officers interrupted the attack and arrested the men. Both Francis and Tate were charged with assault and harassment for attacking the homeless man, as well as several other charges related to their actions towards the police that night.

Homeless Man Beaten and Robbed on His Way to a Homeless Shelter

CHARLOTTE, NORTH CAROLINA–March 11, 2011

John Rutledge, a tile-worker who had been laid off the previous year, was on his way to a homeless shelter when he was assaulted by four men. He sustained multiple injuries during the attack, including a fractured jaw and severe lacerations to his lips and mouth. The perpetrators also stole \$60 from him. Michelle Lambert, a friend who arrived at the scene immediately after the attack, noted that due to the attack, he was not able to get up off of the ground.

Man Held Homeless Woman Captive and Tortured her for Hours

SAN LUIS OBISPO, CALIFORNIA–March 30, 2011

On March 30th, Tommy Leadbetter, 46, held a 26-year-old homeless woman captive in his house for many hours. During this time, he beat and tortured her. The police found the young woman walking through a neighborhood with lacerations and bruising on her head, chest, and arms. She was then treated at a local hospital. Ledbetter was arrested about a week later and was charged with torture, assault, and robbery.

Homeless Man Forced to Drink Dish-Soap before Beaten Unconscious

SAN DIEGO, CALIFORNIA–April 23, 2011

Witnesses observed a 49-year-old homeless man be assaulted by three men in their 20's. The men forced him to drink dish-soap and then beat him unconscious. The victim was taken to the

hospital but remained unconscious during treatment. Despite a \$1,000 reward for information about the perpetrators, no arrests have been made.

Three Men Beat a Homeless Man and His Dog

COLUMBUS, OHIO–April 30, 2011

Three men attacked a homeless man and his dog, causing the man severe head injuries. Witnesses reported the crime and were able to chase down two of the perpetrators. One attacker, Christopher Richardson, 23, faces multiple fines and up to one year in prison. The other, Drake Ries, 18, faces lesser charges and was sentenced to five years probation. Both plead guilty to all charges. Columbus City Attorney stated he would seek the most severe penalties possible.

Homeless Man Beaten and Robbed

ORANGEBURG, SOUTH CAROLINA–May 5, 2011

A 63-year-old homeless man was trying to find a place to stay for the night when he was approached by another man in his 40's. The younger man and perpetrator, in an attempt to deceive the victim, said that one of his friends could provide him with lodgings for a fee. This "friend," however, would require the money upfront. After the homeless man turned the offer down, the two continued walking together. A second man, also in his 40's, then joined the pair. When the homeless victim tried to leave, the two men assaulted him and stole his wallet, including \$450 he had saved. Police still have no suspects from the crime.

Homeless Man Victimized by Downtown Toledo Beating

TOLEDO, OHIO–May 11, 2011

Daryll Veres severely beat Todd Swint, a 34-year-old homeless man, outside of a Toledo gas station. Store clerks working at the gas station discovered the homeless victim on the sidewalk. Medical personnel later reported the victim was in serious negative condition at Mercy St. Vincent Medical Center where he was treated. Witnesses to the crime stated that they had seen suspicious looking men running down Monroe Street and Veres was arrested shortly after. Mr. Veres was arraigned on a felony assault charge.

Sleeping Homeless Man Beaten and Robbed by a Group of Young Men

WICHITA, KANSAS–May 20, 2011

A homeless man sleeping under a bridge was attacked and punched in the face multiple times by three men in their 20's. The victim was also robbed of his wallet and all of its contents.

Homeless Man Beaten and Robbed by Group of Six Men

SACRAMENTO, CALIFORNIA–May 30, 2011

“In the grand scheme of things, quite honestly, [this crime is] very low on the list of priorities.”

-Deputy Jason Ramos, on investigating an attack against a homeless man

A 46-year-old homeless man was beaten and robbed by six men. The attack did not appear to be motivated by money because a suspect reportedly stated after the beating, “Hang on, let me get his wallet.” Despite the nature of the attack, the victim did not require hospitalization. While the victim was able to identify one of his attackers, further investigation is unlikely. Deputy Jason Ramos from the Sheriff’s Department explains, “In the grand scheme of things, quite honestly, [this crime is] very low on the list of priorities.”

Homeless Man Beaten and Robbed

VALLEJO, CALIFORNIA–June 1, 2011

A 22-year-old homeless man was robbed by three young men while standing outside a local library. The perpetrators threatened him with a gun, stole his money, and then punched him repeatedly. Police have not been able to locate the attackers.

Teens Beat and Attempt to Rob a Homeless Man

ROCK HILL, SOUTH CAROLINA–June 4, 2011

Three teens attempted to rob a 49-year-old homeless man. The attackers punched and kicked the victim until he fell to the ground. The homeless man was taken to Piedmont Medical Center where he was treated for injuries sustained during the attack.

Drunken Baseball Fans Attack Homeless Man

DOWNERS GROVE, ILLINOIS–June 19, 2011

After yelling racial slurs at a group of children, Jonathon Hardy, 25, and Alexander Schutz, 25, reportedly confronted a homeless man, insulted him, and then spit on his face. The victim was lying on a park bench at the time. Hardy also repeatedly punched the man in the face and upper body. Upon arrest, the police determined that the perpetrators were drunk and on their way to a baseball game.

Homeless Man Beaten for Refusing to Give Up His Shirt

INDIANAPOLIS, INDIANA–June 20, 2011

Two months after four teens beat a homeless man to death in the same area, Joshua Davis, a 56-year old homeless man, was attacked by five young men. The perpetrators started beating the victim, eventually forcing him to the ground. When he refused to give them his shirt, they began

kicking him. Although the men took some of Davis's belongings, the belongings were found by a nearby house after the attack. Authorities believe the crime was motivated by Davis's homeless status.

Homeless Man in Wheelchair Brutally Beaten

CHARLESTON, WEST VIRGINIA–July, 2011

Lance Jefferson, 19, and Greg Allen Burdette, 35, attacked Charles Bryant, a 40-year-old homeless man in a wheelchair. Burdette admitted to knocking Bryant out after an argument arose between the two. He told Jefferson about the altercation, and both men returned twice more to beat Bryant. They also stole Bryant's personal belongings. Afterwards, the perpetrators posed with him for pictures and then posted the pictures on Facebook. Bryant was taken to the hospital where he was treated for a broken nose and other facial injuries. The victim stated that, as a result of the attack, he lives in fear for his safety and has trouble breathing. Both men pleaded guilty to malicious wounding and face up to 10 years in prison.

22-year-old Steals Homeless Man's Money and Medicine

IOWA CITY, IOWA–July 10, 2011

Austin Guthmiller, 22, robbed a homeless man of his money and medicine after promising him a place to spend the night. When the victim arrived at Guthmiller's residence, Guthmiller beat the homeless man before robbing him. The police determined that Guthmiller was drunk when they arrived at the scene. After locating the stolen items, the perpetrator was arrested and charged with second-degree robbery.

Three Teenagers Brutally Beat a Homeless Man

CONROE, TEXAS–July 13, 2011

A homeless man in his 30's was walking to his brother's business when he was badly beaten by a group of teenagers. The man sustained three broken vertebrae, bruised ribs, and two cuts on his head that required staples and sutures to close. He now has to walk with a cane as a result of the attack. Because the incident took place in the dark, the victim was unable to identify his attackers. Consequently, it is unlikely the police will be able to locate his attackers.

Hearing Impaired Homeless Teen's Skull Bashed and Fractured as He Tried to Sleep behind a School

BURIEN, WASHINGTON–July 20, 2011

Austin Talley, an 18-year-old homeless boy, was severely beaten while trying to sleep behind a middle school. During the attack, his hearing aid was destroyed and he sustained a fractured skull. As a result, he entered the hospital in serious condition. Talley had lost his hearing from meningitis at the age of three. The police were unable to gather sufficient evidence to identify any suspects due to his impairment and the severity of his injuries.

Two Men Stomp on Homeless Man

NASHVILLE, TENNESSEE–August 2, 2011

Bradley Zang and David attacked a homeless man by repeatedly knocking him to the ground and stomping on him. Police reported the victim was hit in the head several times. He was taken unconscious to the hospital where medical personnel determined him to be in critical condition.

Homeless Man Beaten Unconscious outside a 7-Eleven

VALLEJO, CALIFORNIA–August 6, 2011

A 51-year-old homeless man was beaten outside of a 7-Eleven after trying to talk to three men leaving the store. One of the three men punched the man and then stomped on his head before fleeing the scene. The victim was unresponsive on the way to the hospital but regained consciousness after treatment. No one has been charged for this assault.

Homeless Man Beaten and Robbed

SANTA MONICA, CALIFORNIA–September 4, 2011

A homeless man was severely beaten and robbed on the beach near Ocean Park Boulevard. The attack was witnessed by several people who said that the attacker beat the man unconscious. The attacker then proceeded to take the victim's property. Police arrived to find the victim bleeding profusely and unresponsive. He was taken to the hospital to be treated for his injuries, but police have been unable to locate the perpetrators.

Mob Robs Homeless Woman and Breaks Her Jaw

GREEN BAY, WISCONSIN–September 6, 2011

Upon seeing a homeless woman on the side of the road, an unknown 20-year-old man got out of his car and repeatedly punched the woman in the face. The perpetrator then stole \$75 from her. The 30-year-old woman, whose identity is still unknown, was beaten severely and sustained a broken jaw. The police have a suspect but no arrests have been made. The suspect would likely be charged with robbery, substantial battery, and criminal damage.

Teens Thrash Homeless Man

ANCHORAGE, ALASKA–September 16, 2011

Daniel Workman, a homeless man, was beaten by two young men as they attempted to rob him. The two men punched and kicked the victim in the face until he fell to the ground. The perpetrators then repeatedly stomped on his head. Workman was taken to the hospital with serious lacerations and broken bones in his face. Police dogs tracked down the attackers and the police identified one of them as 20-year-old Kenneth Towksjhea. The police would not publicly identify the other assailant, however, because he was a juvenile. Towksjhea was charged with first degree robbery and assault while the younger attacker has unspecified charges pending.

Homeless people in the area were reportedly unsurprised by the attack, saying that local teens frequently attack the homeless.

Three Men Rob and Attack Innocent Homeless Man

LOS ANGELES, CALIFORNIA—September 24, 2011

Earnest J. Jackson Jr, 36, Richard Johnson, 31, and Onesi Reyes, 27, robbed an innocent homeless man, 55, of his radio and a few dollars, in addition to brutally beating him. The injuries he sustained from the beating required two weeks of stay in the Intensive Care Unit in a local hospital. The three perpetrators, all Los Angeles residents, were convicted of attempted murder, robbery, assault with a deadly weapon and mayhem of a homeless man. They have been sentenced to a combined total of 60 years in prison.

Homeless Man Knocked Unconscious and Robbed

BRADENTON, FLORIDA—October 15, 2011

A 37-year-old homeless man was riding his bike when he was knocked unconscious by a blow to the back of the head. When he awoke, he found that his bike and \$200 had been stolen from him. He was taken to the hospital for the treatment of his injuries including a possible fractured jaw and a concussion. The attacker could be charged with strong-arm robbery if caught, but the man did not see who attacked him. For this reason, it is unlikely the police will be able to locate the perpetrator.

Homeless Abuser Attacks Again

HOLLYWOOD, FLORIDA—October 17, 2011

Donnie Craig, 46, frequently targeted the homeless population by abusing and robbing them. He was arrested by the police for attacking Larry Frederiksen, a 63-year-old homeless man. Frederiksen was with Jim Campodonico at the time of the attack. Both were waiting for another friend to arrive so that they could go fishing. Craig showed up at the scene and beat Frederiksen. The perpetrator then robbed the victim of \$60. Frederiksen was treated at the hospital for cuts, bruises, and an injured wrist.

Group of Homeless People Targeted

BALLARD, WASHINGTON—October 22, 2011

A group of homeless men and women were brutally beaten by four unknown men. The four men approached the homeless group in a white van. The perpetrators exited the van and began punching and kicking the victims. The perpetrators fled the scene before the police arrived. Although the police were able to track the van to a home, they were unable to find the owner and have not made any arrests.

Man Beats and Assaults Older Homeless Woman

VALLEJO, CALIFORNIA–December 2011

Maurice Vernon, 21, is suspected of severely beating a 60-year-old homeless woman. The victim was sent to the hospital and required intensive care after the incident. Vernon was later arrested for his involvement in an incident in which he sexually assaulted a 53-year-old woman. No further information has been given about his arrest.

**Case Descriptions: Non-Lethal Harassment
Total Attacks: 2**

Homeless Woman Harassed with a Knife

FREDERICKSBURG, VIRGINIA–July 20, 2011

A homeless woman was walking along Jefferson Davis Highway when two men in their 20's walked up behind her and put a knife to her throat. One man pulled at her backpack, which caused several items to fall out onto the road. Soon after, they released her. The victim called the police from a 7-Eleven. Despite a police investigation, no suspects have been identified.

Teen Harass Handicapped Homeless Man

BOULDER, COLORADO–July 21, 2011

Ron Chase, a 50-year-old homeless man and homeless activist, was verbally assaulted by three students. The victim was walking to the student center on the Colorado University (CU) campus when three CU students approached him with a baseball bat. The students began to verbally harass him. Ron was able to take the bat from the leader's hands and responded to the assault by saying he would defend himself if necessary. The three men eventually ran away, but the incident has had a negative emotional impact on the victim.

**Case Descriptions: Non-Lethal Multimedia Exploitation of Homeless People
Total Attacks: 3**

Teenager Makes a Game of Knocking a Homeless Man Unconscious

CHICAGO, ILLINOIS–April 2, 2011

A 55-year-old homeless man was walking by a train stop when, Scotty Strahan, 18, began to follow him. The boy reportedly punched the man in the face and knocked him unconscious without any warning or provocation. As the man lay motionless on the floor, the attacker and his

friends stepped over the victim and boarded an outgoing train. Video footage of the event found online shows the group of boys laughing. A witness called the police, but the police did not begin an investigation of the attack until the video surfaced online. Strahan then turned himself in and plead guilty to aggravated battery. He was sentenced to probation and 15 days of community service.

Homeless Man Beaten Because He Smelled

SOMEWHERE IN THE UNITED STATES OF AMERICA–May 2011

A homeless man was sitting quietly on a bus when a group of young men began verbally assaulting him. The perpetrators yelled, “You stink! Get off the bus!”. When the victim tried to verbally defend himself, the perpetrators began punching and kicking him. They then took his belongings and threw them at him. The incident was recorded by one of the attackers on video and posted on the internet. The video shows the attackers laughing during the entire incident. No information about their arrests has been released.

Two Young Men Show No Mercy to Defenseless Homeless Man

WALL TOWNSHIP, NEW JERSEY–December 19, 2011

Taylor Giresi, 20, attacked David Ivins, a 50-year-old homeless man who resided in the woods. The incident was recorded on video by Giresi’s 17-year-old accomplice who remains unnamed due to his age. Before the attack, the cameraman asked Giresi what he intended to do. Giresi responded, “About to go beat up this bum.” Giresi then pushed Ivins to the ground and kicked him in the face. The man behind the camera yelled, “Just dive on him! Dive on him!” while the attacker continued to beat Ivins. Giresi also hurled bottles and rocks at the victim. After the attack, the two perpetrators stole Ivins’s bike. Ivins never fought back during the incident.

“Just dive on him! Dive on him!”

-The cameraman filming an attack against an innocent homeless man

When Ivins tried to leave the scene, the perpetrators came up behind him and attacked him again. After the second beating, Ivins attempted to slowly get up while the camera focused in on his bleeding face. The cameraman then said to the victim, “Oh my God, you’re bleeding! We didn’t mean to do that. I’m sorry,” and directed Giresi to hug Ivins. As Ivins reached out for a hug, Giresi kned him in the groin. Ivins began to scream. Giresi then kicked the victim in the head one last time and the two perpetrators fled the scene. At the end of the video, the cameraman declared, “That was Jackass beatin’ a bum,” in reference to the TV show, “Jackass.”

Giresi was identified by the police after the video was posted to YouTube. He was charged with aggravated assault, conspiracy to commit assault, robbery, and theft. The cameraman faces a charge of conspiracy for his role in the incident. After the attack, Ivins received overwhelming public support and nearly \$10,000, many also chose to donate to the local homeless shelter, Wall Helps Its People. The victim also agreed to take part in a free rehabilitation program and hopes to stop drinking.

Multimedia Exploitation Across America

Multimedia exploitation of the homeless population is a severe rising problem. When videos like the ones mentioned above have been posted to popular websites, it has often led others to mimic what they have seen. Many incidents are thus repeated against another innocent homeless victim.

About a decade ago, NCH mounted a campaign against groups of videos that were released under the name, “BumFights.” These videos included homeless men beating each other up and performing dangerous stunts like banging their heads through glass windows and going down stairs in a shopping cart. Rufus Hannah, Jr., now an NCH Speaker, and others who were compensated with a few dollars or a beer, suffered severe injuries as a result of the videos.

In a *CBS 60 Minutes* investigation in 2006, a link was made between the BumFights videos, and youth who were “copying” what they saw in the videos, leading to random violence against people who were homeless.

This year, the popularity of the videos is still increasing. “Bum Fights,” has now been viewed more than 7.3 million times, garnering about 6,000 likes by YouTube users. About 15,900 YouTube videos have been tagged with search phrase “bum fight,” a significant increase compared to the previous year. The growing YouTube sensation also includes videos of homeless women fighting, tagged as “Bag Lady Fights.”

These videos continue to degrade and stigmatize homeless persons by perpetuating the stereotype that homeless people are “bums” and that they have no other worth than to provide the rest of society entertainment by causing themselves and others bodily harm.

It is the decision of the National Coalition for the Homeless to include such videos in a report on hate crimes and violence against the homeless, as there have been documented cases that show the immediate correlation between watching videos that display violence toward homeless individuals, and committing “copycat” crimes against similar people. These videos are foul, hateful, and unbecoming of a modern progressive society.

NCH includes in this report, a sampling of the worst offenders on YouTube—the following list of videos that have been tagged as “bum fights” and have collectively been viewed more than 6.9 million times.

“Bum Fights” Videos

1. Bum Fights (The Original)
http://www.youtube.com/watch?v=uZUj_D13_Y&feature=related
2. Chicago heights bum fights 2
http://www.youtube.com/watch?v=H7d_WV1PIM
3. Ottawa St. Patrick’s Day 2010 Bum Brawl
<http://www.youtube.com/watch?v=AzHqPiQcYyY>
4. Bum Fight Live video from streets of Chicago
<http://www.youtube.com/watch?v=1IAtZIDOjG0&feature=related>
5. Boyle Heights Bum Fights 2011
<http://www.youtube.com/watch?v=bSxT1Zye2Wg>

For The Homeless Violence and Hatred Can Be a Risky Combination

By Brian Levin, Director, Center for the Study of Hate & Extremism, California State University, San Bernardino

Many people worry about the dangers of terrorism, natural disasters, and plane crashes. Last year, however, more homeless individuals were killed in bias attacks than the sum total of American civilians killed in hate crimes (approximately 10), large commercial air crashes (no fatalities), and earthquakes (no fatalities)--combined. The fact that *the 32 homeless* killed in bias attacks alone in 2011 are only a portion of homeless people criminally killed each year and come from a pool of only 650,000 on any given night, makes the numbers a cause for concern. Moreover, bias motivated violence is only one of the serious dangers homeless people encounter, including exposure, hunger, accidents, disability and a lack of medical care.

One would think that with all the risks and vulnerabilities the homeless face, they would be the universal recipients of assistance and compassion. Yet among these notable risks, are violent attacks owing to nothing more than prejudice. The National Coalition for the Homeless (NCH) catalogued almost 1300 incidents of anti-homeless bias violence from 1999 to 2011, but these are only a small sampling of such cases, as only a sliver of non-lethal attacks are reported.

Because homicides are more likely to be reported, they are considered more reliable; although, in many instances where attackers are at large, the motive is unknown. Since 1999, the NCH annual survey has reported the number of hate-motivated anti-homeless homicides to have exceeded the total of all the hate crime homicides for every group enumerated by the Federal Bureau of Investigation (FBI), except in 2003. Even more stark, is the total number of hate crime homicides against the homeless recorded by the NCH for the period of 1999-2011, at 339, is over twice the number of FBI hate crime homicides combined, at 122.

Hate crimes are offenses where a target is selected because of the actual or perceived group characteristic of another such as race, religion or sexual orientation. Over forty states and the federal government have laws that enhance penalties for hate crimes, but only a handful of states cover homeless status. Hate crime laws often enhance criminal penalties, but sometimes are solely focused on providing data collection, training, or civil remedies. After recent legislative advances where six states and Washington, D.C. have enacted hate crime legislation that covers homelessness, legislative efforts over the last two years in several other states stalled.

While most cases involve victims who are middle aged and offenders who are young adults or youths, the Kelly Thomas case put a spotlight on violent police-homeless interactions. Thomas, a mentally disabled homeless man was killed by police, three of whom have been charged in connection to his death. One former officer, Manuel Ramos, is the first police officer in Orange County, California to be charged with an on duty murder. In some jurisdictions such as Boston and Broward County, FL, police have been at the forefront of protecting the homeless, while in others like Fullerton, CA and Sarasota, FL alleged flawed police practices have been the subject of litigation. The NCH has consistently found each year, that while promising police programs exist, there are also disturbing cases of brutality and harassment. Training, reasonable discretion, and departmental policies that take into account the unique issues surrounding the homeless cannot only improve interactions between law enforcement and the homeless, but send a message to young people that such violence will not be tolerated by anyone in their communities.

Legislation

The issue of homeless hate crimes is not without hope. In addition to fighting societal beliefs and bias against homeless individuals, federal and state legislation can both bring awareness to and decrease violence against homeless individuals. Federal hate crime legislation against the homeless has a long history and continues to be fought for today.

Federal Legislation Proposed in 2011 H.R. 3528

“A hate crime is one of the most despicable and prejudicial acts done onto another human being by a human being and surprisingly these acts affect homeless people in great proportions. It is imperative that we give this issue the serious attention that it deserves by including homeless people in hate crime statistics.”

-Congresswoman Eddie Bernice Johnson, H.R. 3528 Sponsor

The purpose of this bill is to compel the Department of Justice to grant protected status to the homeless population in the original Hate Crimes Statistics Act. If done, the Department of Justice would be obliged to acquire data from law enforcement agencies across the country on crimes committed against the homeless population. An annual summary of the findings would then be published in order to disseminate the information to the public and discourage such attacks from occurring further. H.R. 3528 is a reintroduction of H.R. 3419 (2009) and H.R. 2216 (2007). The complete text and list of co-sponsors of the Hate Crimes against the Homeless Statistics Act of 2011 is included in this report under Appendix C.

Current Federal Law Addressing Hate Crimes

The 1968 Civil Rights Act establishes a number of criminal penalties for the use of force or intimidation to prevent the free exercise of civil rights on the basis of race, color, religion or national origin. The Act provides penalties for whoever, “by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with” another (1) “because of” that person’s “race, color, religion or national origin,” and (2) “because [that person] is or has been” attending a public school, serving as a juror in state court, traveling in a facility of interstate commerce, making use of a public accommodation, seeking or taking employment, or making use of the benefits of any state program. *Id.* § 245(b) (2). The Act also establishes penalties for whoever, “by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with” another person for (1) “participating” in federal programs or civil duties “without discrimination on account of race, color, religion or national origin,” or (2) “affording another person or class of persons opportunity or protection to so participate.” *Id.* §245(4) (A), (B).

State and local law enforcement agencies are expressly authorized to enforce the Act. Federal prosecutions are also permitted, although these require “the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a

prosecution by the United States is in the public interest and necessary to secure substantial justice....” 18 U.S.C. §245(1).

The 1990 Hate Crime Statistics Act³ requires the Attorney General to collect data on certain “crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.” The Act also directed the Attorney General to establish guidelines for the collection of such data. The Attorney General delegated this task to the F.B.I., which has defined a hate crime as a “bias crime”—that is, a crime “committed against a person or property which is *motivated, in whole or in part, by the offender’s bias* against a race, religion, disability, sexual orientation, or ethnicity/national origin.”⁴ Under these guidelines, crimes based on bias should be reported to the FBI by local law enforcement agencies if there is *objective* evidence that the crime was motivated wholly or partially by bias.⁵

The Violent Crime Control and Law Enforcement Act of 1994⁶, codified as a note to 28 U.S.C. § 994, directed the United States Sentencing Commission to “promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes.” Under guidelines issued under this statute, a “hate crime” is defined as a “crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.”⁷

This is a far narrower definition than applies in the context of the data collection statute. In order for the enhancement to apply, the court or, in a jury trial, the jury, must find beyond a reasonable doubt that the defendant intentionally selected his or her victim because of the race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of the victim or another person. If the defendant pleads guilty or no contest, the Sentencing Guidelines recommend that the court finds such facts beyond a reasonable doubt before applying the enhancement.

As the Supreme Court has recently made clear, the Guidelines are only advisory and federal sentencing judges are required to take into account other factors when sentencing defendants.⁸ The impact of the sentencing enhancement law going forward may therefore be reduced.

³ Pub. L. No. 101-275, Apr. 23, 1990, 104 Stat. 140, as amended Pub. L. No. 103-322, § 320926, Sept. 13, 1994, 108 Stat. 2131 (inserting “disability”); Pub. L. No. 104-155, § 7, July 3, 1996, 110 Stat. 1394 (reauthorizing the Act). The Act directs the Attorney General to use authority granted under 28 U.S.C. § 534 to acquire hate crime data.

⁴ U.S. Dept. of Justice, Fed. Bureau of Investigation, Hate Crime Data Collection Guidelines 2 (1999) [hereinafter Hate Crime Data Collection Guidelines]. Notably, the Act itself refers only to “ethnicity,” however the Department of Justice has interpreted ethnicity to include both ethnicity and national origin. *Id.*

⁵ Hate Crime Data Collection Guidelines, *supra* note 2, at 4.

⁶ Pub. L. No. 103-322, § 280003, Sept. 13, 1994, 108 Stat. 2096.

⁷ United States Sentencing Guidelines Manual § 3A1.1(a) (2006). Note, however, that the Sentencing Guidelines only apply in federal court, where the defendant has committed a federal crime, a crime on federal land (including on Indian reservations), or is otherwise subject to penalties under federal law.

⁸ See *United States v. Booker*, 543 U.S. 220, 245-46 (2005) (declaring unconstitutional the statute creating mandatory Guidelines and holding Guidelines should only be applied in an advisory fashion as one of several factors

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was passed by Congress on October 22, 2009 and signed into law by President Obama on October 28, 2009. The name of the law is named after victims of hate crimes, Matthew Shepard and James Byrd. Matthew Shepard was a student who was tortured and murdered because he was gay. Since Wyoming did not recognize homosexuals as a protected population, neither perpetrator was charged with a hate crime. James Byrd, an African American, was tied to a truck and beheaded by two white supremacists. Texas did not recognize hate crimes at that time.

The bill expands the 1969 Federal Civil Rights “Hate Crime” Law to include crimes motivated by the victim’s gender, sexual orientation, gender identity, or disability. The 1969 law only protected individuals traveling or participating in federally protected activities such as going to school or voting. The Matthew Shepard Act removed this parameter, making the jurisdiction of the law far more expansive. Through a five million dollar allocation, federal agents are more adequately funded to assist and independently investigate hate crimes too complex for local authorities. Additionally, the bill mandates that the FBI track hate crimes committed against transgender individuals.

Enacted Homeless Hate Crimes Legislation on the State and City Level

Alaska classifies homelessness as a possible aggravating factor associated with a crime. Much like Maine (below), homelessness is not categorized under hate crime protection, and therefore including homelessness as a motivating factor does not automatically result in harsher sentencing. Punishments vary depending on what degree the judge finds the victim’s homelessness as a factor in the crime.

California

The **Los Angeles** Board of County Supervisors unanimously passed a resolution in March 2009 requesting that the Human Relations Commission (1) incorporate awareness of homelessness into high school and youth programs to encourage respect and humanization of homeless people; (2) create trainings for law enforcement to investigate crimes against the homeless with an eye out for evidence of bias or discrimination against the victim due to disability; (3) track crimes of hate against the homeless in the Commission’s database and monitor trends to educate the community; (4) encourage the Sheriff, District Attorney, and city/county prosecutors to track and report crimes against homeless people to help in developing actions to prevent and stop these violent acts; and (5) to work with all human relations commissions across the county to create better practices and data collection.⁹

In **Florida**, “homeless status” has been added to state hate crime legislation. On May 11, 2010 Governor Charlie Crist signed into law Florida House Bill 11- the Crimes Against Homeless Persons Act- which reclassified offenses targeting homeless persons as hate crimes, and permits perpetrators to receive stricter penalties.

to consider at sentencing); *see also Gall v. United States*, __ S. Ct. __, 2007 WL 4292116, at *7 (Dec. 10, 2007) (holding the Guidelines’ sentencing range is a starting point for determining a defendant’s sentence, but the district court should not presume the range is reasonable). The factors the sentencing court must consider are enumerated in 18 U.S.C. § 3553(a)(1)-(7).

⁹ Yaroslavsky and Knabe. Motion By Yaroslavsky and Knabe. Homelessness and Human Relations Committee. AGN. NO. 11. March 24, 2009.

"Nobody is more vulnerable. If the sole reason you beat them was because they were homeless and sleeping on a bench then that deserves extra protection."

- State Representative Ari Abraham Porth, Chairman of the Broward
Legislative Delegation

Maine added protection for homeless residents but did not formally add homelessness as a contributing factor under state hate crime statutes. Instead, Maine statutes allow judges to enhance sentences for crimes against certain recognized populations based on race, religion, and homelessness (aggravating factors). A judge is permitted to consider these aggravating factors but is not required to increase punishments. In addition to making homelessness an aggravating factor in sentencing, Maine has required the Board of Trustees of the Maine Criminal Justice Academy to provide law enforcement training programs specifically targeted toward dealing with the unique challenges associated with homelessness. The above changes are to be monitored by the Commissioner of Public Safety and the Attorney General.

Maryland law now recognizes homeless individuals as a protected class under enacted hate crime statutes. On May 07, 2009 Governor Martin O'Malley signed into law Maryland Senate Bill 151, the brainchild of Republican Senator Alex Mooney. The legislation protects homeless individuals from damage to their self and real property. If a crime was motivated by the race, color, religious beliefs, sexual orientation, national origin, or homeless status, the offense is punishable under the state hate crimes statute. If a perpetrator is convicted of a hate crime, a harsher punishment is imposed than if the crime was not motivated by hate.

Ohio

Cleveland passed a city ordinance in August 2008 dictating that repercussions for "intimidating" or harassing a homeless person due to their status would be elevated one higher degree than the offense.¹⁰

Puerto Rico passed legislation in 2007 that was designed to give much-needed support to its homeless population. The law recognizes that on a daily basis homeless people are being exposed to insensible and abusive treatment.¹¹ Encompassed in this law is a section emphasizing the fact that homeless people should not be discriminated against for any reason. Further, anti-discrimination will be addressed through the creation of the Multi-Sector Homeless Population Support Council, which will take action to support homeless individuals.¹² Additionally, in 2010 PS 1477 was signed into law. This bill amended Article 72 (q) of Law 149 (18 June 2004), the Penal Code of Puerto Rico, "so as to establish as an aggravating circumstance the commission of a crime motivated by prejudice towards and against the victim for being a homeless person."

Rhode Island added homelessness as a protected class under hate crime statutes, but only for reporting purposes. House Bill 7490, and companion Senate Bill 2323, were introduced on

¹⁰ FindLaw. City of Cleveland Codified Ordinance No. 830-08

¹¹ Law 130. Concilio Multisectorial en Apoyo a la Poblacion sin Hogar. Approved September 27, 2007.

¹² *Ibid.*

February 11, 2010 and became effective without the governor's signature on June 25, 2010. The new law requires state police to report and monitor crimes against the homeless and changes the state definition of "hate crime" to include: "...or, motivated by prejudice against a person who is homeless or perceived to be homeless.

The **Seattle, WA** City Council amended the city's malicious harassment statute in December 2007 to criminalize particular acts, including malicious and intentional injury or threats against a person, or destruction of or damage to the person's property, because of the perception that the person is homeless.

Washington, D.C. protected their homeless population by enacting legislation in 2009 that classifies offenses motivated by the victim's homelessness as hate crimes. Bias-related crimes carry increased civil and criminal penalties.

Washington law now recognizes homelessness as a protected status under recently enacted state hate crimes legislation. On April 15, 2011 Governor Christine Gregoire signed Senate Bill 5011 into law, which adds homelessness to a list of aggravating factors for hate crime analysis, permitting a judge to impose harsher sentences. This law was sponsored by Democrat Scott White in response to the brutal murder of a homeless man named David Ballenger in 2000.

"With so many people facing financial hardship, we are seeing our homeless population increase, and it's something that we need to pay attention to because they are citizens, they are members of our society, and they deserve protection."

-Senator Scott White

Proposed and/or Defeated State Hate Crime Legislation

California On August 5, 2011, Governor Jerry Brown (D) vetoed Assembly Bill 312, which was designed to provide homeless individuals with the right to invoke state hate crime protection when suing an assailant in civil court. In his veto message Governor Brown stated, "it is undeniable that homeless people are vulnerable to victimization, but California already has very strong civil and criminal laws that provides sufficient protection." Assemblywoman Bonnie Lowenthal had previously introduced a similar bill, Assembly Bill 2706 in 2010, which was passed the California Legislature, but was vetoed by then-Governor Arnold Schwarzenegger.

Colorado is interested in becoming one of the few states to add homelessness to a state hate crimes statute. Senate Bill 4, sponsored by Senator Lucia Guzman (D-Denver) would expand the current definition of hate crimes to include homelessness. The bill passed the Colorado Senate, but was killed in the House Judiciary Committee on May 3, 2011. There are plans to reintroduce the bill in 2013.

Illinois wished to enact an amendment to the state's Criminal Code of 1961. This amendment would have changed the definition of a hate crime to include crimes against an individual or group of individuals because of their "actual or perceived homelessness," as well as status as a current or former United States armed services veteran. HB5114 was introduced by State Representative Thomas Holbrook (D-Bellville). It was referred to the Rules Committee's Judiciary Criminal Law Committee where it was left to eventually die on January 11, 2011.

New Mexico's State Senator-elect Bill O'Neill (D-Albuquerque) plans formally introduce a new hate crimes bill in early 2013. The bill will include an addition of homeless people to the state hate crimes act. New Mexico will be following in the footsteps of six other states that have also passed homeless hate crime laws.

In **New York**, various pieces of legislation have been proposed to address homeless hate crimes. The Homeless Protection Act is intended to amend the New York Penal Code to designate offenses against homeless individuals as hate crimes. Identical legislation was re-introduced in both the New York State Assembly and the Senate in January 2011, and both bills await committee hearings in the respective houses of the New York State Legislature.

Ohio legislation was introduced in May 12, 2010 by Representatives Dennis Murray and Mike Foley. House Bill 509 would create the offense of intimidation of a homeless person. Any offender that commits a violation with the intent to cause harm to a homeless

“We do not hold out much hope due to the special interests of those holding power in the legislature. It failed because the County Prosecutor’s Trade Association was opposed to the law, and they have a great power down in Columbus. It is unlikely that the House will take this up unless there is some horrible high profile tragedy in Ohio.

-Brian Davis, the Director of Community Organizing at the North East Ohio Coalition for the Homeless

person because of their homeless status would be charged with intimidation of a homeless person as well as the original charge. However, with the end of the assembly period in December 2010, House Bill 509 died and has not been reintroduced.

South Carolina's House Bill 4091 did not pass but was reintroduced in 2010 as House Bill 3141. The bill is intended to amend the South Carolina Code of 1976 by adding a two-tiered penalty system for assault and battery upon a homeless person. However, the bill was referred in January 2011 to the Committee on Judiciary where it died.

In **Virginia**, House Bill 844 was introduced on January 13, 2010 by Delegate Patrick A. Hope. The bill would amend legislation to include status as a homeless person as a protected class. The bill (1) includes harsher punishments for offenders who choose their targets based upon a person's homeless status; (2) allows homeless people to seek injunctive relief or file an action for damages for harassment; and (3) will require the State Police to include violence against homeless people as hate crimes in their data collection. House Bill 844 has been referred to the Committee for Courts and Justice and as of February 16, 2010 the bill has been left there. Delegate Hope intends to reintroduce the bill when the budget restrictions on the state legislature are lifted.

RESOURCE GUIDE: ENACTING EFFECTIVE HATE CRIMES LEGISLATION IN YOUR COMMUNITY

I. GOALS TO ACHIEVE

Hate crimes legislation serves many purposes. Primarily it seeks to punish and deter individuals from committing bias-related crimes. In naming a vulnerable group, hate crimes legislation makes a statement to the community that this group has the full protection of the law and is deserving of such protection. Such legislation also ensures the recognition of fundamental human rights.

While there is a clear need to include homeless individuals in hate crimes legislation, cities and states across the country differ in their approaches towards accomplishing this goal. Furthermore, NCH believes certain concepts are essential for comprehensive and effective hate crimes legislation. This guide will begin by outlining those concepts. It continues by explaining and analyzing enacted legislation in order to understand their strengths and weaknesses. It also evaluates unsuccessful attempts to amend hate crimes legislation and possible reasons for those failures. Finally, this guide will pose arguments raised in opposition to the inclusion of homeless status in hate crimes legislation, as well as possible counter-arguments. In understanding these models, other jurisdictions can create their own comprehensive hate crimes legislation to ensure maximum protection for homeless individuals.

II. IDEALS FOR HATE CRIMES LEGISLATION

NCH recognizes that different localities are governed by different laws and have varying needs. For this reason, it is important for state and local communities to determine what protections are already in place and what their goals are in proposing hate crimes legislation to protect the homeless. NCH also believes, however, that the homeless are due certain fundamental protections and has identified concepts that are key to comprehensive hate crimes legislation at any level. These concepts include:

1. Recognition of the homeless or a person of “homeless status” as a protected class. Thus, targeting a person due to their homeless status or perceived homeless status qualifies as violation of the law¹³.
2. Using a definition of homelessness in line with 42 USC § 11302 (2012) as revised by the HEARTH Act.
3. Including both committed hate crimes and attempts or conspiracies to commit a hate crime, including those against a person or their property.
4. Criminal and civil sanctions (including injunctions, reasonable actual or nominal damages for economic or non-economic loss, punitive damages, or attorney’s fees) for violation of the hate crime law.
5. Procedures for data collection by law enforcement and local organizations, distribution of data, and recommendations for prevention plans to governing bodies. Furthermore, this data should not disclose the identity of the victim.

¹³ Most homeless hate crimes legislation that has been enacted has utilized the 2009 HUD definition of homelessness found in 42 USC § 11302. NCH advocates for the utilization of the 2012 HUD definition, which was declared in the HEARTH Act. The 2009 definition is much narrower and recognizes fewer people as homeless.

6. Requiring law enforcement complete training on how to deal effectively with homeless populations.
7. Coordination between law enforcement and local service providers to ensure homeless individuals receive necessary services.
8. Awareness campaigns amongst high school students about homelessness.

III. MODELS AND SCOPE OF HATE CRIMES LEGISLATION

A. EXAMPLES OF ENACTED HATE CRIMES LEGISLATION

Numerous jurisdictions across the country have passed Hate Crimes legislation. This section includes an analysis of a select few from around the country to present differing approaches, as well as innovative ideas for other jurisdictions to replicate in the pursuit of hate crime prevention. For more examples, please see the section entitled “Legislation” *supra*.

Alaska

Overview

A sentencing court in Alaska, from 2008 onwards, may take into account whether a defendant knew or reasonably should have known that the victim of an offense was particularly vulnerable or incapable of resistance due to homelessness.¹⁴

Analysis

This law is similar to that of the Maine law in that sentencing courts are granted discretion to take a hate crime against a homeless person into account when determining punishments. Again, it does not require punishment nor require data collection.

California

Overview

This California law, passed in 2005, requires that the Commission on Peace Officer Standards and Training develop a 2-hour telecourse and make it available to all law enforcement agencies in California.¹⁵ The course will cover crimes against the homeless and how to deal effectively and humanely with homeless individuals. Every state law enforcement agency and every local law enforcement agency “shall provide the telecourse to its peace officers.”

Analysis

This law does not include homelessness into the hate crimes statute. It does, however, seek to train law enforcement with the tools to deal effectively with homeless individuals. This training may help homeless individuals receive essential services and facilitate effective communication and trust between the homeless and law enforcement.

Overview- Los Angeles

The Los Angeles Board of County Supervisors passed a resolution in 2009 which mandated the Human Rights Commission to do the following: 1) incorporate awareness of homelessness into high school and youth programs, 2) create trainings for law enforcement, 3) track crimes of hate against homeless people in the Commission’s database and include such occurrences in the

¹⁴ Alaska Statute § 12.55.155 – Factors in Aggravation and Mitigation

¹⁵ CA Penal Code § 13519.64 - Telecourse; Crimes Against Homeless Persons

Commission’s annual hate crime report, 4) request the Sheriff, District Attorney and city/county prosecutors to track and report all crimes against the homeless, and 5) coordinate and communicate with the Human Relations Commissions countywide to maximize opportunities for coordination.¹⁶

Analysis

This law is unique in requiring the Human Rights Commission to educate high school students on homelessness and coordinate local service providers. In addition, it requires law enforcement training and data collection.

Florida

Overview

The Florida law, passed in 2010, resembles that of the Maryland law in that it adds people of “homeless status” to already existing hate crimes law.¹⁷ “Homeless status” is defined using the same definition contained in the Maryland statute. The law also states that violations may result in either a misdemeanor or a felony conviction. Unlike the Maryland law, however, the statute does not specify fines or prison time.

Analysis

As with Maryland’s law, this law utilizes the older definition of homelessness, includes homelessness as a hate crime, and enacts criminal sanctions. It does not, however, require prevention plans, law enforcement training, or high school awareness education.

Maine

Overview

This legislation, passed in 2006, added the word homeless to already existing hate crimes legislation.¹⁸ Unlike legislation passed in Florida or Maryland, a judge is granted discretion to sentence a defendant for the commission of a crime that is committed against a person or their property due to the housing status of the victim. The statute states that a sanction for a hate crime must not “diminish the gravity of [the] offense[].”

Analysis

Maine paved the way for states like Maryland and Florida to add homeless status to hate crimes legislation. Maine, unlike other states, does not require punishment for the commission of a hate crime. It merely grants judge discretion to impose stronger sentences for a hate crime. It further fails to require data collection, prevention plans, law enforcement training, or high school awareness education.

Maryland

Overview

The law, passed in 2009, explicitly states that neither a person nor their property may be targeted due to being homeless.¹⁹ Violations of this law result in criminal sanctions, such as felony or misdemeanor convictions, imprisonment, fines, or all of the above. Sanctions are dependent on the severity of the crime. The law defines “homeless” as lacking a fixed, regular or adequate

¹⁶ AGN. No. 11

¹⁷ Florida Statute § 775.085

¹⁸ 17-A, M.R.S.A. § 1151

¹⁹ Maryland Criminal Code § 10-301

nighttime residence, or living in an emergency shelter or a place that is not designed as a human sleeping accommodation. This definition is the 2009 U.S. Department of Housing and Urban Development (HUD) definition of homelessness found in 42 U.S.C. § 11302.

Analysis

This law was the first that non-discretionally included homeless people into its hate crimes law and often viewed as a model for hate crimes legislation. This law protects both homeless people and their property and imposes specific criminal sanctions against perpetrators. It should be noted that the Maryland law utilizes the 2009 HUD definition found in 42 USC § 11302 and not the revised definition as advocated by NCH. Furthermore, it does not require prevention plans, law enforcement training, or high school awareness education.

Ohio

Overview- Cleveland

This ordinance, passed in 2008, dictates that an intimidation or harassment offense of a homeless person will result in an offense will be elevated to the next highest degree in relation to the original charge, in Cleveland, Ohio.²⁰ This ordinance also provides an exclusive list of crimes that cannot be committed against a homeless person.

Analysis

Cleveland's law highlights another type of criminal sanction. Unlike laws that explicitly state sanctions for criminal behavior, this law incrementally increases fines and prison sentences based on the degree of crime committed.

Rhode Island

Overview

In 2010, Rhode Island included "homeless" or people "perceived to be homeless" in the state bias-related crime legislation.²¹ The definition of a hate crime includes any crime motivated by bigotry and bias and does not provide a list of crimes such as the list found in Washington, DC's Hate Crime legislation. This law further requires police departments to report the monthly occurrences of hate crimes to the state police. The state police will then maintain a permanent record of these offenses by community of occurrence, type of offense, and other relevant information. Each department must also develop a plan for the collection, analysis and dissemination of the data regarding hate crimes, as well as a means for individuals, state and local human rights commissions, and anti-discrimination advocates to submit information. The state police are also responsible for compiling and distributing a list of all criminal offenses and penalties defined as hate crimes. These lists must be posted at each police station.

Analysis

Most notably, Rhode Island recognizes hate crimes against the homeless and those who are "perceived to be homeless". This law also goes further than Maryland and Florida in requiring the compilation of hate crimes data against the homeless, procedures for their distribution, and data analysis. It does not, however, specify a requirement for the submittal of recommendations for how to prevent hate crimes from occurring. It further fails to require law enforcement training and high school awareness education.

²⁰ City of Cleveland Codified Ordinance § 623.161/ Ord. No. 830-08: Intimidation of a Homeless Person

²¹ Rhode Island Code § 42-28-46: Development of System Monitoring Crimes Motivated by Bigotry and Bias

Washington, DC

Overview

The Washington, DC legislation, passed by the City Council in 2009, clearly defines homeless individuals as a protected class from “bias-related crime”.²² Homeless individuals are protected from criminal acts, as well as attempts or conspiracies to commit assault, injury to property, murder, rape, theft, and robbery. Homelessness is defined in the ordinance using similar language to that contained in the Maryland legislation. The statute further requires the Mayor to collect and compile data on the incidence of bias-related crimes and annually publish a summary of the data, transmit the summary, and make recommendations, to the Council. The statute also states that the summaries may not contain information that reveals victims’ identities.

Criminal sanctions in the form of fines and imprisonment are outlined in the law. Victims may also pursue relief through a civil action and may receive an injunction, reasonable, actual or nominal damages for economic or non-economic loss such as emotional distress, punitive damages, or attorney’s fees.

Analysis

The Washington, D.C. legislation, like that of Rhode Island, includes crimes based on the actual or perceived homeless status of an individual. The law also covers “attempting...or conspiring to commit” a crime against a person or their property, and provides both criminal and civil remedies. This language broadens protections against the homeless. Furthermore, this ordinance requires the collection of data without revealing victim identities and making recommendations to the city council.

Washington

Overview

The Senate unanimously passed Senator Scott White’s (D-Seattle) proposal to increase penalties for those who commit crimes against the homeless. Governor Christine Gregoire signed Senate Bill 5011 on April 15, 2011. The law will add homelessness to a list of aggravating factors for hate crime analysis, permitting a judge to impose harsher sentences. The law was created following the brutal murder of a homeless man named David Ballenger in 2000.²⁹

Analysis

Washington’s new law will allow the judge to increase the perpetrator’s sentence because the victim was experiencing homelessness. The law will be enforced by police and prosecutors, who will hold the responsibility of responding to and investigating cases. The state recognizes more needs to be done before hate crimes against homeless individuals are reduced.

Overview- Seattle

Seattle changed its harassment statute in 2007 to criminalize particular acts, including malicious and intentional injury or threats against a person, or destruction of or damage to the person’s property, because of the perception that the person is homeless.

Analysis

²² DC CODE § 22-3703: Bias-Related Crime

The ordinance focuses on including perceived homelessness in the criminalization of harassment. The law, however, does not include preventive methods to protect homeless individuals against such attacks or educate the public on safety for the homeless population.

B. ENACTED HOMELESS BILL OF RIGHTS

Rhode Island

Overview

The Rhode Island statute, passed earlier this year and known as the “Homeless Bill of Rights,” states that no person should “suffer unnecessarily or be subject to unfair discrimination.”²³

Unlike hate crime legislation, this law seeks to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination. This is due to the fact that discriminatory practices tend to force groups of people into substandard housing, breed intergroup tensions and increases in crime, endanger public health, and impose substantial financial burdens on public revenue. The law states the legislature’s intent to “assure equal opportunities to live in decent, safe, sanitary, healthful accommodations” in order to protect the “peace, health, safety, and general welfare” of all inhabitants of the state.

The anti-discrimination language states that a person experiencing homelessness has the right to use and move freely in public spaces, equal treatment by all law enforcement agencies, emergency medical services, and the right to vote without discrimination due to housing status. Further, a person has the right not to face discrimination while seeking and maintaining employment due to lack of a permanent mailing address or that a mailing address is a shelter or service provider.

“Housing status” within the statute is defined as “the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.”

In addition to the anti-hate crimes language, the bill states that people experiencing homelessness have the right not to face criminal sanctions for resting or sleeping in a public place in a non-obstructive manner when there is not available or accessible shelter space. They also have the right to protection from disclosure to law enforcement agencies without appropriate legal authority, the right to confidentiality of personal records, and the right to privacy in personal property.

The statute does not lay out criminal sanctions for acts of hate crimes against the homeless. The law does, however, grant “appropriate” injunctive and declaratory relief, actual damages and reasonable attorney’s fees in civil actions for any violations of the law.

Analysis

The Homeless Bill of Rights is a landmark legislation that takes necessary first steps towards ensuring homeless individuals with fundamental human rights and protections. Collectively, with the passage of the Homeless Bill of Rights and the Hate Crimes legislation, perpetrators may be

²³ Rhode Island Code § 34-37.1 – Homeless Bill of Rights

²⁹ Gillis, Cydney. “New Seattle Law Highlights Crimes Against Homeless”. Real Change News. 1 June, 2011

subject to both criminal and civil sanctions. The bill of rights provides legal protection from discrimination in areas including housing, employment, and voting.

This legislation however stops short of requiring safe and affordable housing for all, as strongly advocated by NCH. It further fails to provide full protection from homeless criminalization efforts. Finally, as with prior legislation the housing status definition, while broad, does not follow the definition included in 42 U.S.C. § 11302 (2012).

From what I can recall, Michael and I thought it may not be appropriate to include the Homeless Bill of Rights in the Hate Crimes Report, for it did not specifically address the issue of hate crimes. I think it is not out of place in this report, however, but I would advise double checking this as well.

C. ANALYSIS OF DEFEATED LEGISLATION IN SEVERAL STATES

California

Overview

Assembly Bill (AB) 312 (Civil Rights: Homeless People - 2011) was recently vetoed by Governor Jerry Brown. The bill would have granted homeless individuals personal rights to be free from violence or intimidation by threat of violence committed against their person or their property, due to their status as or perception of being homeless. This legislation is similar to AB 2706 vetoed by Governor Schwarzenegger the previous year. Those who suffer as a result of a violation of this law would have been able to bring a civil action for damages, including actual and exemplary, attorney's fees, injunctive relief, and other appropriate relief. Violations of the law would qualify as hate crimes.

Opposition to the Bill/Veto Messages

As stated previously, both AB 312 and AB 2706 were defeated at the Governor's desk. Governor Schwarzenegger stated in his veto message of AB 2706 in 2010 that the bill was unclear about whether the homeless are targeted due to their homeless status or for other characteristics such as mental or physical disability. He further stated that poverty is not a suspect classification and such a law would increase court costs. Governor Brown stated in his veto message in 2011 that California has already provided sufficient protection for homeless people through its existing criminal and civil laws.

Analysis

As with the Colorado bill, there is a misconception about the need for the integration of homelessness into hate crimes legislation. While the legislators in California seem to understand the need for such legislation, California's last two Governors did not. Advocates must continue to educate and refute false information possessed by the Governor with concrete facts.

Colorado

Overview

The Colorado legislation (SB11-004 – Hate Crimes Against the Homeless) that was defeated earlier this year would have included “homeless” into existing “at-risk” crimes legislation. Homeless would have been defined using the same broad definition found in the Maryland law.

Opposition to the Bill (All Hearings)

Testimony in opposition came from the District Attorney (DA), Attorney General (AG), and Criminal Justice Reform Coalition²⁴. These organizations testified that: current laws are strong enough and sufficient to deal with crimes against the homeless; homelessness is not an immutable characteristic and therefore does not qualify as a protected class under hate crimes legislation; the definition of “homeless” is too broad; the bill will cover homeless-on-homeless crimes and unduly burden already overworked prosecutors’ officers; further increases in prosecutions will have an unwarranted fiscal impact; there is no evidence that there is a problem that warrants a solution; and hate crimes legislation will not serve as a deterrent.

Legislators who voted “no” on the bill asked the following questions:

- 1) Does the bill cover homeless on homeless crime?
- 2) Can we get data on Colorado’s rankings?
- 3) Aren’t sentencing guidelines strong enough already?
- 4) The definition of homeless is too broad. Where did it come from?
- 5) Is this really an extensive problem?
- 6) How does the new law change convictions?

Analysis

The questions asked by those in opposition to the bill indicate that they possessed inaccurate information regarding the need for the bill and the positive impact it would have. For example, legislators who ultimately voted no incorrectly believed that laws are already in place to protect the homeless. These misconceptions may be remedied by framing the issue with data to show the number of homeless crimes, as well as the insufficiency of data we currently have. Some legislators were unaware that documentation of hate crimes against the homeless is not a current state requirement. Another misconception was that the bill did not cover homeless-on-homeless crime, as frequently asked by legislators and touted by prosecutors. Refuting this false statement will counter arguments posed by the DA and AG regarding dramatic increases in prosecution. Finally, legislators did not understand that the definition of homeless comes directly from federal regulations created by HUD. Educating legislators and refuting false information with concrete facts and testimony from homeless individuals may help with future efforts to incorporate homeless people into hate crimes legislation.

IV. ARGUMENTS AGAINST HOMELESS HATE CRIME LEGISLATION

Hate crimes are motivated by bias against a target group. The goal of hate crime legislation is to protect individuals in such targeted groups. As a result, inclusion within hate crimes legislation sends the message to society that these groups are worth protecting.

- 1) Current laws are strong enough and sufficient to deal with crimes against the homeless

Hate crime or bias crime law is rooted in the understanding that a crime against a person because of their membership in a group is a different type of crime than others. Perpetrators of bias crimes are motivated by their beliefs that the targeted group is not worthy of similar protections enjoyed by others. Opponents of hate crimes legislation often suggest including homeless people

²⁴ The Criminal Justice Reform Coalition is a non-profit organization that was formed to halt the growth in the state prison population and advocates for the expansion of funding for treatment, alternatives to incarceration, and reintegration services to people leaving prison.

in vulnerable persons statutes or something similar. This does not address the problems hate crimes seek to resolve. Groups protected under vulnerable persons statutes, such as the elderly and disabled, are attacked because the perpetrator believes they will be able to get away with this crime. The motivation for attacking a homeless person is not one of opportunism, as is the case with vulnerable persons statutes, but rather, homeless persons are attacked because they are not seen as worthy of equal protection under the law. Bias crimes are motivated by discrimination, not opportunism. In many of the recent cases, groups of young men went out with the specific intention of attacking a homeless person—this is discrimination in choosing whom to attack and should be considered a bias crime.

2) Homelessness is not an immutable characteristic and therefore does not qualify as a protected class under hate crimes legislation

Brian Levin of the Center for the Study of hate and Extremism at California State University, San Bernardino states that the importance of immutability arose because civil rights laws had their beginning in the post-civil war period and focused on race – an immutable characteristic. Immutability, however, has never been a requirement for anti-discrimination and hate crimes laws.²⁵ Hate crimes laws relate to how an attacker identifies the victim and not whether the characteristic is immutable or changeable. For example, hate crime categories often include religion, nationality, and disability, non of which are mutable. This fact does not make these groups any less worthy of protection than someone targeted based on their race, ethnicity, or sexual orientation. These identity characteristics, including homelessness, are often associated with negative stereotypes.

The elements for inclusion as a targeted group are 1) increased risk of victimization, and 2) discriminatory victim selection. Non-hate crimes are often motivated by financial gain or personal motive and allow for a better opportunity for prevention through compliance with enacted laws. When a victim is attacked because of an identity characteristic, the risk of attack is enhanced because victims are attacked because of who they are and not what they do.

3) The definition of “homeless” is too broad.

Most enacted legislation has utilized the definition of homeless included in HUD regulations. NCH also advocates for the utilization of the current HUD definition, which was added in 2012 through the HEARTH Act.

4) The bill will cover homeless-on-homeless crime and unduly burden already overworked prosecutors’ officers.

Homeless-on-homeless crime is not a hate crime, but rather considered a “crime of opportunity.” These crimes are motivated by reasons other than bias or bigotry, which is what hate crimes legislation target.²⁶

Demand will vary from state to state and across jurisdictions. For example, California is the state with the most documented homeless hate crimes at 251 over 13 years. This averages to

²⁵ See *US v. Carolene Products Co.*, 304 U.S. 144 (1938); Danner Allison Marston, *Bias Crimes and Crimes Against Humanity: Culpability in Context*, *Buffalo Criminal Law Review*: Vol. 6, No. 1.

²⁶ Interview with Richard Wierzbicki, Captain, Broward County Sheriff’s Department, July 17, 2012

more than 19 incidents per year. Considering there are 58 counties in the state, distribution of processing these crimes can hardly be considered an undue burden.

5) Legislation will result in increases in prosecutions, which will have an unwarranted fiscal impact.

The sanctions for hate crimes include enhanced penalties for crimes that a perpetrator is already being charged for. This means that perpetrators will already be processed through the criminal justice system. For this reason, it is unlikely that this legislation will require any additional resources to be spent on prosecution of hate crimes.²⁷

6) There is no evidence that there is a problem that warrants a solution.

Data collected by the NCH indicates that the homeless face a rate of victimization that far exceeds that of traditional protected groups. Furthermore, the statistics arising from homicide data and victimization studies indicate that the homeless are among the nation's most criminally vulnerable population. In addition to prevention, adding homeless status into hate crime legislation demonstrates respect for this population and recognizes them as worthy of protection. This symbolic gesture indicates to homeless individuals that they are deserving of recognition and to others that this group has legal protections.

7) Hate crimes legislation will not serve as a deterrent.

Bias crimes send a message to the attacked group, as well as a message about society as a whole. In many instances, these sorts of attacks are indicators for, or warnings of, more widespread attacks against the targeted group in the future. There is a correlation between the criminalization of homelessness and bias crimes against homeless individuals. Without protection under hate crimes legislation, homeless individuals are targeted as a class because of their status in society. We need to send a message that people who are homeless are still people and, as such, should not be attacked.

²⁷ Interview with Richard Wierzbicki, Captain, Broward County Sheriff's Department, July 17, 2012

Faces of Homelessness Speakers' Bureau

In addition to advocating for legislative change, public education is a useful tool to dismantle biased beliefs about the homeless community.

The Faces of Homelessness Speakers' Bureau is one of the most effective public education and organizing tools of the National Coalition for the Homeless. Its mission is to bring people together to identify issues to be tackled in the movement to end homelessness. By discussing the stereotypes, myths, and misconceptions of homelessness, we can begin to move past our obstacles, get to the root causes of poverty, and humanize those experiencing homelessness.

We can help anyone set up a Speakers' Bureau anywhere in the nation. Staffed primarily by AmeriCorps*VISTA Volunteers, NCH has Speakers' Bureaus in six states, including Connecticut, Florida, Georgia, Maryland, Massachusetts, South Carolina, and Washington, DC. Using AmeriCorps*VISTA volunteers, we are planning to expand this project to other states in 2013. We can provide assistance with everything from recruiting and training speakers and moderators to planning and holding events.

Model Language for City/County/State Legislation/Resolutions

The following is proposed language to be used in whole or in part by local advocates to propose their own forms of homeless hate crime legislation. Local advocates are encouraged to use the whole body or the pieces of the model they deem most necessary. The model language was prepared by the National Law Center on Homelessness and Poverty (NLCHP) and the National Coalition for the Homeless (NCH). Advocates who have questions are encouraged to contact the National Coalition for the Homeless at info@nationalhomeless.org.

Whereas, hate crimes and violence against homeless persons has become a nationwide wave, one thousand two hundred and eighty-nine reported cases of violence against homeless people over the past thirteen years (1999-2011), resulting in 339 deaths;

Whereas, the scope of prohibitions against the commission of hate crimes against certain groups of persons should include homeless persons;

Whereas, understanding violent crimes committed against homeless persons and adequate punishment for such crimes play key roles in preventing and managing violence against homeless persons; and

Whereas, law enforcement needs proper training to handle and prevent violent crimes against homeless persons;

Be it enacted:

- (1) For the purposes of this legislation, a "homeless person" means an individual or member of a family as defined in 42 U.S.C. § 11302 (2009) and any regulations promulgated thereunder.
- (2) The state hate crimes statute shall be expanded to include homeless persons as a protected class.
- (3) Prohibition on Hate Crimes against Homeless Persons – The following acts shall be deemed a hate crime and prohibited when carried out against a person on the basis that person's status as a homeless person:
 - (A) Assault, aggravated assault, battery, or aggravated battery upon the person; or
 - (B) Acts that deface, damage, or destroy or attempt to deface, damage, or destroy the personal property of the person; or
 - (C) Acts that result in the death of the person; or
 - (D) Any other crime against the person.

(4) Punishments for Hate Crimes against Homeless Persons –

(A) A person convicted of aggravated assault or aggravated battery upon a homeless person based on the victim’s status as a homeless person shall be sentenced to a minimum term of 3 years and fined not more than \$10,000. The person shall be ordered by the sentencing judge to make any restitution to the victim of the offense and to perform 500 hours of community service work. Restitution and community service work shall be in addition to any fine or sentence that may be imposed and shall not be in lieu thereof.

(B) Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon a homeless person based on the victim’s status as a homeless person, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(5) State Office of the Attorney General Study -

(A) The Office of the Attorney General shall assess the extent of the problem of crimes against homeless persons and develop a plan to prevent these crimes and apprehend and prosecute the perpetrators of these crimes.

(B) In developing the assessment and plan, the Office of the Attorney General shall consult homeless persons, service providers and advocates for homeless persons and law enforcement agencies with experience investigating crimes against homeless persons.

(6) Law Enforcement Training on Hate Crimes against Homeless Persons –

(A) The lead state law enforcement agency shall develop a telecourse that shall be made available to all law enforcement agencies in the state. Every state, local, and correctional law enforcement agency shall certify that each of its officers has taken the course. The telecourse shall address crimes against homeless persons and methods of dealing effectively and humanely with homeless persons. The course shall include instruction on each of the following topics:

- (1) Information about homelessness, including causes of homelessness, its impact, and solutions to homelessness.
 - (2) Indicators of hate crimes.
 - (3) The impact of these crimes on the victim, the victim's family, and the community.
 - (4) The assistance and compensation available to victims.
 - (5) The laws dealing with hate crimes and the legal rights of, and the remedies available to, victims of hate crimes.
 - (6) Law enforcement procedures, reporting, and documentation of hate crimes.
 - (7) Techniques and methods to handle incidents of hate crimes.
 - (8) The special problems inherent in hate crimes against homeless persons and techniques on how to deal with these special problems.
- (B) The lead state law enforcement agency shall develop a protocol that law enforcement personnel are required to follow, including, but not limited to, the following:
- (1) Preventing likely hate crimes by, among other things, establishing contact with persons and communities that are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - (2) Responding to reports of hate crimes, including reports of hate crimes committed under color of legal authority.
 - (3) Providing victim assistance and follow up, including community follow up.
 - (4) Reporting methods and procedures to track hate crimes against homeless persons.
- (C) In developing the telecourse, the lead state law enforcement agency shall consult subject matter experts including, but not limited to, the following:
- (1) Homeless and formerly homeless individuals;
 - (2) The National Coalition for the Homeless

- (3) Other local homeless service providers and advocates for homeless people;
- (4) Experts on the disabilities homeless persons commonly experience; and
- (5) Law enforcement agencies with experience investigating hate crimes against homeless people.

Policy/Community Education Recommendations

The National Coalition for the Homeless recommends the following:

1. “Homeless status” should be included in the federal hate crimes statistics statute. Doing so would require the Federal Bureau of Investigation to collect data on hate-motivated violence targeted against individuals who are homeless.

In the 112th Session of Congress H.R. 3528 was introduced by U.S. Representative Eddie Bernice Johnson, seeking to add “homeless status” to the federal hate crimes statistics statute. H.R. 3528 is identical to two bills introduced in the previous session of Congress: H.R. 3419 also introduced by Representative Johnson and S. 1765 introduced by Senator Benjamin L. Cardin.

2. States with hate crime statutes should include “homeless status” within their current hate crimes framework.
3. The U.S. Department of Justice should issue a public statement acknowledging that hate crimes and/or violence against people experiencing homelessness is a serious national problem.
4. The U.S. Department of Justice should issue guidelines for law enforcement agencies on how to investigate and prosecute bias-motivated crimes against people experiencing homelessness.
5. Law enforcement agencies should provide awareness training for trainees and officers about the causes and solutions to homelessness and how to deal effectively and respectfully with people experiencing homelessness in their communities.
6. Advocates and homeless service providers should provide opportunities for people who have experienced homelessness and survived bias-motivated violence to tell their stories. The Faces of Homelessness Speakers’ Bureaus (made up of homeless and formerly homeless people), which visit both public and private schools in communities for the purposes of information and education, would be one method of providing opportunities for survivors to share their stories.
7. Federal, state, and local governments should assure adequate affordable housing and services to bring an end to homelessness in our communities, and thus create safe alternatives to living in homeless situations.

Conclusion

In the past thirteen years the National Coalition for the Homeless (NCH) has documented over one thousand, two hundred and eighty-nine crimes committed against homeless people by housed individuals. These violent attacks have cost three hundred and thirty-nine homeless people their lives.

In this 2011 annual report, NCH has documented one hundred and five violent attacks against the homeless. Thirty-two of these incidents resulted in death, a significant increase compared to the previous year. In fact, thirty percent of attacks against the homeless resulted in death in 2011 compared to one in every five attacks in 2010. This signals an increase in the brutality of crimes.

We also saw a rise in police brutality against the homeless. This illustrates that more effective police training on how to deal with the homeless population is essential. In addition, the influence of popular videos like “Bum Fights” is only increasing, as seen by the number of attacks involving multimedia exploitation of the homeless.

In light of these recent trends, it is important that the government focus on how to prevent such attacks, rather than enact policies that criminalize the homeless simply for existing. Florida did just this when it chose to adopt legislation that incorporates the homeless population into its hate crime law. As a direct result of this legislation, a decrease in attacks can be seen.

Hate Crimes against the Homeless: Brutality of Violence Unveiled report’s main objective is to educate lawmakers, advocates, and the general public about the problem of hate crimes and violence against homeless people. The hope is to instigate change and ensure protection of civil rights for everyone, regardless of their economic circumstances or housing status. Although some communities are taking positive steps toward protecting homeless individuals, NCH believes that violence against the homeless is a trend that will continue to grow unless there is true accountability for crimes committed, established effective methods of prevention, and positive action taken by advocates, legislators, and community members.

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Appendix B: Index of Cases by States and Cities

Alaska	Downers Grove 38	Charlotte 36
Anchorage 41	Elgin 23	Rocky Mount 26
		Winston-Salem 20
Arkansas	Indiana	Ohio
Texarkana 22	Gary 28	Cleveland 33, 36, 48, 55
	Indianapolis 19, 33, 34, 39	Columbus 37
California	Iowa	Elyria 32
El Centro 34	Davenport 33	Enid 28
Escondido 35	Iowa City 39	Toledo 37
Fullerton 21		
Long Beach 30	Kansas	Oregon
Los Angeles 20, 32, 42, 56	Wichita 38	Eugene 26
Modesto 35		Portland 29, 36
Orange County 26	Kentucky	
Redding 26, 34	Louisville 35	Pennsylvania
Richmond 31		Kittanning 31
Sacramento 38	Louisiana	Pittsburgh 24
San Diego 21, 30, 32, 37	Metairie 19	Scranton 32
San Francisco 31		
San Luis Obispo 37	Maryland	South Carolina
Santa Monica 40	Salisbury 28	Orangeburg 37
Stockton 24		Rock hill 38
Vallejo 38, 40, 42	Massachusetts	Tennessee
	Boston 19, 31	Nashville
Colorado	Fitchburg 35	
Boulder 42		Texas
Colorado Springs 32	Minnesota	Fort Worth 28
	Minneapolis 23	Conroe 39
Florida	Mississippi	Virginia
Broward County 30	Biloxi 34	Fredericksburg 42
Bradenton 41	Jackson 25	
Hollywood 41		Washington
Venice 27	New Hampshire	Seattle 24
	Laconia 19	Ballard 41
Georgia	Nashua 20	Burien 40
Atlanta 24	New Jersey	Washington, DC 22, 30, 34, 54
Augusta 24	Trenton 29	West Virginia
Chamblee 20	Wall Township 43	Charleston 39
Smyrna 22	New York	Wisconsin
	New York City 21, 25, 36	Green Bay 40
Hawaii	North Carolina	
Liliha 22		
Illinois		
Champaign 25		
Chicago 21, 43		

Appendix C: H.R. 3528

Hate Crimes Against the Homeless Statistics Act of 2011 A BILL

To amend the Hate Crime Statistics Act to include crimes against the homeless.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Hate Crimes Against the Homeless Statistics Act of 2011'.

SEC. 2. INCLUSION OF HOMELESS.

Section (1)(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended--

- (1) in paragraph (1), by inserting 'homeless status,' after 'sexual orientation,'; and
- (2) by adding the the [sic] end the following:

'(6) As used in this subsection, the term 'homeless status' with respect to an individual, refers to an individual who--

'(A) lacks a fixed, regular, and adequate nighttime residence; or

'(B) has a primary nighttime residence that is--

'(i) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

'(ii) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including motels, hotels, congregate shelters, and transitional housing; or

'(iii) housing of other persons in which the individual is temporarily staying due to loss of housing, economic hardship, or a similar reason.

H.R. 3528 Co-sponsors:

U.S. Representatives: Earl Blumenauer (OR), Steve Cohen (TN), Danny Davis (IL), Bob Filner (CA), Marcia L. Fudge (OH), Raul Grijalva (AZ), Luis Guterrez (IL), Alcee Hastings (FL), Eddie Bernice Johnson (TX), Dennis Kucinich (OH), Barbara Lee (CA), John Lewis (GA), Gwen Moore (WI), Grace Napolitano (CA), Eleanor Holmes Norton (DC), Gary Peters (MI), Nick Rahall (WV), Charles Rangel (NY), Laura Richardson (CA), Ileana Ros-Lehtinen (FL), Debbie Wasserman Schultz (FL), Pete Stark CA). and Frederica Wilson (FL),

Appendix D: S.1765

S. 1765, Hate Crimes Against the Homeless Statistics Act of 2009 had been introduced by Senator Cardin (D-MD). The act is identical in nature to H.R. 3528. The act would have amended current federal Hate Crime tracking legislation to include crimes committed against homeless individual by adding “homeless status” as a protected class. The bill unfortunately died, but Senator Cardin is still making efforts to address this issue.

If you missed the Senate hearing on this bill, you can watch a full webcast of the proceedings at: <http://www.senate.gov/fplayers/CommPlayer/commFlashPlayer.cfm?fn=judiciary092910&st=xxx>

S. 1765 Co-sponsors:

U.S. Senators: Sherrod Brown (OH), Roland Burris (IL), Benjamin Cardin (MD), Robert Casey, Jr. (PA), Susan Collins (ME), Dianne Feinstein (CA), Patrick Leahy (VT), Jeff Merkley (OR), Barbara Mikulski (MD), Charles Schumer (NY), Arlen Specter (PA), and Sheldon Whitehouse (RI)

Appendix E: Broward County (FL) Sheriff's Hate Crimes Flyer and Video

REWARD

\$1,000

CRIME STOPPERS WILL PAY UP TO \$1,000
FOR INFORMATION LEADING TO THE ARREST AGAINST
PERSON(S) RESPONSIBLE FOR COMMITTING:

HATE CRIMES

A HATE CRIME IS DEFINED AS ANY CRIME
COMMITTED “BASED ON RACE, COLOR, ANCESTRY,
ETHNICITY, RELIGION, SEXUAL ORIENTATION,
NATIONAL ORIGIN, HOMELESS STATUS, MENTAL
OR PHYSICAL DISABILITY, OR ADVANCED
AGE OF THE VICTIM.” (F.S. 775.085)

ANYONE WITH INFORMATION ABOUT THE IDENTITY OR
LOCATION OF ANYONE INVOLVED IN OR COMMITTING HATE
CRIMES IS ASKED TO CALL CRIME STOPPERS.

WE DO NOT WANT YOUR NAME, JUST YOUR INFORMATION!



**CRIME
STOPPERS**
OF BROWARD COUNTY, FLORIDA
493-TIPS

CALL (954) 493-TIPS (8477) • 1 (866) 493-TIPS (TOLL FREE)
www.browardcrimestoppers.org
Funded wholly or in part by the Office of the Attorney General, Crime Stoppers Trust Fund.

Visit the following link to watch “The Power to Pass” video in which the efforts to include homelessness into Florida’s hate crime legislation are detailed:

<https://www.box.com/s/9eqhp5gt9k/9/18321192/2579772033/1>

Appendix F: Formerly Homeless, Orange Co. resident reflects on the murder of Kelly Thomas

*By Marc McCue**

People come to Orange County California to take vacations, see the beach, and visit the happiest place on earth (Disneyland). As a formerly homeless person who lives in the community where Kelly Thomas was beaten to death by Fullerton police officers, and where Itzcoatl Ocampo murdered four homeless men, Orange country is far from the happiest place on earth when you don't have a home. By volunteering at a men's detox facility where I constantly see men coming in from the streets who have been severely beaten. For the citizens of Orange County, the deaths of these innocent men brought to light a problem in which the homeless population is all too familiar with- when you're homeless not only do you need to worry about finding a place to stay where you can be protected from the weather and thieves, but you also need to worry about being attacked.

The brutal beating of Kelly Thomas that was caught on tape, and the murder of four other homeless men have captured the attention of the public. These incidents have given insight into what can happen to a homeless person in even a very safe community such as Orange County, California. If there is any silver lining that can be found in this situation, it is that many people in Orange County no longer see the homeless population as a stain on the fabric of society. People are now beginning to see that simply because a person does not have a home, this does not mean they are sub-human. They are fathers and mothers, sisters and brothers, sons and daughters. The deaths of these individuals brought the community together. It didn't matter what political party you belonged to; what was important was making sure this kind of brutality didn't happen to anybody in our community. The people responsible for his death were brought to justice, and the citizens have come together to protect other venerable individuals from harm.

Unfortunately, after a traumatizing event, it is human nature to often forget and continue on with our lives. That is not the case with Kelly Thomas. A year after his death the memory of Kelly Thomas is still bringing the community together. On July 12, 2012, a gathering of nearly one-hundred supporters, including family members, of Kelly Thomas held lit candles and remained silent for fifteen seconds at nearly the exact time and location where the 37-year-old-homeless man was first confronted. Not only were they keeping the memory of Kelly alive, but they were also telling the community this behavior is not acceptable.

As a resident of Orange County and a formerly homeless person I am grateful that citizens in my community are starting to stand up for the rights of homeless men and women. While I wish that it didn't take the death of five innocent men for the community to come together, however, I am glad that from this point forward, people understand that homelessness is a serious issue that needs to be addressed.

**Marc McCue served as an AmeriCorps*VISTA Volunteer in Washington, DC during the summer of 2012. He did outreach to homeless veterans. He is a student at California State University-Fullerton, CA.*