



National Coalition for the Homeless

2201 P. St. NW

Washington, DC 20037

Phone: (202) 462-4822 Fax: (202) 462-4823

Email: info@nationalhomeless.org Web page: <http://www.nationalhomeless.org>

Hate Crimes and Violence against People Experiencing Homelessness

NCH Fact Sheet # 21

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History of Violence

Over the past nine years, advocates and homeless shelter workers from around the country have received news reports of men, women and even children being harassed, kicked, set on fire, beaten to death, and even decapitated. From 1999 through 2007, there have been 774 acts of violence by housed people, resulting in 217 murders of homeless people and 557 victims of non-lethal violence in 235 cities from 45 states and Puerto Rico.

In response to this barrage of information, the National Coalition for the Homeless (NCH), along with its Civil Rights Work Group, a nationwide network of civil rights and homeless advocates, began compiling documentation of this epidemic. NCH has taken articles and news reports and compiled them into an annual report. The continual size of reports of hate crimes and violence against people experiencing homelessness has led NCH and the National Law Center on Homelessness & Poverty (NLCHP) to publish its ninth annual consecutive report, "Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2007." This annual report also includes a nine-year analysis of this widespread epidemic. These reports are available on the NCH website at: www.nationalhomeless.org

What is a Hate Crime?

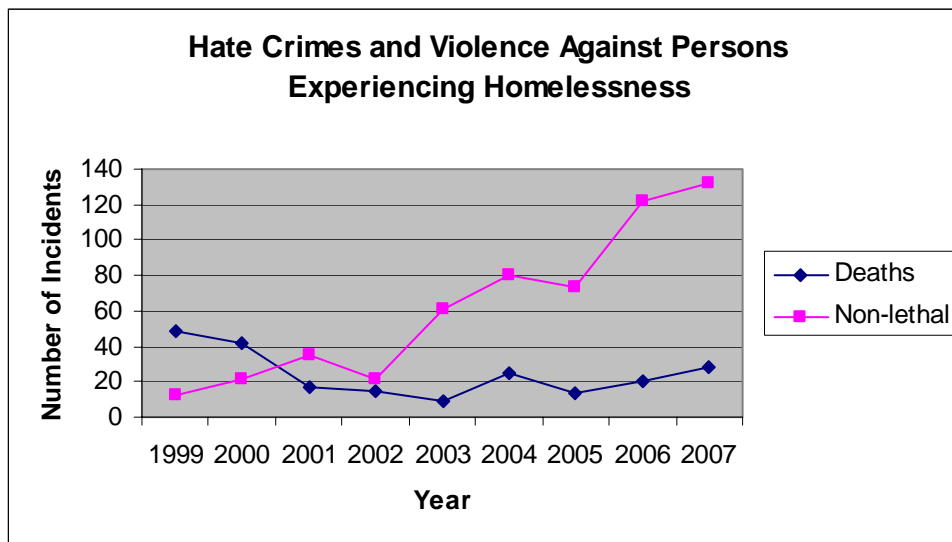
The term "hate crime" generally conjures up images of cross burnings and lynchings, swastikas on Jewish synagogues, and horrific murders of gays and lesbians. In 1968, the U.S. Congress defined a hate crime as a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of their race, color or national origin (Title 18 U.S.C Section 245). The first federal law to combat hate crimes, 18 USC Section 245, passed in 1968; it mandated that the government must prove both that the crime occurred because of a victim's membership in a designated group and because the victim was engaged in certain specified federally-protected activities -- such as serving on a jury, voting, or attending public school.¹

¹ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html

Federal bias crime laws enacted subsequently have provided additional coverage. The Hate Crimes Statistics Act of 1990 (HCSA) authorizes the Justice Department to collect data from law enforcement agencies about crimes that “manifest evidence of prejudice based upon race, religion, -sexual orientation, or ethnicity.”² The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement Act of 1994, defines hate crimes 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, national origin, ethnicity, gender, disability, or sexual orientation of any person.” This measure only applies to attacks and vandalism that occur in national parks and on federal property.³

Who Commits Hate Crimes and Violence against People who are Homeless?

Most hate crimes/violent acts are committed not by organized hate groups, but by individual citizens who harbor a strong resentment against a certain group of people. Some are “mission offenders,” who believe they are on a mission to cleanse the world of a particular evil. Others are “scapegoat offenders,” who violently act out their resentment toward the perceived growing economic power of a particular racial or ethnic group. Still others are “thrill seekers,” those who take advantage of a vulnerable and disadvantaged group in order to satisfy their own pleasures. Thrill seekers, primarily in their teens, are the most common perpetrators of violence against people who are homeless.



Nine Years Analysis (1999—2007) Hate Crimes / Violence Statistics

Total number of violent acts of 9 years: 774
 Total number of deaths over 9 years: 217
 Total number of non-lethal attacks over 9 years: 557

² Source: Leadership Conference on Civil Rights, www.civilrights.org

³ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html

Total Number of cities where crimes occurred over 9 years: 235
Total number of states where crimes occurred over 9 years: 45 plus Puerto Rico
Age range of the accused/convicted: 10 to 75 years of age
Age range of the victims: 4 months to 74 years of age
Gender of victims: Male: 463 Female: 66

2007 Hate Crimes / Violence Statistics

Total Number of Violent Acts: 160
Total Number of Lethal Attacks: 28
Total Number of Non-Lethal Attacks: 132

Breakdown of Non-Lethal Attacks:

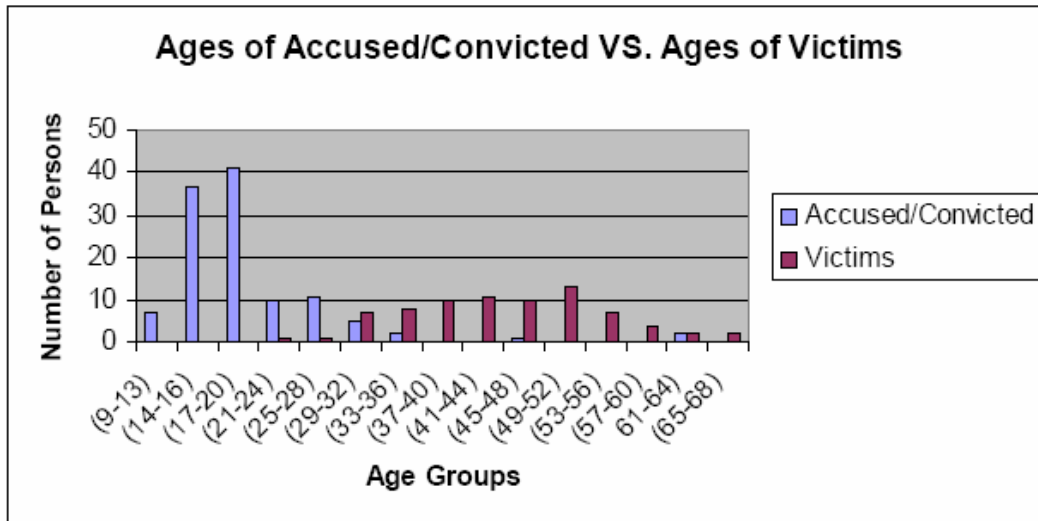
Total Number of Rapes/Sexual Assaults: 2
Total Number Setting on Fire: 9
Total Number of Beatings: 110
Total Number of Incidents involving Police Harassment/Brutality: 11

Age Ranges of the Accused/Convicted: 10(two), 11, 12, 13(three), 14(eight), 15(eighteen), 16(eleven), 17(eleven), 18(fifteen), 19(eight), 20(seven) 22(three), 23, 24(six), 25(five), 27(four), 28(two), 29(two), 30, 32 (two), 33, 36, 47, 61, 62.

Age ranges of the victims in 2007: 22, 26, 29, 30 31, 32(four), 33, 34, 35(five), 36, 37, 38(two), 39(three), 40(four), 41, 42(three), 43(three), 44(four), 45(two), 46(two), 47(three), 48(three), 49(seven), 50(five), 51, 53(two), 54, 55(three), 56, 57, 58 (two), 59, 63(two), 68(two).

Gender of victims: Male: 108 Female: 18

COMPARISON OF HATE CRIME HOMICIDES vs. FATAL ATTACKS ON HOMELESS INDIVIDUALS 1999-2007



Examples of Hate Crimes and Violence against People Experiencing Homelessness

**On February 23, 2007, San Diego police arrested 61-year-old Michael Nash near his home in conjunction with the disfigurement and killing of Allen Burton Hawes, a 57-year-old homeless person.

Hawes was shot and killed sometime on or after February 23. A tow truck driver found Hawes’ head in a plastic bag on Interstate 5. Parts of his body were found near the Otay River in Palm City, Interstate 5, and on State Route 163. Friends described Hawes to CBS News as “the nicest guy around here.”

Investigators believe the two knew each other, but they have not been able to establish a clear motive. Some neighbors say that he may have been gay; however, the police have not commented on whether sexual orientation played a role in the murder.

Nash pleaded not guilty to the crime.

** On September 3, 2007, in Reno/Sparks, Nevada, two teenagers were arrested for the beating death of a homeless man. Christopher Michael Maciolek, 19, and Finley Byrdette Fultz, 18, were booked on suspicion of open murder in the beating and stomping to death of James Beasley, 55.

Witnesses say the two attackers beat a homeless man at Wingfield Park, and then walked to nearby Brick Park where Beasley was sleeping on a bench. They kicked and stomped on Beasley’s head and torso.

Both teens are suspected in the beating up two other homeless people on Labor Day.

One victim didn't file a police report in order to not to be known as a "snitch" to the police. This victim was beaten up by a group of men as he was sleeping. The man suffered leg fractures.

Another man reported he was awakened along the banks of the Truckee River by a group of younger men who were beating his legs with either a bat or a stick.

Mark Mallory, assistant manager for the Men's Drop-In Center, said that seven of his clients, including the murder victim, Beasley, were assaulted by people believed to be housed.

HOMICIDES CLASSIFIED AS A HATE CRIME VS. FATAL ATTACKS ON HOMELESS INDIVIDUALS

<u>YEAR</u>	<u>Homicides Classified as a Hate Crime*</u>	<u>Fatal Attacks on Homeless Individuals</u>
1999	17	48
2000	19	42
2001	10	17
2002	11	14
2003	14	8
2004	5	25
2005	6	13
2006	3	20
2007	N/A	28
9 Yr Total	85+	215

RECOMMENDATIONS FOR ACTION:

The National Coalition for the Homeless and the National Law Center on Homelessness & Poverty recommend that the following actions be taken:

1. Inclusion of housing status in the pending state and federal hate crimes legislation.

H.R. 2216

Introduced by Rep. Eddie Bernice Johnson (D-TX) on May 8, 2007

Purpose: To amend the Hate Crime Statistics Act to include crimes against homeless persons

Status: Referred to House Subcommittee on Crime, Terrorism, and Homeland Security since 6/25/07

Co-Sponsors:

Rep. Robert A. Brady [D-PA]
Rep. Donna M. Christensen [D-VI]
Rep. Keith Ellison [D-MN]
Rep. Chaka Fattah [D-PA]
Rep. Bob Filner [D-CA]
Rep. Charles A. Gonzalez [D-TX]
Rep. Al Green [D-TX]
Rep. Raul M. Grijalva [D-AZ]
Rep. Alcee L. Hastings [D-FL]
Rep. Sheila Jackson-Lee [D-TX]
Rep. William J. Jefferson [D-LA]
Rep. Dennis J. Kucinich [D-OH]
Rep. John Lewis [D-GA]
Rep. Zoe Lofgren [D-CA]
Rep. Eleanor Holmes Norton [D-DC]
Rep. Ileana Ros-Lehtinen [R-FL]
Rep. Bobby L. Rush [D-IL]
Rep. John F. Tierney [D-MA]
Rep. Robert Wexler [D-FL]

H.R. 2217

Introduced by Rep. Eddie Bernice Johnson (D-TX) on May 8, 2007

Purpose: To amend the Violent Crime Control and Law Enforcement Act of 1994 to include homeless status in the definition of “hate crime” for the purposes Federal sentencing provisions

Status: Referred to House Subcommittee on Crime, Terrorism, and Homeland Security since 6/25/07

Co-Sponsors:

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2. **Awareness training** at police academies and departments nationwide for trainees and police officers about the causes and solutions to homelessness and how to deal effectively and humanely with people experiencing homelessness in their communities.
3. **Faces of Homelessness Speakers' Bureaus** (made up of homeless and formerly homeless people) become established in communities around the country. Speakers would visit both public and private schools in communities for the purposes of information and education, as young people perpetrate a significant portion of the violence against homeless persons. For more help and technical assistance in establishing a Faces of Homelessness Speakers' Bureau in your community, contact Michael O'Neill, Project Director, at: Ph. (202) 462-4822 x222; Email: moneill@nationalhomeless.org, or visit <http://www.nationalhomeless.org/faces>
4. A **public statement by the U.S. Department of Justice** acknowledging that hate crimes and/or violence against people experiencing homelessness is a serious national trend.
5. The **U.S. Department of Justice issues guidelines** for local police on how to investigate and work with people experiencing homelessness based on recommendations from the National Coalition for the Homeless and the National Law Center on Homelessness & Poverty. The U.S. Department of Justice recommends improvements to state law on how to better protect against violence directed at people experiencing homelessness, including tougher penalties.
6. With the assistance of the National Coalition for the Homeless, the National Law Center on Homelessness & Poverty, and criminal justice professionals, add **"housing status" information to the checklist of data maintained as part of the National Incident Based Reporting System (NIBRS)** maintained by the

FBI. Similar efforts should be undertaken by state uniform crime reporting (UCR) agencies.

7. **A U.S. Government Accountability Office (GAO) study** into the nature and scope of hate crimes and/or violent acts and crimes that occur against people experiencing homelessness. This proposed study will address the following:
 - Causes of hate crimes/violence.
 - Circumstances that contribute to or were responsible for the perpetrators' behavior.
 - Beliefs held by the perpetrators of these crimes and how their beliefs have changed since conviction.
 - Thoughts and advice from the perpetrators to others who are considering hate crimes/violence against the homeless population.
 - Factors in the community that may be contributing to targeting of homeless persons, such as measures that criminalize homelessness.
 - Contributing factors to homeless persons' vulnerability, such as lack of adequate shelter or housing, and ways to address those factors.
 - Community education, prevention, and law enforcement strategies.
8. **Cities** should implement more constructive approaches to homelessness and **not implement or enforce criminalization measures.**
9. Our federal, state, and local governments should prioritize **creating and providing adequate affordable housing and services** to bring an end to homelessness in our communities.

Resources

1999: *No More Homeless Deaths! Hate Crimes: A Report Documenting Violence Against Men and Women Homeless in the U.S.*

2000: *A Report of Hate Crimes and Violence Against People Who Are Homeless in the United States in 2000*

2001: *Hate. A Compilation of Violent Crimes Committed Against Homeless People in the U.S. in 2001*

2002: *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 1999-2002*

2003: *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2003*

2004: *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2004*

2005: *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2005*

2006: *This report, Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2005*

2007: *This report, Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2007*

These entire reports are available on NCH's website: (www.nationalhomeless.org)