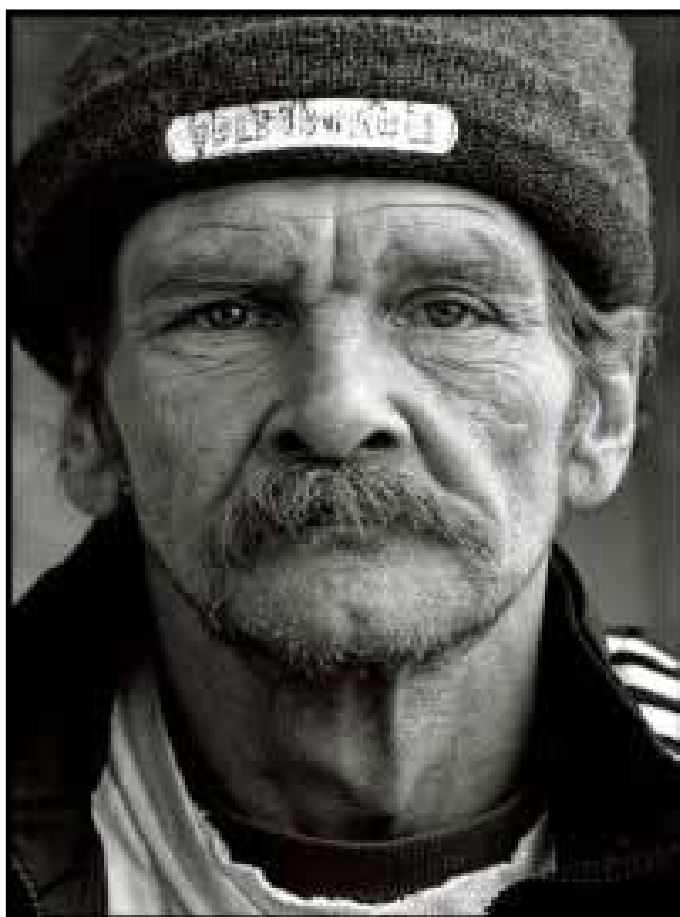


Hate Crimes Against The Homeless *America's Growing Tide of Violence*

August, 2010



by Leroy Skalstad, formerly homeless Vietnam veteran



A Report From
National Coalition for the Homeless



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

www.nationalhomeless.org

Acknowledgement

Many thanks to the staff, fellows, interns and volunteers at the National Coalition for the Homeless for preparing this report

Special Thanks

Donna Leuchten, Bill Emerson Hunger Fellow, Congressional Hunger Center

Benjamin Sisko, Student Intern, Roger Williams University, class of 2011

Phil York, Student Intern, Marietta College, class of 2010

Marianna Nicolaije, Student Intern, The Hague University of Applied Sciences, class of 2010

Brian Levin, Dir., Center for the Study of Hate & Extremism, CA State University, San Bernardino

Sean Cononie, Lois Cross & Mark Targett, Homeless Voice, COSAC Foundation, Hollywood, FL

Adam C. Sloane, Esq. Mayer, Brown, Rowe, & Maw LLP

Presbyterian Church, USA Small Church & Community Ministry Office

Leroy Skalstad, Cover Photo

Zachary Smith, Student Intern, The University of North Carolina at Chapel Hill, class of 2011

Sidney Stern Memorial Trust

Michael Stoops, Director of Community Organizing, National Coalition for the Homeless

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National Coalition for the Homeless wishes to thank the additional research support provided by its contributing national members.



The National Coalition for the Homeless

The National Coalition for the Homeless, founded in 1982, works to bring about social change necessary to prevent and end homelessness and to protect the rights of people experiencing homelessness. 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 or 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 end homelessness and working to meet the immediate needs of people who are currently experiencing homelessness.

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A Report From
National Coalition for the Homeless

Hate Crimes Against the Homeless
America's Growing Tide of Violence

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Dedication

The National Coalition for the Homeless dedicates this report to the thousands of un-housed women and men who in spite of living in a country of laws and protections are victims of bias motivated offenses.

Prejudice based attacks against those experiencing homelessness are a sad fact of American history, which should never be forgotten. May this report help to ensure that hate crimes against the homeless be relegated to the ignorance of yesterday and with tomorrow's knowledge, be assigned an obscure place of exile.



Introduction

WASHINGTON, DC. – *Hate Crimes Against the Homeless: America’s Growing Tide of Violence* is a shocking report on the growth of biased motivated crimes of hate against America’s homeless. The National Coalition for the Homeless’ report marks the beginning of its second decade tracking, interviewing and classifying thousands of individuals impacted by hate crimes against the homeless.

This year’s report has the horrifying distinction of being the deadliest in a decade, at forty-three reported homicides. The research contained in this report chronicles more than a thousand separate attacks across the United States, representing a fraction of the total hate crimes that remain drastically underreported.

Individuals who commit homeless hate crimes are motivated primarily by a bias that another individual is or may be homeless. Perpetrators often give account to feelings of hostility and animosity, towards the visibly homeless, so strong they demand action. While others describe a generalized hatred, passed down from one generation to the next, resulting in a growing wave of violence across America.

Documented hate crimes in this report involve: dousing with gasoline and setting aflame; rape in exchange for shelter; spray painting and stomping upon while sleeping; and, repeated incidence of gang initiations involving stabbings and beatings.

Un-housed individuals, as a target of hate, have consistently grown over the past decade. This year’s report draws an especially gruesome and disturbing trend in the frequency and manner of the offenses. Violent, often fatal, attacks on homeless Americans now outnumber all other categories of hate crimes combined.

The National Coalition for the Homeless has successfully advanced its legislative agenda on hate crimes, both at the state and federal levels. Our objective is to place the responsibility of tracking statistics on hate crimes against the homeless into the hands of local and national law enforcement. Our goal is to further legitimate our analysis and quantify the growing wave of violence against the homeless, ultimately resulting in sufficient resources to solve the problem and create the solutions.

On behalf of any and every victim of biased motivated crimes, we must remain committed to the cause of justice, honest stewards of truth and capable recorders of the endless narrative of hate.

Neil J. Donovan
Executive Director
National Coalition for the Homeless

Executive Summary

In the past eleven years, the National Coalition for the Homeless (NCH) has documented over a thousand 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 beatings, rapes, and setting people on fire. *Hate Crimes Against the Homeless: America's Growing Tide of Violence* is the eleventh annual report documenting violence against homeless persons.

The violence continues and with forty-three known deaths, 2009 was the deadliest year for attacks on homeless people in a decade and the second highest 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.

- 1,074 reported acts of bias motivated violence have been committed against homeless individuals between 1999-2009.
- 291 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 teenaged boys. In the eleven year history of our hate crime reports the vast majority of the attacks against homeless people have been committed by youth as young as ten years old. In 2009:

- 80 percent of the attacks were committed by people under thirty years of age
- 98 percent of perpetrators were men
- Nearly one in three attacks ended in death

Hate Crimes Against The Homeless: America's Growing Tide of Violence documents the known cases of violence against homeless individuals by housed individuals in 2009. 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 National Coalition for the Homeless 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 and a commitment by lawmakers to combat the hate crimes and violent acts against people who experience homelessness.

Methodology

The data on violent acts committed against homeless individuals in this report was gathered from a variety of sources. A number of narratives were derived from published news reports (nationally and locally). 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 individuals and formerly homeless individuals, who self-reported incidents that 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 attacks were perpetrated due to a bias against the victim because of his or her homeless status. Other attacks may have been perpetrated merely because the homeless person was in a vulnerable position to be attacked, due to the nature of homelessness. Only attacks committed by housed individuals against homeless individuals were evaluated. Crimes committed by homeless individuals against other homeless individuals were excluded from this report.

While National Coalition for the Homeless has made every effort to verify the facts regarding each incident used in our report, new information about cases sometimes becomes available after publication. The National Coalition for the Homeless comprehensively researches and reviews all included data. As new, additional evidence emerges about the classification of prior, new, or previously unknown cases, it is the policy of National Coalition for the Homeless to adjust tabulations accordingly.

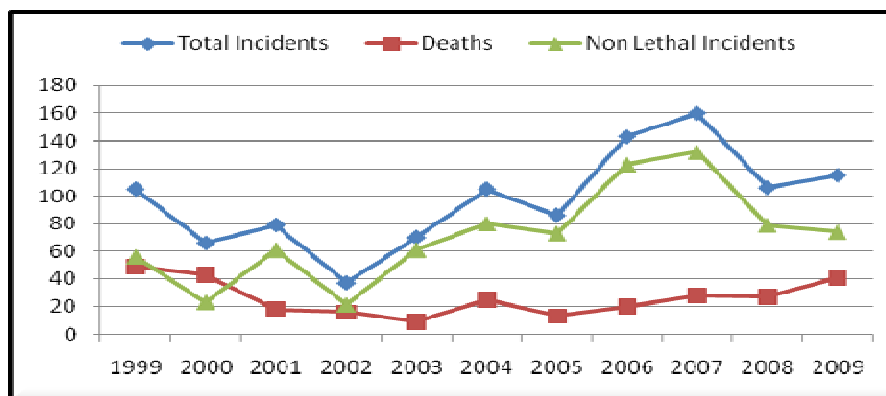
History of Hate Crimes Against the Homeless

A hate crime is defined by the U.S. Department of Justice's Federal Bureau of Investigation (FBI) as a bias crime and is 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 homeless individuals as a protected status, the National Coalition for the Homeless, during the past eleven years, recorded over a thousand incidents of crimes committed against homeless individuals due to the housed offender's bias of the victim's housing status. In 2009 alone, forty-three homeless men and women lost their lives to such violence.

These crimes of hate are committed against a community of vulnerable individuals in our country who are at risk because they live outside or in public spaces. Many of our communities do not have adequate, affordable housing or shelter space to meet the need. According to the U.S. Department of Housing and Urban Development, on any given night, over 664,000 people are homeless, and forty-two percent of the homeless population is unsheltered.²

Over the past eleven years, hundreds of homeless people have been attacked and killed. While this report provides alarming numbers, many attacks go undocumented. Homeless people are treated so poorly by society that their attacks are often forgotten or unreported. In 2009 alone, one hundred seventeen incidents resulted in forty-three deaths. Since 1999, The National Coalition for the Homeless has recorded one thousand seventy-four acts of violence that resulted in two hundred ninety-one deaths.

Hate Crimes 1999-2009



The graph shows that violence against homeless individuals by housed individuals is an alarming trend that is not disappearing. Although there was a significant drop in incidents in 2008, the numbers show an increase again in 2009. Most disturbing is the number of deaths seen in 2009.

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

² Office of Planning and Development, U.S. Department of Housing and Urban Development. *The 2008 Annual Homeless Assessment Report to Congress*. July 2009.

With forty-three deaths, 2009 was the deadliest year for bias related crimes against the homeless population since 2000.

The deaths that the National Coalition for the Homeless has seen 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 eleven years, there are more than double the amount of homeless hate crime deaths than there are for all current protected classes.

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

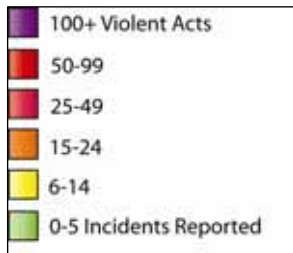
YEAR	Homicides Classified as Hate Crimes (FBI Data)	Fatal Attacks on Homeless Individuals (NCH Data)
1999	17 (9 racially, 2 religiously, 3 sexual orientation, 3 ethnically motivated)	49
2000	19 (10 racially, 1 religiously, 2 sexual orientation, 6 ethnically motivated)	43
2001	10 (4 racially, 1 sexual 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 motivated, 1 racially, 1 ethnically motivated)	27
2009	(FBI Data unavailable at this time)	43
11 Year Total	103	288

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

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

³ 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.

Where Hate Crimes Occur 1999-2009



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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 eleven years, NCH has documented over a thousand attacks on homeless people with hundreds, if not thousands, more going undocumented. These maps help to illustrate where violence against the homeless occurs most frequently.

As you can see, Florida and California are the states where violence against the homeless occurs most frequently. At the National Coalition for the Homeless, we can only speculate why this occurs.

The generally warm temperatures in these areas are conducive to outdoor living. Many homeless individuals are unable to find shelter while others elect to camp outdoors in order to obtain relative privacy. The comparatively high-housed populations in these areas inevitably interact with the homeless population at a much higher rate than housed populations in more rural states such as Vermont or North Dakota. As a consequence, the homeless population in these warmer areas is an easy target for hate crime aggressors. Generally, our data suggests that warmer year-round climates with higher concentrations of homeless individuals document more violent acts against the homeless.

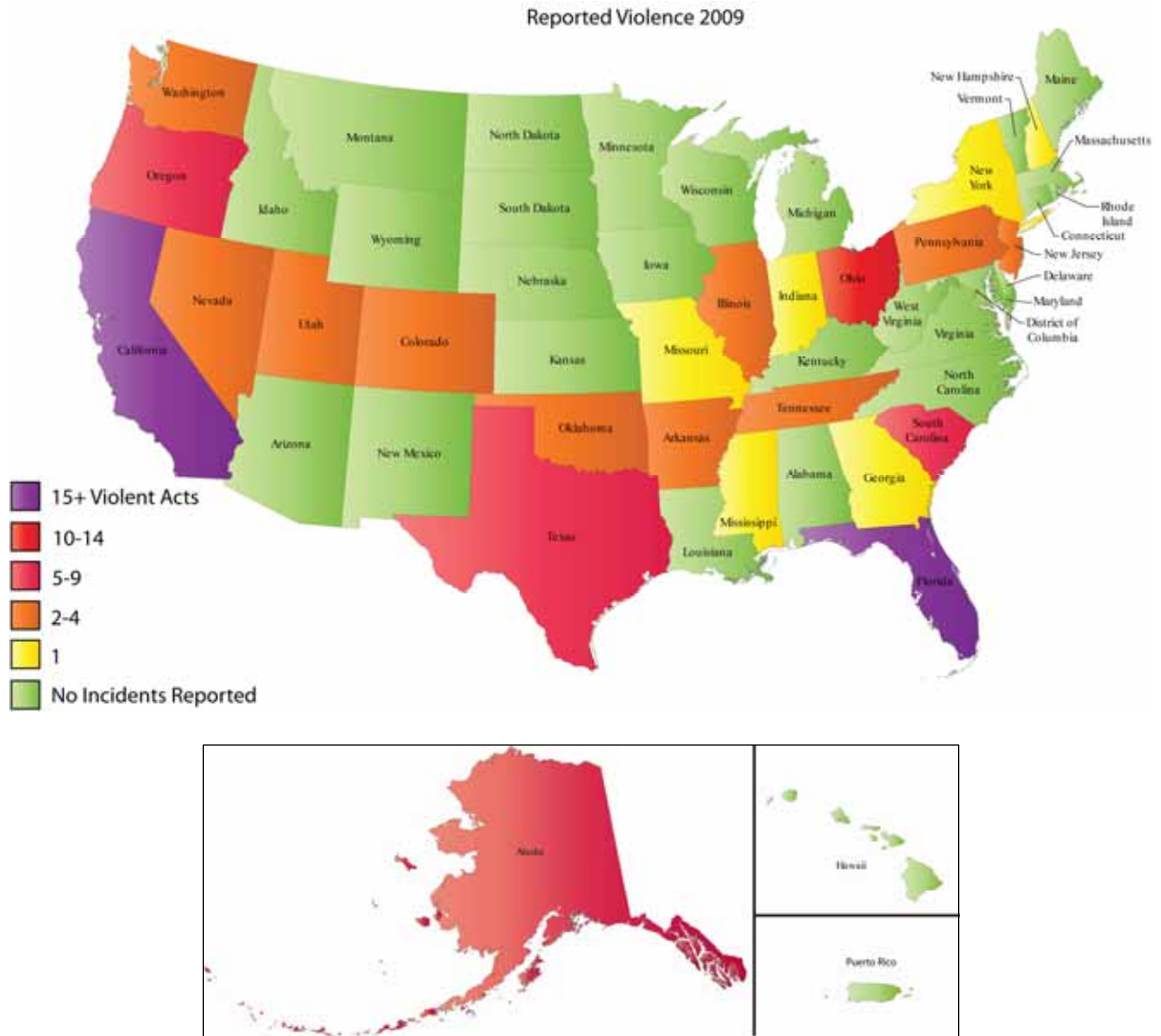
Criminalizing the Homeless Community

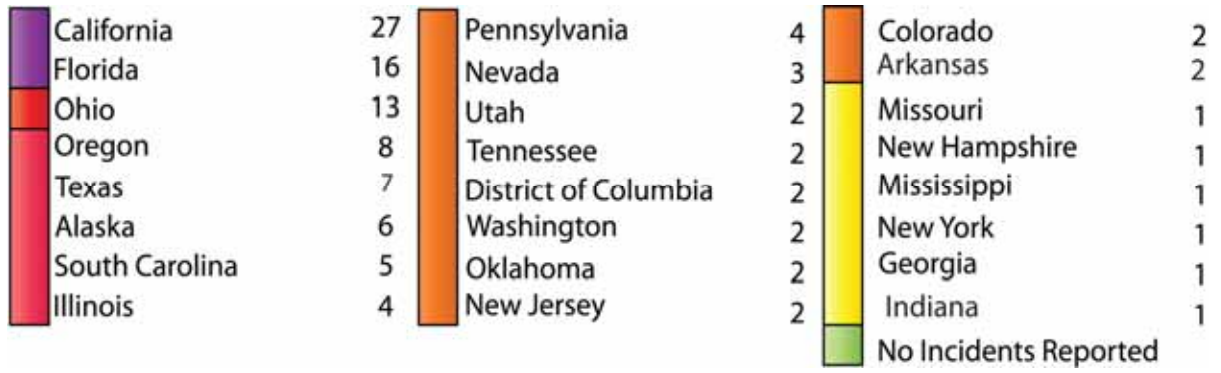
There is a documented relationship between increased police action and the increasing numbers of hate crimes/violent acts against homeless people. Again, Florida is a good case study. Many cities in Florida have enacted severe anti-camping, panhandling, anti-feeding, and other criminalization of homelessness laws. Many of the cities mentioned in NCH's bi-annual criminalization report are also cities where hate crimes against homeless individuals have frequently occurred. In fact, four of the ten meanest cities identified in *Homes Not Handcuffs* were cities in Florida.⁴ Florida is also the state with the highest number of bias-motivated crimes against homeless individuals.

One possible explanation for this is the message that criminalizing homelessness 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 who is homeless.

⁴ The National Coalition for the Homeless & The National Law Center on Homelessness and Poverty, *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*. 2009

The locations of hate crimes against the homeless in 2009 generally mirror the previous ten year figures. Again, Florida and California report the most attacks against the homeless community.





Homeless People Report On Hate Crime Violence

During the Summer of 2009, the National Coalition for the Homeless, with the assistance of twenty AmeriCorps*VISTA Volunteers and fourteen VISTA Summer Associates, surveyed 1,343 homeless people in fourteen Florida counties concerning their experiences with hate crimes/violence.

NCH volunteers asked an assortment of questions, and the resulting answers were both informative and alarming. When asked the question, “How do you think you are treated by those who are not homeless?”, twenty-nine percent said that they were treated poorly, twenty-nine percent said they were ignored, and thirty-two percent said that they were treated well.

The most disturbing answer/statistic NCH found, however, was to the question “In the last four years have you been attacked in your community by someone whom you thought was not homeless?” Twenty-six percent of those surveyed responded ‘yes’ and nearly a quarter of these reported that they had been attacked more than once.

Another National Coalition for the Homeless preliminary survey of thirty-five homeless people in Orange County found that forty-six percent of respondents had been attacked in the last four years by someone who they thought was not homeless. A larger and more comprehensive survey is being conducted in this county by the Homeless Network of Central Florida with the help of National Coalition for the Homeless’ AmeriCorps*VISTA Volunteers.

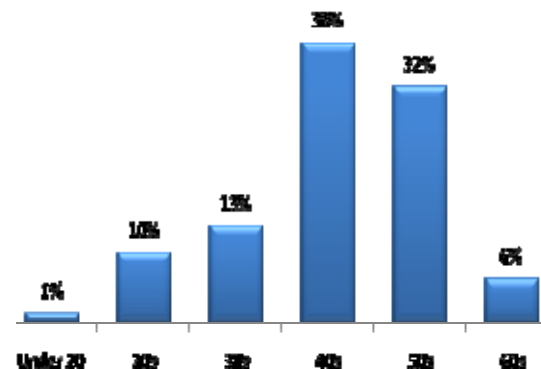
Respondents’ attitudes toward the police were mixed. Twenty-five percent of those surveyed reported that the police were not helpful, while twenty-six percent reported that police were helpful. Similarly, twenty-one percent of respondents were not confident of the police department’s ability to protect them, while twenty-nine percent were.

Despite polarized attitudes toward law enforcement, seventy-seven percent of respondents stated that they would report a crime if they witnessed someone being attacked and fourteen percent said that they sometimes would.

Profile of Homeless Victim

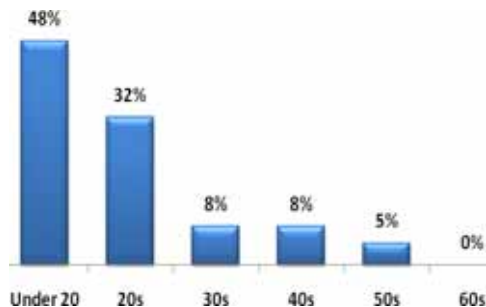
The most common victim of homeless hate crimes is a middle aged, homeless man. Between 1999 and 2009, on average, almost thirty eight percent of victims were between the ages of forty and fifty and seventy percent of the victims are between the ages of forty and sixty. In 2009, the homeless victim's average age was forty-five. In addition to being predominantly middle-aged, a large majority (eighty-five percent) of victims were male.

Ages of Victims between 1999-2009



Profile of the Accused/Convicted Perpetrator

Ages of 2009 Accused/Convicted Perpetrators



In contrast to the average victim, the most common perpetrators of homeless hate crimes are young men. In the past eleven years, seventy-eight percent of the perpetrators were under the age of twenty-five. In 2009, nearly half of the accused/convicted perpetrators were under twenty years old. The youngest known perpetrator in 2009 was twelve. Almost all (ninety-eight percent) of the perpetrators of homeless hate crimes in 2009 were male.

Cases in 2009

In 2009, the National Coalition for the Homeless compiled a total of one hundred seventeen homeless victims of violence who were attacked by non-homeless perpetrators. Of the one hundred seventeen victims, seventy-four were not fatally injured however forty-three of the victims lost their lives. Over the past eleven years, nearly one in four violent attacks on homeless individuals resulted in death, and in 2009, nearly one in every three resulted in death.

Examples of 2009 headlines include:

- *Homeless Man Beaten to Death with a Rock*
- *Homeless Woman Raped in Exchange for Shelter*
- *Four Teens Douse Homeless Man With Lighter Fluid, Set Him on Fire*
- *Homeless Humiliated and Beat While Onlookers Cheer*
- *Hatchet Wielding Youth Attack Homeless*

“I’ve had bottles thrown at me. I’ve been spit upon because I was homeless...mostly by young people. Adults are more verbal. Kids are more apt to do violent acts. I don’t think an adult would be violent.”

- George Siletti
(Formerly Homeless,
Washington, DC)

Case Descriptions: Deaths

Total Deaths: 43

Serial Rapist and Killer Targets Homeless

CLEVELAND, OHIO – January 1, 2009 – October 1, 2009. The murders of at least eleven homeless women may finally be solved after an Ohio court allowed prosecutors to present testimonial evidence linking Anthony Sowell, fifty, to the murders. At least four women who survived his advances will soon testify against him, adding assault to the list of allegations that includes aggravated murder, rape, and corpse abuse. Two of the surviving women were raped and assaulted in 2009. Court documents say that the stories of the survivors show a pattern very similar to that of the victims. The attacks took place over a two year period of 2007-2009, and all of his victims were homeless women. Sowell may have been able to evade police for an extended period of time because many of his victims were not reported missing until months after they were killed. Authorities said Sowell lured homeless women into his home where their remains were found last fall. At least six of the murders occurred in between January 1 and October 1, 2009. Police are continuing to investigate other suspicious, unsolved murders in the area. Due to the complexity of the case, the Cleveland court is expected to resume in June after the defense attorneys have had a chance to examine the DNA and circumstantial evidence posed against Sowell. He has pled not guilty and faces the death penalty if convicted.

Planned Murder of Homeless Man

WOODSTOCK, ILLINOIS - January 19, 2009. Twenty-four year-old Kyle Morgan was accused of the brutal murder of a twenty-eight year-old homeless man on January 19, 2009. Although the individual attack seemed random, Morgan had planned to attack a homeless man for some time. The homeless man died of multiple stab wounds and a collapsed lung. Morgan was captured after he left the murder weapon at the scene of the crime. Soon after an arrest warrant was issued for Morgan's arrest, Morgan fled to Tennessee where he hit two pedestrians on the sidewalk when he attempted to flee from Tennessee State Troopers.

Homeless Man Killed By Head Injury

SANTA BARBARA, CALIFORNIA - February 3, 2009. Ross Stiles, forty-three, died at Cottage Hospital from a massive head injury, according to police. Stiles was a homeless man who lived in Santa Barbara. According to friends of the victim, they saw a man smash a beer bottle over Stiles' head. The next day Stiles reported a head ache but did not report the assault. Doctors attempted to operate in order to reduce "massive swelling" in his brain but were too late. Friends of Stiles told police they saw two males confront Stiles, eventually smashing a bottle over his head before fleeing. Robert Evans, a friend of Stiles, lived/camped with Stiles for many years. "He was a real nice guy," Evans said. Stiles suffered from severe depression and pain resulting from a disability. Santa Barbara closed his case in March but then reopened the case in May after the coroner's report said Stiles died due to unknown blunt force trauma.

Teen Bragged About Killing Homeless Man

COLORADO SPRINGS, COLORADO – February 5, 2009. David Doyle, fifty-five, was sleeping on a pedestrian bridge when Taylor Lane Gwaltney, nineteen, biked past him; Gwaltney later returning to kill Doyle, hitting him up to sixteen times with a skateboard. Gwaltney, then, bragged to over a dozen other teens that he had “killed a bum”. Doyle was a local dirt bike racer in the 70’s and 80’s and worked in Colorado Springs for years before recently becoming homeless. Many community members and friends gathered together in honor of Doyle after his death. Gwaltney was convicted of first-degree murder and received a mandatory life sentence without parole.

Student Kills Homeless Man Based on Prejudice

HOUSTON, TEXAS - February 7, 2009. A thirty-two year-old university student has been charged in the early morning killing of a forty-seven year-old homeless man named Joe Tall. Jeremy Lee Pierce remains jailed after being formally charged with the shooting murder. Joe Tall was found lying on a Metro bus bench with at least one bullet hole in his head on the University of Huston campus. He was discovered by a student riding his bike to work when he noticed blood dripping from the victim. The school has offered any video recordings from their 500 on-campus security cameras for use in the Huston Police Department investigation. The murder of Tall is being referred to by investigators as a “thrill kill”. Pierce was known by other students as an aggressive individual and is quoted as saying that the homeless are a “blight to society.”

Two Homeless Men Attacked and One Murdered

SAN FRANCISCO, CALIFORNIA - February 15, 2009. Police believe four men were involved in an extremely aggressive assault on two homeless men. One homeless man was able to escape the assailants with minimal injuries but Peter Azadian, fifty-seven, who had been living under a door frame in the area, later died at a hospital. His death was caused by blunt force impacts.

Homeless Women Murdered in Brutal Beatings

GALVESTON, TEXAS - February 20, 2009. An inmate has been charged in connection with the murder of two homeless women. The women were fifty-six and fifty-one years old and their bodies were found fifteen days apart, on February 5th and on February 20th, near vacant houses. According to police, homeless people have been using the houses as refuge from the elements. David Ray Williams, twenty-two years-old, allegedly murdered two women by beating them around their neck, face, and head. The bodies of the women were discovered by children playing in the building and by an electric meter worker, respectively. Police believe that the women were sexually assaulted based on the haggard condition of their clothing. Patrols were increased in the area in the hopes of finding potential leads but the case broke when DNA evidence linking Williams to the murder was discovered.

Vietnam Veteran Becomes Victim of Homeless Attack.

BRADENTON, FLORIDA - February 23, 2009. Fifty-nine year-old Daniel Case, a Vietnam War Veteran, was killed while sleeping behind a local business. Upon his return to the United States, Case suffered from post-traumatic stress syndrome, constantly having night terrors and an inability to function out of depression and fear. Case felt that his disrupting behavior was unfair to his wife and three children and decided to move to Florida for their own wellbeing. He was attempting to find work in the factory industry, and was planning to get off the streets by living with one of his daughters. Case had established a relationship with a local business and was allowed to sleep behind the building in return for custodial labor. He was attacked by Luis A. Rincon, seventeen, and Robert A. Ramirez, eighteen, who were both members of a local street gang; they severely beat him with a bat and golf club. The attack seemed unprovoked, according to police. Case was found dead in his lawn chair the following morning. Rincon will serve a thirty year prison sentence for his part in Case's death.

Couple charged with killing homeless man

LAREDO, TEXAS – March 25, 2009. Twenty one year old Cruz Ramos, Jr. and nineteen year old Priscilla Garcia-Solis were arrested in Laredo, Texas after Ramos admitted to murdering a twenty eight year old homeless victim. The couple had a verbal altercation with the victim but left without a physical incident. Later, the attackers returned to confront the homeless man, after collecting a wooden ax from Ramos' home. Ramos then began to assault the victim with the wooden ax handle while Garcia-Solis violently kicked him. Police found the homeless victim dead in an abandoned building. The pair has been charged with felony murder. Ramos is serving a thirty year prison sentence for the crime, while Garcia-Solis awaits a trial.

Man Left for Dead in Street

KANSAS CITY, MISSOURI - April 1, 2009. While waiting for a bus, a forty-seven year old homeless man was attacked by two teen males. The attack was caught on surveillance camera, and investigated by the Kansas City Police. The exact cause of the altercation is under investigation. When the homeless man was punched, he collapsed into the street where he was run over by a car minutes later. He was left in the street as his attackers fled, and later died in the hospital.

Teen Charged with Murder of Homeless Man

HOLDEN HEIGHTS, FLORIDA - April 17, 2009. The body of Ora James Light, a fifty-one year-old homeless man, was found under Interstate 4. Light's abandoned body was found with multiple stab wounds. An eighteen year-old male, Tyler Sturdivant, originally denied any connection to Light but later admitted that he killed Light in self-defense.

Homeless Man Beat to Death

TAMPA, FLORIDA - April 17, 2009. Anthony Chatteron, forty, was killed by three men after a verbal argument. Chatteron believed that the men had stolen from him. Chatteron died at the scene after suffering from trauma to his upper body. The men fled the scene and took off in a car with a female driver. The police have not identified the suspects.

Three Teens Kill Homeless Man

REDDING, CALIFORNIA - April 18, 2009. Three teenage boys are facing murder charges after they beat a local homeless man to death. Using metal pipes and makeshift bats, the trio continually smashed the skull of Timothy Alcorn, forty-eight years-old, until he lost consciousness. Albert Sanchez, eighteen, John Hadley Thompson, fifteen, and Jared Cory Voss, seventeen, then, attempted to hide the body under a bush on the outskirts of the forest. Each of the boys will be tried as an adult in the case, though it is unclear if they will be issued separate trials. One of the teens described the attack as liberating, stating that, “it felt good” to beat Alcorn. He continued to say that he could not stop himself from striking Alcorn and was 90% sure that he had killed him. The attacks were clearly premeditated and deliberate as the teens met earlier in the day at a local fast food restaurant where the plan to “kick a bum’s ass” came to fruition. Deputy District Attorney Stew Jankowitz referred to the three teens as a “roving pack of predators.” Two of the three teens have pled not guilty to the charges.

Homeless Man in Wheelchair Found Dead

SANTA BARBARA, CALIFORNIA - April 23, 2009. Allan McKibben was a homeless man in a wheelchair. He was found dead by a train station, without his prosthetic leg. His face had been scratched and his tongue was severely bitten. Besides that, McKibben also had injuries to his collarbone and spine. Advocates believe that the circumstances of McKibben’s death indicate foul play; however, officials believe that some of his injuries may have been sustained before his death.

Homeless Man Killed During Unprovoked Beating

KANKAKEE, ILLINOIS – April 27, 2009. Edwin D. Smith, twenty-nine, was found by two fishermen beaten to death in the Water Street Park. Smith died from internal injuries in what police are considering an unprovoked beating. Caleb L. Atteberry, thirty-two, was arrested the next day and has been charged with first-degree murder and two cases of aggravated battery in Smith’s death. Atteberry is expected to plead guilty and be sentenced to 20 years in prison.

Gang Members Murder Homeless Man

WATSONVILLE, CALIFORNIA - April 29, 2009. Six gang members, aged twelve to nineteen, chased, beat, stabbed, and killed forty-four year-old Jose Marie Barajas. The group

had been harassing Barajas for two weeks before the night they murdered him. The gang members beat him with bottles, sticks, and clubs before stabbing him three times. The six gang members were joined by Jose Carrillo, another homeless man, due to an unrelated dispute between him and Barajas. The gang members were motivated by the location of the campsite where Barajas was a resident and leader. It was located in their street gang turf.

Homeless Man Murdered in Drunken Rage

EUGENE, OREGON - May 11, 2009. Police in Eugene are investigating the death of homeless resident Herbert Taylor Bishop, fifty-six. He was discovered in a wooded area with severe blood loss and head trauma. Bishop, known to friends and residents as Pac-Man, is suspected to have been murdered by two men, Michael Andrew Baughman, twenty-two, and Ryan Eugene Casch, twenty-two. The men viciously beat Pac-Man to death with blunt objects. According to witness accounts the duo went into the park “looking for someone to beat up.” Both men testified to attacking the Pac-Man in a drunken rage. Each man received a twenty-five year sentence.

Homeless People Targeted in Vicious Attacks

TRENTON, NEW JERSEY - May 14, 2009. John Madden, fifty-eight, died after suffering a beating with a blunt object. His body was found with severe trauma to his head and chest. It was later identified that he sustained substantial brain bleeding and injuries to both sides of his head. He was transported in an unconscious state to Capital Health Hospital but never awoke. Police have identified that these types of injuries are consistent with assault, not a fall or accident. Another man is recovering in a Philadelphia hospital after being set on fire. While sleeping in a vacant structure, an unidentified man was burned when someone set his mattress on fire. He also sustained lacerations to his face. The motive behind the attacks remains unknown, but police presumed that the violence was directly related to the victims’ homelessness.

Homeless Man Beaten to Death with a Rock

TULSA, OKLAHOMA - May 31, 2009. Seventeen year-old Carlos Molina-Alvarez is charged with first-degree murder in the killing of a homeless man after repeatedly hitting him with a rock. The homeless man, Karl Chilcoat, fifty-two, suffered a crushed skull from the multiple blows from the heavy object. The attack seems to be unprovoked. Alvarez will stand trial as an adult.

Assault on Homeless Turns to Manslaughter

EUGENE, OREGON - June 28, 2009 A Eugene man suspected of carrying out an assault on a homeless person has been indicted on second-degree manslaughter and second-degree assault charges after the homeless man died from a closed head injury. Gerald Wudarski, a fifty-three year old homeless man, wandered into Corey Freeman’s property looking for aluminum cans when Freeman confronted and chased Wudarski and another man down the street. Freeman

caught up with Wudarski and punched him in the head. Police were called by a neighbor and cited Wudarski with criminal trespassing. He was inspected by paramedics and no serious injuries were found. The last time Wudarski was seen alive is on a video surveillance tape taken shortly after 6 a.m. at a local laundry mat. When employees found Wudarski unresponsive an hour later he was transported and later pronounced dead at a local hospital. Freeman, twenty-eight, was sentenced to two years after pleading guilty to criminally negligent homicide.

Homeless Man Left for Dead in Alley

MERIDIAN, MISSISSIPPI - June 29, 2009. The body of homeless man David Caraway, fifty-two, was found in an alley behind a Hope Village Thrift Shop. Upon initial review, physical evidence of a struggle was not apparent. Once his body made it to the autopsy it was discovered that he had already been dead for two days. Physicians determined that he died of internal bleeding as a result of blunt force trauma to his body. It was thus declared a homicide. Five teens have been charged with the murder of Caraway, yet their motive for this gruesome act is still unknown. The teens aged sixteen, seventeen, eighteen, nineteen, and nineteen were all arrested and charged with capital murder. There does not seem to be a clear purpose for the attacks besides his housing status, as his possessions were not taken.

Homicide Detectives Investigate Body of Burned Homeless Man

LOS ANGELES, CALIFORNIA - July 2, 2009. Los Angeles police are investigating the suspicious death of a homeless man who was found with burns marks on his upper body and face. Investigators are trying to determine whether the man suffered the burns before or after his death. Locals say the homeless man was a frequent resident of the area.

Friends and Family of Homeless Man Left Mourning

BUCKS COUNTY, PENNSYLVANIA - July 7, 2009. John “Jack” Reil, fifty-eight, died leaving many of his family and friends devastated. “Nicest guy in the world,” and “Angel,” were just a few of the words used to describe Reil. He worked for twenty years for the same company as a fork lift operator before he succumbed to his alcoholism. He lived with other homeless people in a “canal town” where his absence will be felt most. According to his former “roommates,” homeless beatings are common. They report “kids” come to hate and steal from the homeless. Reil was found stabbed multiple times in an apartment complex parking lot, according to police. Jamal Smith, twenty-three, has been arrested after he allegedly admitted to stabbing Reil fourteen times. He is being held on \$5 million dollars bail.

“Most of us have been mugged...I’ve had the back of my head smashed open with a bottle over \$20.”

**- Resident of a tent city
(Bucks County, PA)**

Homeless Man Brutally Beaten to Death

ANCHORAGE, ALASKA - July 12, 2009. Two boys, Marc

Ewing and Lawrence Lobdell, both eighteen, were charged with second-degree murder after stomping a homeless man to death. It was discovered that they were drunk and high on marijuana. According to police reports, they were craving food and liquor when they assaulted the man. While walking through a park with a female companion, they came across James Lockery, thirty-seven, a homeless man, trying to sleep. The duo attacked the sleeping Lockery and stole his belongings. Lockery had seven dollars and a case of beer.

Homeless Man Killed

OCOE, FLORIDA - July 22, 2009. Two teenagers were riding their ATV's one day when they came across the tent of thirty year-old Joel Boner. The teenagers, Hawthorne and Milner, both nineteen years-old, knew that this man was a homeless member of the community. They demanded that he leave the park where he slept. It is believed that Boner came out of his tent and told the teens that he would not leave. This caused Hawthorne and Boner to get into a physical fight, which ended up with Boner being stabbed fifteen times in the back and once in the front. The teens then took pictures of Hawthorne flexing without a shirt on and with a camera phone. The teen left the homeless man bleeding and asking for help at the scene. Hawthorne is being charged with murder. In July of 2010, a jury found Hawthorne guilty of second-degree murder. In August of 2010, he was sentenced to thirty-eight years in prison.

Homeless Man Killed by Fifteen Year-Old Teen

RENO, NEVADA - July 22, 2009. Eric Burkhart, fifty-five, was beaten, stomped, and kicked to death at his homeless camp. James Pineda, fifteen, and his aunt Cheryl McFarland, who was currently homeless herself, showed up at the camp in the middle of the night to collect money Burkhart owed them for a speaker that he had damaged when he had urinated on them two weeks before. Burkhart had already given Pineda twenty dollars for the speakers and on the night of his murder Pineda and McFarland took six dollars, a portable radio, and some cigarettes from him. Burkhart was found dead with wounds on his face, chest, and groin. Pineda pleaded guilty to second-degree murder and faces prison time of ten years to life.

Four Stabbings on Sunset Boulevard

HOLLYWOOD, CALIFORNIA - August 6, 2009. Four homeless men were stabbed by fifty-three year-old Domingo Rodas. Police are continuing to investigate the motive behind Rodas' stabbing spree. The only immediate connection between the victims appears to be their homelessness. All four victims were taken to the hospital. Unfortunately, two men died as a result of their injuries. Keith Falin, forty-three, and Roger Cota, fifty-three, succumb to multiple stab wounds. The other two men, forty-four and fifty-one years old, are listed in stable condition.

Homeless Man Murdered by Polish Citizen

MONSEY, NEW YORK- August 9, 2009. Mariusz Lopata, a twenty year-old Polish citizen, was arrested and charged with the murder of a fifty-four year-old homeless man on the night that he was to return to Poland. Lopata faced second-degree murder charges and was held without bail. Judge Schoenberger refused to release Lopata due to the severity of the offence and because he had plans to leave the country. Medical examiners have determined that the victim died of multiple injuries including facial fractures and internal bleeding caused by repeated punches and kicks.

Homeless Brutality

LAS VEGAS, NEVADA - August 14, 2009. Forty-one year-old James Mendola was found badly beaten and dead near a Desert Inn in Las Vegas, Nevada. He is the fourth homeless person to have been found murdered in many months according to Metro Police. Police have arrested Steven Montoya, forty-six, who is accused of punching and kicking Minnich who was begging for money. Linda Lera-Randle El, director of “Straight from the Streets” said, “There is definitely fear among them because it is a lot of looking over your shoulder or looking over your back.”

Homeless Man Stabbed to Death

EUGENE, OREGON - August 25, 2009. Lloyd Austin IV, thirty, plead not guilty to the murder of James David Pelfrey, thirty-six. Pelfrey was found stabbed to death in the park. A grand jury indicted Gannon in connection with the stabbing and well as other misdemeanor charges including carrying a concealed weapon, escaping arrest, and attempted unlawful entry of a motor vehicle. On August 18, 2010, a judge convicted Austin of murder and sentenced him to 25-years-to-life in prison.

Three Accused of Preemptive Murder of Homeless Man

EDMOND, OKLAHOMA - October 18, 2009. According to a court affidavit, an informant told police that Adam Mason, nineteen, had bragged about killing a homeless man and had been planning to do so for months. In addition, several people reported to police that Mason cut off the finger of his homeless victim and was showed it off like a trophy. According to court reports Mason gave the finger to nineteen year-old Heather Irene Parker who threw it away. Morgan is charged with first-degree murder while Nikolas David Kerr, nineteen, and Heather Irene Parker have been charged with accessory after the fact. The fifty-four year-old homeless man was known as “Bicycle Bob” throughout the community, because he was often seen riding his bike through the Oklahoma City suburb. Police report that Mason, “was very excited and happy,” following the killing. Another homeless man was originally implicated in the crime, but charges were dismissed after the arrest of Mason, Parker, and Kerr.

Homeless man shot with high-powered rifle

NORTH LITTLE ROCK, ARKANSAS – October 21, 2009. Forty-six year old Jim Davis was walking along a busy intersection in North Little Rock, Arkansas when someone drove up and shot him with a high-powered rifle. Police still have no leads, no suspects, and no understanding of the motivation behind this brutal and senseless crime. Davis' sister told reporters, "Maybe they say this is a homeless man on the street, somebody killed him, oh well and let it go." However, detectives are determined not to "let it go" and continue to air the case every Wednesday night on the "THV 10:00 Difference," a local television program in Little Rock featuring Arkansas' cold cases. By mentioning the case every week, the family of Jim Davis and the North Little Rock police hope that someone who saw what happened that night at the intersection of Broadway and Locust streets will come forward with information.

Man Murdered in Alley

SAN ANTONIO, TEXAS - November 1, 2009. Police have arrested a twenty-two year old man in connection to a vicious attack that killed a homeless man. Wilber Adalid Rodriguez is being charged with the murder of a twenty-eight year-old homeless man, according to police. A witness told police that he heard the victim say, "No, I'm sorry I offend you," just before what sounded like someone being hit with a piece of wood several times. The witness also reported hearing, "Don't hit me anymore," according to an affidavit. Police were called to the scene but were unable to find the victim until the following morning. Police report that the victim was stabbed at least thirteen times in the throat and stomach.

Homeless Man Shot to Death in Park

NASHVILLE, TENNESSEE - November 3, 2009. While sleeping in a tent, Edward Matthews, forty-six, was fatally shot in the head. It is thought that the perpetrator may be the same individual who shot another homeless man, sixty, in the mouth eight months earlier. Both attacks appeared unprovoked and occurred in the early morning hours.

Security Guard Helps Solve Homeless Murder

POMPANO BEACH, FLORIDA - December 12, 2009. Police are hailing a Pompano Beach security guard who provided "crucial" information required to capture seventeen year-old gunman Harry Velez after he shot two men, killing one. Eustoquio Lopez, forty-six, was killed after he was shot in the neck. Velez has been charged with first-degree murder while his accomplice, Brady John Fisher, nineteen, has been charged as an accessory after the fact according to officials. Police say the young men intended to rob the homeless man who seemed like an easy target.

Two Arrested After Homeless Murder

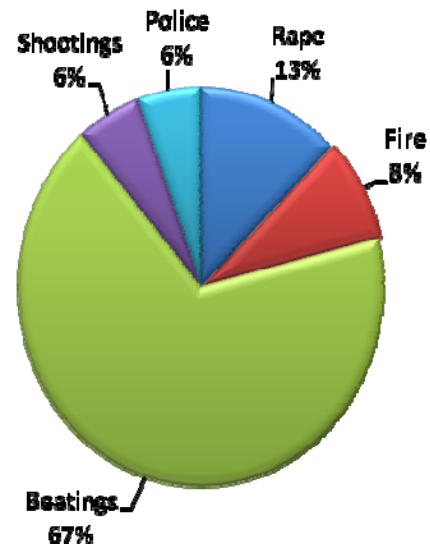
TEXARKANA, ARKANSAS - December 19, 2009. Two suspects have been arrested in the beating death of a homeless man. Demetris Jordan, thirty-nine, and his seventeen year-old accomplice are in custody and charged with second-degree murder of a forty-nine year old homeless man named Jessie James Latham. The pair allegedly beat the homeless man to death with blunt objects. Police found the victim's body behind an abandoned house. No connection has been made between the parties as of yet.

Non-Lethal Case Descriptions

The seventy-four incidents that did not result in death in 2009 include various types of violence and have been divided into the categories:

- Rape/Sexual Assaults
- Setting on Fire
- Beatings
- Shootings
- Police Harassment/Brutality

The majority of the cases, sixty-seven percent, were incidents where the homeless individual was beat with fists, bats, boards, or even a vacuum cleaner. In 2009, of the homeless individuals who survived their attack, nine were raped and six were set on fire. Six percent of non-lethal attacks included shootings, and another six percent were committed by police officers.



Case Descriptions: Non-Lethal Rape/Sexual Assault Total Assaults: 9

Serial Killer and Rapist Targets Homeless Women

CLEVELAND, OHIO – January 1, 2009 – October 1, 2009. Two additional surviving rape victims, see page 17

Homeless Woman Raped in Exchange for Shelter

SEATTLE, WASHINGTON - April 24, 2009. A homeless woman confined to a wheelchair was forcibly raped after accepting an offer for a place to sleep. According to police, the man who raped her said, “I can rape you and get away with it... You’re homeless? No one cares about you.” According to the victim, he led her to his apartment where she could spend the night. When the victim fell asleep, he forced himself on her multiple times throughout the night. The woman told police that the man described the sex as “payment” for a place to sleep. When she attempted to leave, the man took control of her wheelchair and returned her to his apartment. Police are investigating the Metro drivers who ignored the woman’s call for help. According to police, one Metro driver allegedly said, “You’re with him now? Deal with it.” She was eventually able to escape and call 911 from a local drug store. Police are investigating the alleged negligence of the Metro driver and suspect.

“I can rape you and get away with it...You’re homeless? No one cares about you.”

- Perpetrator
(Seattle, Washington)

Deputy Accused of Sexual Abuse

FORT LAUDERDALE, FLORIDA - June 15, 2009. Jonathan Bleiweiss, twenty-nine, a Broward Sheriff’s Deputy, sexually assaulted two homeless men along with at least twelve immigrants from Latino countries. Prosecutors reviewed over fifteen different accusations of sexual misconduct before finally convicting Bleiweiss. Two of the victims were homeless. “He was disgraceful and abused his power,” says a police spokesperson. Bleiweiss won the employee of the year award for the Oakland Park division. The State Attorney’s Office reports that Bleiweiss would pull his victims over on false pretenses and then sexually assault them. One of the victims from Mexico told an investigator that he had five different incidents with Bleiweiss.

Homeless Teens Raped By Repeat Offender

ANCHORAGE, ALASKA - December 12, 2009. Kelvin Norris, fifty-one, has a history of sexual assault. He was imprisoned in 1985 for the rape of a teenager and had his sentence extended ten years for the rape of a fellow inmate. He was released in 2006. Norris now faces new criminal charges of rape and assault. Norris assaulted four young men, aged eighteen, twenty, twenty-two, and twenty-seven, luring them to his home or hotel room with alcohol. The victims were all homeless or “couch surfing” according to court records. Norris used physical force to subdue his victims after they were highly intoxicated. Norris is expected to enter a plea deal.

Case Descriptions: Non-Lethal Attacks Involving Fire

Total Assaults: 6

Sleeping Homeless Man Nearly Bombed

NEW CASTLE, INDIANA - January 11, 2009. Upon stumbling across a thirty-six year-old homeless man's shelter, the three young men decided to throw rocks inside the fort. When they discovered that the homeless man was inside, the three men created makeshift firebombs out of gasoline and were preparing to throw them at the homeless man. One of the men even sent a text message to a friend stating, "I'm bouts 2 burn a homeless guys shack down." Though their attack was thwarted before they could use the bombs, the men, twenty-one, twenty-one and twenty, were cited for multiple ordinance violations including possession of a destructive device

Homeless Man Beat and Then Set to Flames

EL PASO, TEXAS - January 30, 2009. A homeless man was assaulted while sitting near the University of Texas at El Paso campus. The forty-one year old homeless man was alone when he suddenly was attacked by four males after a verbal dispute. The assailants continued their assault by pouring gasoline on him and lighting him on fire. The motive remains vague, and the relation between the male attackers and the homeless man is unknown. It is believed that there was a prejudice against the homeless man because of his social position. The homeless man survived yet remains badly burned.

Homeless Man Set Ablaze

MYRTLE BEACH, SOUTH CAROLINA - March 8, 2009. Jerry Broadie, forty-four, has been transferred to the J. Ruben Long Detention Center after he was charged with assault and battery with intent to kill after he set a homeless man on fire. In the early morning hours, police responded to a 911 call after a passerby saw the homeless victim lying in the road asking for help while a fire burned in the wooded area behind him. According to the homeless man, forty, he was sleeping in the woods when he awoke to Broadie holding a lighter to his head and burning his clothing. Broadie was captured after he was found waiting for his victim to return to his torched campsite. The homeless man has been released from the hospital and is recovering from burns to his head and hands.

Homeless Man Recovering from Being Set on Fire

TRENTON, NEW JERSEY – May 14, 2009. Additional victim included in case description on page 21

Homeless Man Lit on Fire

EUGENE, OREGON - October 3, 2009. James Lemmon, forty-three, set a goal to save up money so that he will be able to purchase a car and travel to Texas to live with his family. Unfortunately, this dream will have to be delayed while he recovers from his injuries. Lemmon was set on fire while he was walking down the streets of Eugene. “I do think this guy did this to me because I’m homeless,” said Lemmon. While police are continuing the investigation, there appears to be no motivating factors behind the attack. Nearly half of Lemmon’s head was burned. He will be forced to wear bandages over his head and arms for weeks.

Four Teens Douse Homeless Man With Lighter Fluid, Set Him on Fire

CINCINNATI, OHIO - December 27, 2009. Homeless man George Smock was walking in front of the Hamilton County Courthouse when four teenage boys attacked him by drenching him in lighter fluid and setting him on fire. “These people out here are trying to kill us,” Smock said. Police say Smock did not know the boys in the unprovoked attack. Smock and an onlooker were able to extinguish the fire by pouring a sports drink on him before the fire burned through his multiple layers of clothing. Smock shared later “I don’t want to be made out as a snitch”. Smock feels lucky to be alive after his terrifying ordeal.

**“I didn’t fill out a police report that night, which I should have done,
but I’ve got to live down here”**

- George Smock
(Cincinnati, Ohio)

Case Descriptions: Non-Lethal Beatings

Total Attacks: 49

Homeless Women found Severely Beaten

GALVESTON, TEXAS - January 17, 2009. A forty-six year-old woman was found brutally beaten in an alley in Galveston. The woman was found clinging to life and may have been sexually assaulted as well as severely beaten. The woman was beaten a month before two other homeless women were found dead after being sexually assaulted in local abandoned buildings. However, while authorities believe that the two February cases are connected, this case is not believed to be connected due to differing descriptions of her attacker.

Stabbings of Homeless in Colorado Springs

COLORADO SPRINGS, COLORADO - January 20, 2009. Colorado Springs officials have observed a connection between the brutal assaults of two homeless individuals in the downtown area. One man was attacked in November 2008 and the other on January 20, 2009. The victims were homeless men, and had suffered numerous stab wounds to the arms, face, and abdomen. Both of the victims, forty-nine and sixty-four years-old, survived the assault and were able to give similar descriptions of the attackers. It is believed that a group of four males and one female were the culprits behind these brutal attacks. The motive and exact purpose of the beatings remains unknown.

Homeless Men Attacked with Skateboards

SANTA BARBARA, CALIFORNIA - February 5, 2009. John Chaltraw, sixty, was walking in Santa Barbara when three men approached him from behind and hit him with skateboards. Chaltraw was hospitalized while recovering from head contusions. This incident occurred soon after the February 3 murder of Ross Stiles, another homeless man in Santa Barbara. Another homeless patient at the same hospital in Santa Barbara, Jerry Jones, reported a similar incident only two days later on February 7. His injuries were treated and Jones was released.

Two Homeless Men Attacked

SAN FRANCISCO, CALIFORNIA – February 15, 2009. Additional victim in case description, see page 18

Homeless Man Beaten and Robbed

OCEAN BEACH, CALIFORNIA - February 26, 2009. Several men in their twenties attacked a sleeping homeless man on Dog Beach. They beat him and then shot him with a taser before they took his money and ran off.

Man Slashed for Calling Himself Jesus

SAN DIEGO, CALIFORNIA - March 5, 2009. A homeless man was assaulted and severely cut while sleeping on a sidewalk, according to police. The fifty-one year-old man believed himself to be Jesus Christ. When he expressed these beliefs, he offended three men, who then took a box cutter and began to slash the man's head, face, and arms. The three men fled on foot after the attack. Police are still searching for the suspects who are allegedly in their early twenties.

Homeless Man Seriously Injured by Bat-Wielding Youth

ESCONDIDO, CALIFORNIA - April 4, 2009. A homeless man was gravely injured after being assaulted by a group of three to five men who were in their early twenties. The men used bats to beat the sleeping homeless man. Local residents report that homeless people often use the flood control channels as resting places. Words used by an onlooker to describe the attack included "demonic" and "satanic." About a half-hour before the assault, another homeless man sought medical attention at Polmar Medical Center after he was attacked by a group of young men wielding bats. This seemingly unprovoked attack on the homeless has peaked the attention of local law enforcement as this type of activity has been on the rise.

Teens Mace Homeless Men

MYRTLE BEACH, SOUTH CAROLINA - April 16, 2009. Two teens were charged with simple assault after spraying two people in the face with Mace as they drove through Myrtle Beach in the early morning police say. Douglas Terry, nineteen, and Dale Johnson, seventeen, were identified by their victims at the police station later that day. One victim, a thirty-nine year-old homeless man, was walking down the sidewalk when he was sprayed in the face by the passenger in a pick up truck. While police were taking his statement, another man reported being sprayed with mace, also. The victims were treated by EMS.

Another Attack on Homeless

REDDING, CALIFORNIA - April 23, 2009. Shortly after the murder trial of three teens accused of assaulting and killing a homeless man, another homeless resident was severely beaten in Redding. Three young males approached Jeffrey Smerber, fifty-one, while he slept and proceeded to stomp on him and punch him. The beatings continued on for an extended period of time while Smerber remained helpless. When Smerber reported the crime he said “I was just trying to sleep” and asked “What did I do to them?”. Smerber reports that prior to being attacked, there were people “throwing rocks at [his] friend.” Attacks against the homeless have been increasing. City officials and shelters have taken notice, providing additional hours of protection for the homeless. Though this may protect the homeless resident of Redding in the short term, police officer Sgt. Bruce Bonner “hope[s] this isn’t the start of something.”

Attack in the Park After Dark

NASHUA, NEW HAMPSHIRE - April 25, 2009. Daniel Kovich and Daniel Straitiff, both forty-eight, were formally charged with two counts of first-degree assault after bludgeoning a homeless person in Mine Falls Park with a club. The duo dragged Mark Carter, a homeless veteran, who was sleeping in an encampment. The men kicked, punched, and beat him with a blunt object. The victim was able to stagger out of the park before he collapsed. Nearby mall employees called police. Carter is recovering from severe head injuries while he rests in the hospital. Kovich, who was once homeless himself has accepted a plea bargain and will spend no more than two to four years in jail. The charges for Straitiff, if he is found guilty, carry a maximum of seven to fifteen years in prison.

Assault and Arson

COLUMBUS, OHIO - April 27, 2009 A man entered a homeless camp with the intention of beating and setting the homeless residents on fire. According to police reports, the assault was so severe that one homeless individual was taken to the hospital. The would-be-arsonist attempted to set the possessions of the residents on fire while he dragged other inhabitants out of their tents. The condition of the homeless person that was taken to the hospital is unknown.

Neighborhood Homeless Man Hospitalized

REYNOLDSBURG, OHIO - May 10, 2009. A community has rallied after an assault on a homeless man left him needing facial and bodily reconstruction surgery. Fifty year old Robert Wirtz's face, "looked like a pumpkin smashed on concrete," according to Cody Lemaster who first assisted Wirtz. Wirtz, fifty, needed to have his jaw wired shut, titanium implants to reconstruct his fractured face, and surgery for a severely broken arm. In just hours, a local hardware store raised \$3,100 for the local man who is described as polite and kind. The total donation towards Wirtz's medical bills totaled about \$17,000. Three local teens were charted in connection with the beating. Mike Hutton, eighteen, Tyler Paul, seventeen, and Jeremy Bowman, seventeen, were charged with second-degree felonious assault against the man.

Two Homeless Men Sent to the Hospital

NEWPORT, OREGON - May 26, 2009. In a public park in Newport, two homeless men were viciously attacked by an intruder swinging a "clubbing device." Sean Ryan Hennigar, thirty-five, continued to beat the two homeless men so viciously that they required immediate hospitalization. One man, fifty-one, suffered a broken leg and torn ligaments in his leg, while the other man, twenty-eight, had broken teeth and many fractures in his skull. Both homeless men survived the attack but are left physically disabled from the assault. The precise motive behind the attack remains unclear yet police believe that the attack was unprovoked and premeditated.

Man Beat While Asleep

WASHINGTON, D.C. - June 2, 2009. While trying to sleep close to a Metro exit in downtown D.C., a homeless man was suddenly attacked by an unknown aggressor. After being struck down many times, the homeless man was then left bleeding on a steam grate. Police and paramedics report that Alex Lascaris, sixty, was pummeled with a metal pipe, requiring baseball-like stitches to close the gaping gash in his head. Lascaris was well known in the church community and was highly involved in youth activism programs. The attacker remains at large and police are unsure if Lascaris's assault is in any way related to other assaults against the homeless that have been reported in DC. Christ House, a local non-profit which tends to the medical needs of the homeless, says that they have seen an escalation of attacks against the homeless in recent months.

Homeless Man Beat with Green Electrical Broom

BERKELEY, CALIFORNIA - June 6, 2009. While crossing the street, a homeless man was attacked by an individual wielding a green electrical broom. After a short verbal dispute, the assailant proceeded to beat the forty-two year-old homeless man who resides in People's Park. Though the attacker remains at large, the homeless man is receiving treatment for his injuries.

Homeless Man Attacked, But Fights Back

MIAMI BEACH, FLORIDA - June 10, 2009. Felix Garcia, forty, was sitting on a bench in Miami when he was approached by three young men. They asked him for cigarettes, and when Garcia said he did not have any, they flew into a rage and began to beat him. The three boys, eighteen, nineteen and twenty, punched, kicked, threw rocks, and sprayed pepper spray into Garcia's face. An eye-witness stated that Garcia ran to the ocean to wash his eyes because of the pepper spray. Witness reports claim that one of the teens screamed, "Skull drag that punk" as they attacked the homeless veteran. The three boys followed, and attempted to continue the beating. Garcia pulled out a knife and in an attempt to defend himself and was able to disperse the boys. The witness called the police, and all three of the boys were charged with assault.

Craigslist Post Encourages Violence, Warns Homeless

SAN LUIS OBISPO, CALIFORNIA - June 22, 2009. Police are investigating a Craigslist.com ad posted in the "Rants & Raves" section of the website. The author threatens to beat up homeless "punks" in San Luis Obispo. Police believe the poster to be male. According to his post, he plans to drive "all you out of my city" and threatened homeless residents with a "rude awakening" when he and fifteen friends start to follow homeless people under bridges and into shelters. "We will be beating you and making sure you know we won't take it anymore," the post reads. It goes on to say, "I have nothing to lose, and only the peace and sanctity of my home town to gain." Police are searching the internet for the IP address of the computer in the hopes of locating whoever posted the comments. Even more disturbing, the author writes, "This is no joke. This is an all out threat and warning. You will be dealt with." The post concludes with, "Down with Prado. Down with the Shelter. Down with gutter punks alike." These are all references to homeless shelters in the area. According to police, no acts of physical violence have been carried out in connection with the posting.

Homeless Man Beat into Coma

REDDING, CALIFORNIA - July 1, 2009. Edward Jennings, thirty-five, was found on the street so badly injured that he was immediately rushed to the local hospital. Jennings, who was found in a coma, was unable to provide police with a description of what happened to him. Jennings is expected to recover from his injuries, which doctors said were caused by repeated blows from blunt objects. This was the fourth attack on the homeless in Redding in 2009. Police are unsure if the attacks are related but are not ruling out that possibility. Police have arrested twenty-seven year-old Jason Lee Miller in connection to the crime.

Homeless Humiliated and Beat While Onlookers Cheer

SACRAMENTO, CALIFORNIA - July 5, 2009. While sitting alone listening to music, a homeless man, who wishes to remain anonymous, was approached by a group of young white males. The men initially passed the man but returned minutes later. One of the attackers asked the homeless man for a lighter and as he reached into his pocket he was attacked. The group then began to hit and stomp on the man who attempted to shield his skull to protect a preexisting brain injury. Onlookers refused to assist the man and some even cheered as he was being pummeled. He was treated at the hospital for seizures and was diagnosed with a concussion. According to the homeless man the attackers were out thrill-seeking.

Men Assault Homeless Couple

MERCED, CALIFORNIA - July 18, 2009. A twenty-four year-old man was arrested on allegations of aggravated assault in association with the beating of a homeless couple, forty-three and twenty-six, according to Merced police. Orlando Gene Correa was arrested after he and five other males entered a homeless camp looking for a person who “beat up” a female friend of theirs. Though the homeless victim attempted to explain that he was not involved with the assault, he was punched multiple times in the ribs. According to the victim, “They were just picking on anyone they could find.” The victim’s girlfriend attempted to intervene but was punched in the face.

Homeless Man Target of Racial Hate

ANCHORAGE, ALASKA – July 28, 2009. Robert Bruce Gum, nineteen, and Deanna Angelina Scaglione, twenty, are being charged with violating a homeless Native man’s civil rights in downtown Anchorage. Gum and Scaglione threatened, taunted, and threw objects, including eggs, at Eddie Barr, fifty-three. The attack was video taped and posted on YouTube. The attack was believed to be motivated by both Barr’s racial identity and housing status. Barr has since forgiven the two young people for their actions

Homeless Man Wrongly Accused of Attacking Teens, Was the Real Victim

BERKS COUNTY, PENNSYLVANIA - July 31, 2009. A homeless man has been acquitted after it was discovered that the teens who reported the crime were the true assailants. Edward Drake, forty-eight, had been arrested and charged with robbery and aggravated assault. According to the teens who initially contacted police, Drake demanded the bicycle of one of the teens. When the boy refused, Drake allegedly threw a knife at him, striking him near the hip. Police say the story was entirely fabricated. Investigators say the real story broke after the teens’ cooperation in the investigation deteriorated. The real story begins when the youths encountered Drake on the Thun Trail and began assaulting him. They wrestled him to the ground while punching and kicking him. As the teens fled, one returned for his fallen backpack. At that point, Drake threw a folding knife at the boy to scare him, fearing he would be attacked again. The knife hit the teen, causing a minor wound. Drake is unsure whether he will press charges against the boys.

Beaten Homeless Man Gets a Vigil

LONG BEACH, CALIFORNIA - August 2, 2009. A community has rallied together after a well-known homeless man named Todd Jackson, forty-two, was viciously attacked with baseball bats. The attack occurred while Todd slept on the beach near Granada Launch Ramp. He is currently in intensive care at a Long Beach Hospital. Medical officials say he suffered a significant skull fracture with bleed both inside and outside his brain. A vigil has been organized by members of the community who interacted with Todd on a daily basis. Community organizations have also rallied to show support for the many homeless who are in need of assistance in Long Beach.

Two Homeless Men Survived Stabbing Attack

HOLLYWOOD, CALIFORNIA – August 6, 2009. Two additional victims included case description, see page 23

Homeless Man Attacked in Park

CINCINNATI, OHIO - August 13, 2009. A homeless Cincinnati resident was assaulted by a man identified as Henry Davis IV. Davis approached the man, kicked a bottle of insulin out of his hand, and continued to verbally and physically abuse the homeless individual. When police arrived, Davis' initial reply to the officer was, "He was just a bum, who cares?" According to the Greater Cincinnati Coalition for the Homeless, the incident is a clear example of a hate crime. Davis' use of "bum" clearly denotes a sense of inferiority on behalf of the homeless individual, making Davis' actions justifiable. Police arrested Davis and have charged him with battery.

Homeless Man beat with Aluminum Bat

ORLAND, CALIFORNIA – August 19, 2009. Danny L. Stout was sleeping on a mattress under the Hambright Creek Bridge when he was woken up by twenty-three year old Wesley E. Stone. Stone was flicking a lighter and then proceeded to beat Stout with an aluminum baseball bat. Stout was brought to the hospital to recover from injuries to his head, face, arms, spine, and kidneys. Stone is being charged with attempted murder and robbery.

Attacks Against Homeless Hurt More Than Just the Victims

WASHINGTON, D.C. - August 27, 2009. At a park in the Adams Morgan section of Washington DC, evidence of a brutal attack on a homeless man could be seen for days afterward. "It was a horrible, vicious attack," an unnamed witness told FOX 5. "There was blood on [the] sidewalk and the victim. These kids were just having a fun time kicking the (expletive) out of this guy." When a passerby saw the brawl, he rushed to assist the victim, only to find himself become the one requiring help. Other onlookers called the police when they saw what was happening. Both the homeless man and the courageous Samaritan sustained physical injuries from the fight. The homeless man suffered several broken ribs and needed twelve stitches above his eye and on the back of his head. Police say the victim did not file a report out of fear that he would be attacked again. "Animals-that's all they are." "They were out for a good time. Animals. To be kicking someone when they're unconscious like that," said a witness of the attack.

Knife Attack on Homeless Couple

SALT LAKE CITY, UTAH - September 2, 2009. A homeless couple was ambushed by an unknown aggressor behind a building downtown. After a short argument, a woman, forty-nine, was slashed on the arm and the man, thirty-eight, was cut on the back of his head according to Salt Lake City Police. Officers are unsure whether the couple was intoxicated or in shock, as they were both incoherent upon arrival of the police. Investigators are still unsure the motivation behind the attack.

Homeless Man Assaulted Under Stroudsburg East Stroudsburg Interborough Bridge

STROUDSBURG, PENNSYLVANIA - September 2, 2009. Steven Kenny, sixty, was assaulted by a passerby under the Stroudsburg East Bridge. According to police, Kenny was beaten with fists and shot with a BB gun. Doctors at the Pocono Medical Center operated on Kenny's broken bone surrounding his eye. Kenny was only able to tell police that he was awakened when a large male began to hit him.

Teen Arrested in Downtown Attack on Homeless Man

BEND, OREGON - September 12, 2009. While collecting cans, thirty-nine year old Anthony Vegra Tarango was attacked by a group of four teens wielding skateboards. The next thing Tarango remembers is waking up in the hospital with his jaw wired shut. One of the teens smashed Tarango's face with his skateboard while the others punched and kicked him. His jaw was broken in two places. Tarango and his girlfriend consider the attack an attempted murder. The attack has left Tarango unable to eat solid food and has hindered his recent job search. Police have arrested Brach Addison Roberts, sixteen, in connection with the attack. He is being charged with first degree assault.

Homeless Man Jumped, Dumped in Woods

DELAND, FLORIDA - September 16, 2009. Timothy Lee King, forty-two, was taken into a vehicle by an unknown person and severely beaten by three or four men. Police investigators report that King suffered life-threatening injuries due to internal bleeding and required emergency surgery for a ruptured spleen. King believes he was attacked up because he is homeless. According to the incident report, King was driven through a cemetery and taken to a house where he was attacked by the men. King remembers little from the attack but remembers being dumped into the woods near a gas station where a store clerk called the police. King is recovering from his injuries while police search for the attackers

Four Men Arrested for Felony Assault

VENTURA, CALIFORNIA - September 21, 2009. Four men were arrested for beating up a homeless man and passerby at Ventura Pier. The thugs allegedly began to kick a sleeping homeless man before verbally harassing and hitting him. Three of the suspects were twenty-one and one of the men was twenty. The men also attacked another man who was passing by. The men were sent to the county jail on felony assault charges. The injuries did not seem life-threatening according to a police spokesperson. Ethan Rutland, twenty, was sentenced to more than three years in prison while the other three men received lesser sentences.

Hatchet Wielding Youth Attack Homeless

CORVALLIS, OREGON - October 6, 2009. Two teens have been arrested for beating homeless people say Eugene officers. The teens are accused of committing at least three attacks (one on Oct. 6, 2009 and two in Jan. 2010) on homeless individuals. The boys, Jonathan Appelt, eighteen, and Robert Griffin, nineteen, identify themselves as “juggalos,” devoted fans of rap music group Insane Clown Posse. The boys were known to paint their faces during their assault but were not wearing face paint when they were arrested. At the time of the arrest Appelt was carrying a hatchet similar to “the Hatchetman,” a symbol of ICP. Corvallis Police Capt. John Sassman identified Appelt and Griffin as local gang's ringleaders which may have lead as many as ten members.

Trio Attacks Homeless Man

CHICAGO, ILLINOIS - October 13, 2009. Darrick (first name), thirty-seven, was attacked from all directions as he waited for the early morning “L” train. Three men ambushed Darrick, breaking a beer bottle over his head while they punched and kicked him. Darrick suffered a concussion and some of his ribs were fractured. Both Darrick and his mother are afraid to reveal their last name due to the violent nature of the crime. “There was no reason,” said Darrick when asked to describe the possible reasoning for the attack. Darrick suffered a concussion and fractured ribs as a result of the attack. Three men, twenty-five, twenty-five, and twenty-two, have been arrested in connection with the attack.

Homeless Cyclist Beaten with Bike

BRADENTON, FLORIDA - November 7, 2009. Martin Joseph, fifty, was riding his bicycle through a mobile home park when a woman began to argue with him. Three men then beat Joseph with his own bicycle. Joseph acquired serious but non-life-threatening injuries from the beating and was brought to a hospital to recover.

Homeless Woman Ambushed While Riding Bike

NORTH FORT MYERS, FLORIDA - November 11, 2009. Loretta Dawson, forty-seven, was riding her bike back to her encampment along the Diplomat Parkway when three men shoved her to the ground and began punching and kicking her face and ribs. The white males were between thirty-five and forty-five years of age. Police are unsure of the motive behind the attack and are continuing to search for potential suspects. Dawson was taken to the hospital and treated for swelling and bruising on her face.

Homeless Man Brutally Beaten

GREENSBURG, PENNSYLVANIA - November 17, 2009. Paul Lance, fifty-one, was airlifted from Lynch Field to a Pittsburgh hospital after he was attacked in his sleep by three men. He was found unconscious and bleeding from wounds to the head and chest. Lance lived along side a railroad track in a tent for months without incident before the assault. Officers say Lance was bleeding from a 6-inch cut on his head and a smaller two inch cut above his left eye when he was discovered. His clothing was “saturated” with blood. Police have charged Arnold Brinker, thirty-three, Hugh James Hawkey, thirty-four, and Benson W. Perry, twenty-seven, with aggravated assault, simple assault, reckless endangerment, and harassment of Lance. Lance had never met his attackers before who reportedly accused him of sexually assaulting one of their mothers.

Homeless Man Left With Brain Injury After Attack

LAS VEGAS, NEVADA - November 30, 2009. Police found James Paul Schmidt, sixty, in an alley he calls home behind a local convenience store unconscious and suffering. Schmidt may have reprimanded a group of teens for “tagging” the side of the building with spray paint before they began their attack. Police have exhausted all leads in association with the case and are unable to retrieve much information from Schmidt since the attack has left him with brain damage.

Homeless Man Beaten, Robbed

MACON, GEORGIA - December 6, 2009. A fifty-one year old homeless man was beaten and robbed outside a local convenience store according to Macon police. He was pushed to the ground by three men dressed in black clothing. The men then struck him in the head and took his wallet.

Homeless Person Receives Brutal Beating Day After Christmas

COLORADO SPRINGS, COLORADO - December 26, 2009: Police have arrested Matthew “Fat Boy” Hawley, twenty-three, for assaulting a homeless person the day after Christmas. Hawley ran from police and locked himself inside the bathroom of a local business. Numerous eyewitnesses identified Hawley as the individual who hit the homeless person and informed police of his residence. Hawley initially fled detectives but later surrendered without incident.

Case Description: Non-Lethal Shootings
Total Attacks: 6

“There’s nothing else to do for fun.”

- Perpetrator
(New Port Richey, Florida)

Homeless Man Shot During Drive-By

SEATTLE, WASHINGTON - January 22, 2009. A homeless man in his forties was shot in the face near a bus station and was found lying on the sidewalk in downtown Seattle. An older red car had driven by the bus stop and at least four shots were fired from inside the car. Investigators believe the drive-by was gang related, and gang investigators were assigned to the case. The victim was in serious condition in the intensive care unit while he recovered from the incident.

Boys Shoot BB Guns at Homeless

NEW PORT RICHEY, FLORIDA - April 15, 2009. Patrick Pinder, eighteen, a former member of the Pasco County Sheriff’s Office Explorers, has been formally charged with aggravated battery after he repeatedly shot at homeless people with BB and airsoft guns. He and a friend, also eighteen, shot a twenty-nine year old homeless man, leaving over fifty welts on his face and body. The boys repeated their assault multiple times and were quoted as saying, “there’s nothing else to do for fun.” Though people who know the teen say these crimes do not fit his kind persona, Pasco County Coalition for the Homeless director Eugene Williams calls the violent acts “appalling.”

Paintballing the Homeless

CHICAGO, ILLINOIS - October 21, 2009. The streets of Chicago were turned purple and green after teens fired paintball guns at homeless residents. Multiple homeless individuals were shot in the attack. Without sufficient cover, many were unable to deflect or avoid the painful gunfire. Police have been unable to identify the offenders. Homeless residents in the area are worried as these attacks are becoming more and more common.

Case Descriptions: Non-Lethal Police Harassment/ Brutality **Total Attacks: 4**

Police Officers Use Excessive Force on a Sitting Homeless Man

FRESNO, CALIFORNIA- February 11, 2009. A fifty-two year-old homeless man was sleeping under a tree when pedestrians believed him to be ill and requested that the police check on him. When the male officers arrived, the man was sitting up against a tree smoking a cigarette. A dispute erupted between the two parties which ended in one officer holding the mans hands behind his back while the other officer punched his face multiple times. The blows were so severe that the officer needed reconstructive surgery on his pinky finger. Controversy surrounding the incident has reached a national level with the introduction of a video taken from bystanders. The homeless man has filed a lawsuit claiming that his civil rights were infringed upon and that Fresno police department has not prepared its officers to properly deal with homelessness. An investigation into the incident is ongoing.

Police Abusing Homeless People

GREENVILLE, SOUTH CAROLINA - September 13, 2009. A federal investigation is under way after some Greenville police officers have been accused of abuse against homeless residents. Reports from homeless individuals, clergy, and community activists sparked the internal investigation headed by FBI agents. Reports of police officers waking sleeping homeless with mace and unwarranted arrests are common among the homeless community, says a former Greenville police officer. He also described “HoBo Rodeos” in which police would lock up “15 to 20 to 25 at one time” on Thursday mornings in order to get the homeless off the street for the weekend. According to a retired police officer, there is an unofficial “No Fly Zone” within the limits of the business district where homeless individuals are not welcome on Thursday, Friday, and Saturday. Currently, four Greenville police officers have resigned as a result of the investigation. Officers Matthew Scott Jowers and Jeremiah Milliman have pled guilty of deprivation of civil rights and were sentenced to three years probation and community service time.

“When an officer is accused of wrongdoing, it must be investigated thoroughly and expeditiously so that everyone has confidence in the law enforcement agency that serves the city, county, or state in which they live”

- Police Chief, Terri Wilfong
(Greenville, South Carolina)

Homeless Man Beaten By Police Officers Caught On Tape

BROWARD COUNTY, FLORIDA - December 2, 2009. Gerald McGovern, a fifty-eight year-old homeless man, has been arrested sixty-nine times and is now charged with attacking an undercover BSO deputy. However, McGovern says that three BSO deputies attacked him and that there is a surveillance video that shows it. The video shows some shadows that are moving on a wall. According to an eyewitness, the video shows the three deputies beating up McGovern. The arresting officers mentioned that alcohol was involved and that they therefore needed to use force.

Multimedia Exploitation of Homeless People

*“**Hunt the Homeless**”*

“The National Hobo Convention stinks up Britt, Iowa August 6-9. There will be floats, music, a vat of Mulligan stew, and yes hobos! Kill one for fun. We’re 87 percent sure it is legal.”

- Maxim Magazine (August 2009)

The National Coalition for the Homeless (NCH) has documented over a thousand crimes, committed with prejudice, against America’s homeless community over the past decade. Since the first annual NCH Hate Crimes Report (published in 1999), internet and computer technology (such as social networking sites and web video pages) have grown and developed tremendously. Unfortunately, this technological development facilitated the advancement of the social stigmas associated with America’s homeless population.

A series of films entitled *Bumfights* gained significant popularity through well-known video pages such as *YouTube*. The initial popularity of *Bumfights* generated numerous copycats: each film was targeted toward a young demographic of teenage males.

A total of four *Bumfights* videos have been produced, selling over seven million copies. Since then, thousands of copycat videos have been created using *YouTube* as the main medium for distribution. As of May 2010, about 11,300 videos have been tagged on the *YouTube* web page with the search phrase, “bum fight.” The most popular video, called, “Bum Fights,” has 5.8 million views with an average rating of four out of five stars, a popularity rating earned by few videos.

Major news agencies such as *ABC* and *CBS 60 Minutes* have asked the question: what makes these videos so popular? Reports from both of these respected news programs identified these *Bumfights* videos as possible causes for the increased amount of attacks on homeless individuals. Impressionable teens may feel a sense of power over a perceived lower class of citizens. *Bumfights* videos falsely confirm this belief.

Jeffrey Spurgeon, a teen sentenced to life in prison for killing a homeless man, stated that he and his accomplices watched the films hundreds of times. Spurgeon’s testimony shows that there is indeed a correlation between these videos and violent acts against homeless people.

One question remains: why can other demeaning words become socially unacceptable while the word “bum” is still widely used as a derogatory term associated with homeless people? To make matters worse, the word “bum” is constantly used in the scripts of popular television shows. Animated television shows like *South Park* and *American Dad* (shows that are popular among male teens- the demographic that is most likely to commit crimes against homeless people) have portrayed homeless people as contagious, walking dead zombies capable of only panhandling or fighting.

A multimedia world is teaching a new generation the wrong lessons. Young teens are widely exposed to derogatory web pages and shows that degrade homeless people. This demographic is also exposed to web-based video games that promote a similar negative message of *Bumfights*. Beginning in 2007, a German game developer created “Europe’s most popular browser game,” entitled *Pennergame* (translated as *Bum Fights*). The game rose in popularity and eventually expanded into France where it was received with harsh criticism. The French version, *Clodogame*, (translated as *Tramp Game*) was described as “a disgrace” and “humiliating” by French homeless advocates and newspapers. The Red Cross went on record to say, “The image portrayed is exactly the one against which we’ve been trying to fight.” Farbflut, the creators of the game, argues that the goal of their game is to educate, not to degrade. They believe that the game has raised awareness about the plight of homeless people to youth around the world. There are over two million registered players in Germany with over three million players world-wide in countries such as Poland, France, Spain, and Turkey.

The web-based game called *Bumrise* launched in the United States on February 12, 2010. At any given time it has between 500-2000 individuals playing. More disturbingly, the game made the shift to Facebook (the popular social networking site) under the title *StreetRivals*, where it currently has over 500,000 monthly users and 100,000 fans after just a few months of existence. You begin the game as a homeless person. Your mission is to become the most powerful person in New York City. In order to gain money, your “bum” can collect cans, attack other homeless people, or pick-pocket pedestrians. With this money, you can increase your “skills.” These skills include education, music, attack-strength and weaponry. It is possible to buy sawed-off shotguns and knives for the purposes of attacking and robbing fellow homeless people.

Although this game is produced internationally, the connotation of the word “bum” is not lost in translation. Its meaning in German and French (and various other languages the game has been translated into) carries the same negative connotation that is held in the United States. The inference that all homeless people are “bums” spreads stereotypes (such as laziness and drunkenness) over the entire homeless population. Since *Bumrise* and *StreetRivals* are not rated by the Entertainment Software Rating Board (ESRB), an organization that rates the age appropriateness of each video game, persons of any age can access and participate in the games. Youth, who would normally be barred from playing violent and mature games on traditional game consoles, are able to play the game without any age verification. The suggestive nature of the game may be especially influential on the growing psyche of impressionable preteens.

**“It’s something
stupid we do for
fun.”**

Teens on “Catch
and Wreck”
(Philadelphia, PA)

The impact of this multimedia affront upon the homeless can be read in the daily headlines. Recently, two Philadelphia residents, neither homeless, were injured in separate incidences after gangs of youths attacked them. The attackers, pre-teens between the ages of eleven and fifteen, created a game they dubbed “Catch and Wreck.” When police asked the kids what the game entailed they laughed and responded, “It’s something stupid we do for fun.” The “game” revolves around robbing and stomping adults whom they believe are homeless, a premise that is eerily similar to the previously mentioned in *Bumfights* and *Bumrise*. Victims taken to the hospital were found to have footprints on the back of their heads and torsos. One victim

remains in the intensive care unit after he suffered a heart attack during the onslaught. Police are unsure where the idea for the game originated, but perhaps even more disturbing is that the kids responded nonchalantly when speaking to the police.

Florida and Alaska headlines tell a similar tale. On March 2, 2010 *NBC Miami* reported that four teens pled to misdemeanor battery charges after beating and dragging a homeless man. The friends documented their heinous crime with a *YouTube* video called “Beating up a Crack Head”. Their victim was not a drug addict. A similar derogatory film was posted in Alaska. On July 28th, 2009, news sources reported that a nineteen year old and a twenty year old threatened, taunted, and threw eggs at a fifty-three year old homeless person in downtown Anchorage. The attack was videotaped and posted on *YouTube*. The attack was believed to be motivated by the victim’s racial identity and housing status.

“You are supposed to get in fights. Beg for money, and drink beer to get more points!”

10 year old player of *Bumrise*

The increased mistreatment of our growing homeless population is unforgivable and should be addressed by policy makers. Violence, intolerance, disrespect, and hate: all are dark themes that a multimedia America teaches to its young citizens. The Rankins family of Southern California learned about these themes through internet use. Mr. Rankins, a father of a ten year old, noticed his son playing the game *Bumrise* (the game previously discussed) on the family computer. Mr. Rankins asked his son to explain the premise of the game. His son described the game rules with enthusiasm: “You are supposed to get in fights. Beg for money, and drink beer to get more points! My son said, ‘its fun!’.” Mr. Rankins, disturbed by his son’s choice of game, used the circumstances as a learning experience and explained to his son why *Bumrise* was offensive and inaccurate. Mr. Rankins then contacted homeless advocates⁵ to share his family’s story, began a Facebook page titled “Parents against *Bumrise*”, and continues to do his part to raise awareness of the hateful video games available to youth today.

The Rankins family story tells an alarming tale. If left unchecked, a wave of multimedia development (such as *YouTube*, television shows, and Web-based video games) will continue to socially desensitize a tech-savvy generation towards the social ills of homelessness.

⁵ See full letter from Mr. Rankins in Appendix C.

Making the Case: Anti-Homeless Violence as a Hate Crime

By: Brian Levin

Center for the Study of Hate and Extremism at California State University, San Bernardino

One of the most important, but least known legal victories in the hate crime arena in recent years has taken place not in the nation's capitol or in federal courthouses, but in state legislatures and local communities. Underfunded and without the political allies that other causes have, advocates of expanding hate crime laws to include the homeless have nonetheless gained momentum through regional grassroots efforts. New measures are being advanced through the cooperative work of homeless coalitions, academics, and human relations agencies, as well as law enforcement and state and local legislators.

Legislative Victories and Disappointment

These critical regional advances come at a time when efforts to add the homeless to federal hate crime law and data collection measures have been blocked or delayed. Last year's historic enactment of the Shepard-Byrd Hate Crimes Prevention Act expanded federal hate crime law to broadly include such categories as gender, sexual orientation, disability and gender identity, but excluded homelessness. This is primarily due to a combination of legislative gridlock and a disturbing split in the civil rights community. As inside the Washington, DC Beltway debates, state legislatures have taken the helm at providing the homeless with hate crime protections.

The four most populous states, California, Texas, New York, and Florida, which also happen to have large homeless populations, saw bills introduced to make homelessness a protected category under hate crime statutes in recent years. This spring, Florida, the nation's fourth most populous state with a population of 18.5 million, added the homeless to its hate crime law. According to the National Coalition for the Homeless, Florida led the nation in violence against the homeless from 2005 to 2008, and was second only to California in 2009.

Florida's extension of protection of the homeless in its hate crime law is the latest in a growing list of influential legislative victories. In 2009, Maryland, which along with Massachusetts was in the first two states to implement a comprehensive hate crime response nearly three decades ago, added homelessness to its state's hate crime law, and was soon followed by the District of Columbia. Maine, the first state to make targeting the homeless a hate crime, has a more narrow statute that grants nonbinding discretion to judges. In California a bill was passed by the assembly that would add the homeless to a statute that provides various civil protections to victims of hate crime, but would not increase criminal penalties. Other jurisdictions taking administrative or statutory measures recognizing hate violence against the homeless include Cleveland, Seattle, Los Angeles County, Puerto Rico and Alaska. In recent years nearly a dozen states have seen legislation introduced to cover homelessness under state hate crime law.

Hate Crime

Hate crimes are discriminatory crimes where a substantial part of the motive is the actual or perceived status characteristic of another. Discrimination refers to the unequal treatment of people based on their membership in a group. The term “hate crime” itself is somewhat of a misnomer, because in the United States, abstract non-threatening expressions of bigotry are not criminally punishable. In the over 45 states that have hate crime laws, intentionally selecting a crime victim due to a socially recognizable status characteristic is either a distinct criminal offense itself or a factor that increases one’s sentence upon conviction for an underlying offense like assault. Modern hate crime laws were first enacted in the early 1980s. The United States Supreme Court unanimously upheld the constitutionality of penalty enhancement laws for hate crimes in June 1993 in the case of *Wisconsin v. Mitchell*, 508 U.S. 476 (1993). Virtually every state statute initially protected on the basis of race, religion and ethnicity. As time passed state legislatures began to recognize that the protections in their hate crime laws excluded various other groups singled out for prejudice related violence. The next phase of hate crime legislation was to increase the number of protected groups in both existing statutes and proposed legislation.

Currently, over thirty states protect on the basis of sexual orientation, 28 on the basis of gender and less than 10 include disability. In 2008, the FBI reported 7,783 hate crimes on the basis of race, religion, ethnicity, sexual orientation, and disability. Of the 9,691 victims targeted, 7 were killed. A 2005 Bureau of Justice Statistics study put the number of annual hate crime incidents at a much higher level, 191,000—largely owing to obstacles relating to reporting and recordation.

Homeless Hate Crime Data

Because there is no systematic official government effort to collect hate crime data, what remains is a microscopic though fairly representative sampling of the types of prejudice motivated offenses against the homeless done annually by the NCH. Academic and government studies indicate that the homeless are among the most likely to be victimized by crime in general and the least likely to report their victimizations.

In 2009, the National Coalition for the Homeless reported that one hundred fifteen homeless people were victims of hate crimes, forty-three of which resulted in death. For researchers, the homicide data is key. The manner and frequency of these homicides indicate a pathological, socially-ingrained hatred against the homeless throughout our society, particularly among the many young males who comprise the majority of perpetrators. The other crucial point about the homicide numbers is that they are a far more reliable barometer of the scope of violence against the homeless, because they are arguably the only type of violent victimization that consistently gets reported to police because they are not initially dependant on self reporting or eyewitness intervention. The number of homeless victims killed in hate crime homicides in 2008, which exclude cases with other primary motivations like drugs, robberies or personal conflict, was more than five times that of all the “traditional” hate crime homicides reported by the FBI in the same year—the latter which include categories such as race, religion, national origin, sexual orientation and disability.

Leading hate crime scholars are increasingly regarding prejudice based attacks against the homeless as hate crimes. Northeastern University sociologist Jack Levin (no relation) contends, “When we treat attacks based on homelessness as a hate crime, we send a message both to the perpetrator and the victim that we will no longer tolerate the cruel and inhumane treatment of our most vulnerable citizens.” Prof. Barbara Perry of the University of Toronto Institute of Technology and author of *In The Name of Hate*, believes that the homeless, like other hate crime victims, are attacked “because they are perceived as a threat.” Sandra Wachholz of the University of Southern Maine recently wrote, “[T]here has been a long tradition of singling out the homeless for hate motivated treatment and injurious acts.”

An initial, though increasingly abandoned, argument for excluding homeless status from hate crime laws is the fact that unlike race, homeless status is mutable, or changeable. While race is indeed an immutable characteristic, and racial discrimination was an initial harm that civil rights law continues to address, mutability itself has never been a preclusive factor for the inclusion of a group in civil rights laws. Constitutional scholar John Hart Ely pointed out that the drafters of the Fourteenth Amendment, a significant and more rigid precursor of modern civil rights statutes, was itself left open-ended, and not merely limited to race. As civil rights and later hate crime protections evolved it has become clear that people are targeted for discrimination and violence based on various mutable characteristics as well. Even in the related and more stringent area of constitutional protections, the modern direction of focus has broadened to include discreet and insular minorities that face stereotyping and discrimination. The judicial and legislative record is quite clear that states have wide authority to enact civil rights protections beyond merely immutable characteristics. Hate crime categories like religion, nationality, gender, age or disability are either mutable or potentially so. The fact that one’s religion can be altered does not make it less worthy of statutory protection—and for that reason it is covered in virtually every state statute. Furthermore, the fact that a particular status characteristic, like disability, is one that many would not choose has not precluded its inclusion in many state statutes either.

As a practical matter mutability is a diversion from proper analysis of whether a characteristic should be covered in hate crime laws, because many currently covered categories are in fact mutable. The main reasons for coverage are an increased risk of victimization and discriminatory victim selection. With most other types of non-hate crimes, financial gain or personal motive form the basis of victimization—thus allowing for a better opportunity at prevention, or at the very least, compliance to prevent escalation. However, when one is attacked because of an identity characteristic the risk of attack is enhanced because victims are not only attacked for what they do, but because of who they are.

Homeless people face notable other difficulties as crime victims. The lack of shelter, the effects of the physical elements, and frequently disability make them more vulnerable to attack and makes defending themselves harder. Some have suggested that the vulnerability of homeless people makes them better suited for vulnerable victim statutes. Vulnerability is a common characteristic of many hate victims because they are often targeted by groups or for surprise attacks. Like attacks against Orthodox Jews on the way to services or homophobic street violence, anti-homeless violence involves an underlying discriminatory motive which labels them as appropriate targets. Increasing penalties for anti-homeless attacks through hate crime laws is important for another reason. The homeless lack the legal protections available to people

of means. Criminal statutes punish more severely those who illegally invade homes, trespass private property or who steal expensive items. However, because homeless people own little and are without housing, their aggressors often make realistic threats of retaliation and face a smaller range of sanctions if they are caught.

From a purely criminological perspective, physical bias-motivated attacks against homeless people in this country, are indistinguishable from other hate crimes-with one major exception. Homeless people appear to face a rate of victimization that far exceeds that of traditionally covered groups. Offender characteristics, motive, deterrence, injury levels and weaponry are basically analogous to those found with all other hate crime victim groups. Assaultants are often juveniles or young adults armed with imprecise weapons of opportunity like bricks, bottles or bats. Most rely on biased soft-core prejudiced stereotypes that are triggered into action by a desire for thrill-seeking, turf protection, peer validation, or notions of group superiority. Also telling is the fact that among the most hard-core hate mongers, like neo-Nazi skinheads, prejudice and violence against homeless people is a notable part of their subculture as well.

Conclusion

The category of hate crime has traditionally been expanded to include other categories once certain conditions for inclusion have been met. These generally include an element of prejudice, similar offender characteristics, and a showing of a distinct additional risk of victimization against a particular socially identifiable group. Hate crimes are a criminologically distinct category of offenses and prejudiced violence against the homeless is a subset of these offenses that the law and data collection efforts have an obligation to recognize.

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 has a long history and saw some significant changes in 2009.

Pending Federal Legislation

S. 1765, Hate Crimes Against the Homeless Statistics Act of 2009⁶ has been introduced by Senator Cardin (D-MD). The act would amend current federal Hate Crime tracking legislation to include crimes committed against homeless individual by adding “homeless status” as a protected class. The bill has been referred to the Senate Committee on the Judiciary.⁷

S. 1765 Cosponsors (as of August 2010):

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

H.R. 3419 Cosponsors (as of August 2010):

Rep. Steve Cohen (TN), Rep. Danny Davis (OH), Rep. Marcia Fudge (OH), Rep. Alcee Hastings (FL), Rep. Dennis Kucinich (OH), Rep. Zoe Lofgren (CA), Rep. James McGovern (MA), Rep. Gwen Moore (WI), Rep. Grace Napolitano (CA), Rep. Eleanor Holmes Norton (DC), Rep. Ileana Ros-Lehtinen (FL), and Rep. Debbie Wasserman Schultz (FI.).

H.R. 3419, The Hate Crimes Against the Homeless Statistics Act of 2009⁸, has been introduced by Eddie Bernice Johnson (D-TX). H.R. 3419 is identical to S. 1765. The bill has been referred to the Subcommittee on Crime, Terrorism, and Homeland Security in the House committee on the Judiciary.

The David Ray Ritcheson Hate Crime Prevention Act, H.R. 262, was introduced by U.S. Rep. Sheila Jackson Lee (D-TX) and is cosponsored by U.S. Rep Gerald E. Connolly (D-VA). The bill provides support for victims of hate crimes who lose their jobs due the attack. Under this law, disabled victims would be able to claim unemployment insurance. In the event the victim loses his or her house, the Secretary of Housing and Urban Development can use grants to provide housing for the victims who were homeless before the attack and are now in need of assistance because of the attack. It also prohibits health care insurers from increasing premiums or making determinations of eligibility based on injuries caused by the hate crime. The bill would create a national toll-free hotline and a website to provide information and assistance to hate crime victims among other things. The bill was referred to the Subcommittee on Workforce

⁶ H.R. 3419/S. 1765 is located in Appendix D

⁷ Thomas.gov, The Library of Congress

⁸ H.R. 3419/S. 1765 is located in Appendix D

Protection, the Subcommittee on Healthy Families and Communities, and the Subcommittee on Early Childhood, Elementary, and Secondary Education where it currently sits.

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 Act⁹ 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.”¹⁰ 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.¹¹

⁵ 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.

¹⁰ 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.*

¹¹ Hate Crime Data Collection Guidelines, *supra* note 2, at 4.

The Violent Crime Control and Law Enforcement Act of 1994¹², 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.”¹³

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.¹⁴ The impact of the sentencing enhancement law going forward may therefore be reduced.

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 5 million dollar allocation, federal agents are more adequately funded to assist and independently investigate hate crimes too complex for local

¹² Pub. L. No. 103-322, § 280003, Sept. 13, 1994, 108 Stat. 2096.

¹³ 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.

¹⁴ 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 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).

authorities. Additionally, the bill mandates that the FBI track hate crimes committed against transgendered individuals.

“Hate Crime” Statutes On the State/City Level

“My view was since we have hate crimes as part of law, it only makes sense to look at truly vulnerable groups to include, not just to include groups that have clout, you know, in one of the political parties. And it's my view, you know, as a Christian, that God created us all equal in his image and likeness. And I think homeless people deserve the same protections as other human beings.”

- State Senator Alex Mooney (R-MD)

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

In **California** police training protocols are being implemented. Special training seminars have been highly encouraged by county police departments across the state. A 2 hour seminar video focused on dealing with the homeless is being shown to police officers who deal with the homeless on a regular basis. The goal of the programs is to educate police officers with the difficult intricacies of homelessness in order to serve the population better. California legislature has strongly encouraged local law enforcement to increase training.

Cleveland, Ohio 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.¹⁵

In **Florida**, “homeless status” has been added to state hate crime legislation. Starting October 1, 2010, bias-related offenses targeting homeless persons in Florida will be reclassified as hate crimes and perpetrators will receive stricter penalties. Florida House Bill 11- Crimes Against Homeless Persons, filed by Representatives Porth and Rogers passed in the Florida House of Representatives with a 80-28 vote on April 20, 2010. On April 27, 2010 the Florida Senate voted and passed H-11 with a vote of 25-10. Crimes Against

"I find it sickening. I find it appalling. And we need to protect our most vulnerable."

- Representative Ari Porth,
(D-Coral Springs, FL)

¹⁵ FindLaw. City of Cleveland Codified Ordinance No. 830-08

Homeless Persons was signed into law by Governor Christ on May 11, 2010.

The **Los Angeles, CA** Board of County Supervisors unanimously passed a resolution in March 2009 requesting that the Human Relations Commission incorporate awareness of homelessness into high school and youth programs to encourage respect and humanization of homeless people, 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, track crimes of hate against the homeless in the Commissions database and monitor trends to educate the community, 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 to work with all human relations commissions across the county to create better practices and data collection.¹⁶

Maine added protection for homeless residents but did not formally added 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. These aggravating factors may be weighted by a judge but are in no way binding like in Maryland. Maine's hate crime statute, Maine's Civil Rights Act, does not mention homelessness. 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. These 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 existing hate crime statutes. Maryland Senate Bill 151, brainchild of Senator Alex Mooney (R), was passed after nearly four years of deliberations. The law protects homeless individuals from damage to their real property or person. If an act was motivated by the race, color, religious beliefs, sexual orientation, national origin, or because another is homeless, the crime is punishable under state hate crime statutes. If convicted of a hate crime, harsher penalties are awarded than if the crime was not motivated toward a specific protected population.

Puerto Rico passed legislation in 2007 that was designed to give much-needed support to homeless people. The law "acknowledges that homeless persons are being exposed daily to insensible treatment, abuse" and defines abuse as "all acts or omissions that physically hurt, kidnap, persecute, or exploit"¹⁷ Encompassed in this law is a section emphasizing that homeless people should not be discriminated against for any reason. Anti-discrimination will be addressed through the creation of a council (Multi-Sector Homeless Population Support Council) that will take action to support homeless individuals¹⁸.

¹⁶ Yaroslavsky and Knabe. Motion By Yaroslavsky and Knabe. Homelessness and Human Relations Committee. AGN. NO. 11. March 24, 2009.

¹⁷ Law 130. Concilio Multisectorial en Apoyo a la Poblacion sin Hogar. Approved September 27, 2007.

¹⁸ *Ibid.*

Rhode Island recently added homelessness as a protected class under hate crime statutes for reporting purposes. House Bill 7490, and companion Senate Bill 2323, were introduced for the first time on 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 definition of "hate crime" within the state of Rhode Island 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.

Pending State/City Hate Crime Legislation Relating to Homelessness

In **California**, Assembly Bill 2706 was passed by the California Assembly in May 6, 2010 and would grant enhance civil right protections for homeless persons under the law. If the Senate approves the bill, it would allow a homeless individual to sue for higher damages (up to \$150 thousand) if their attack was determined to be motivated by hate. In addition, California Senator Liu introduced Senate Bill 110, which focuses upon crimes relating to persons with disabilities and providing training to police officers regarding responding well to homeless people.

Illinois is debating an amendment to their Criminal Code of 1961 that would change the definition of 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. It has been referred to the Rules Committee's Judiciary Criminal Law Committee Hearing and is pending further mark-up. State Representative Thomas Holbrook (D) who introduced bill HB5114, hopes to create stiffer penalties for offenders who target the homeless, veterans, active duty members and reservists of the Armed Forces. If the controversial bill is passed, first-time offenders could spend one to three years in prison, while repeat offenders could receive three to seven.

In **New York**, Bill number A09222 sponsored by (D) Rory Lancman establishes protection for the homeless by classifying certain offenses as hate crimes. Though this bill has not been voted on, it has been referred to the Committee on Codes where it waits for further review.

Ohio legislation was introduced in May 12, 2010 by Representatives Murray and 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 person because of their homeless status would be charged with intimidation of a homeless person as well as the original charge. If enacted, intimidation of a homeless person would raise offenses to the next higher degree.

In addition to **Puerto Rico's** 2007 legislation, PS 1477 was introduced on March 26, 2010. The bill proposes to establish penalty enhancements for anyone convicted of an attack that was motivated by a prejudice against the victim for his or her homeless status.

South Carolina's House Bill 4091 did not pass but is expected to be reintroduced in June 2010. The bill was set to amend the South Carolina Code of 1976 by adding a two-tiered penalty system for assault and battery upon a homeless person.

In **Virginia**, House Bill 844 was introduced on January 13, 2010 by Representative Patrick A. Hope. The bill would amend legislation to include "status as a homeless person" as a protected class. This includes harsher punishments for offenders who choose their targets based upon a person's homeless status, allows homeless people to seek injunctive relief or file an action for damages for harassment, and will require the State Police to include violence against homeless people as hate crimes in their data collection. HB 844 has been referred to the Committee for Courts and Justice

In **Washington**, after consideration in the Public Safety & Emergency Preparedness Committee, the Washington House has passed legislation H.B 2497 that would add homelessness to an updated list of aggravating factors that could lead to an increased sentence. "An offense that was intentionally committed because the defendant perceived the victim to be homeless is a new aggravating circumstance. This aggravating circumstance must be found by a jury beyond a reasonable doubt before an exceptional sentence can be imposed." The language has not yet passed the Human Services & Corrections committee in the Senate.

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 by AmeriCorps*VISTA volunteers, NCH has Speakers' Bureaus in a number of states.

We provide assistance with everything from recruiting and training speakers and moderators to planning and holding events.

Model Language for City/County/State Legislation/Resolutions

Whereas, hate crimes and violence against homeless persons has become a nationwide wave, with over a thousand reported cases of violence against homeless people over the past eleven years (1999-2009), resulting in 291 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) The term “homeless”, “homeless individual”, and “homeless person” means—

(A) an individual or family who lacks a fixed, regular, and adequate nighttime residence

(B) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings

(C) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements

(D) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

(E) an individual or family who—

(1) will imminently lose their housing,

(2) has no subsequent residence identified; and

(3) lacks the resources or support networks needed to obtain other permanent housing; and

(F) unaccompanied youth and homeless families with children and youth who--

(1) have experienced a long term period without living independently in permanent housing,

(2) have experienced persistent instability as measured by frequent moves over such period, and

(3) can be expected to continue in such status for an extended period of time

(G) Additionally, any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life

threatening conditions in the individual's or family's current housing situation and who have no other residence and lack the resources or support networks to obtain other permanent housing.

- (1) The state hate crimes statute shall be expanded to include homeless persons as a protected class.
- (2) 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.
- (3) 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.

(4) 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.

(5) 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 hates 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; National Law Center on Homelessness & Poverty
 - (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.

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 111th Session of Congress H.R. 3419 and S. 1765, which were introduced by U.S. Representative Eddie Bernice Johnson and Senator Benjamin L. Cardin respectively, seek to add “homeless status” to the federal hate crimes statistics statute.

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 service providers should provide opportunities for people who have experienced homelessness and survived bias-motivated violence to tell their stories. 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

The National Coalition for the Homeless has documented over a thousand crimes committed against homeless people by housed individuals in the past eleven years. In this report, NCH has documented forty-three deaths, making this period the deadliest year in NCH's history tracking hate crimes against the homeless.

Complicating the hate crimes issue and adding to its growth is that young teens are continually being exposed to homeless people being dehumanized in popular media while cities continue to create policies that criminalize the benign daily activities of homeless individuals.

Hate Crimes Against the Homeless: America's Growing Tide of Violence's main objective 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. Although some communities are taking positive steps towards protecting homeless individuals, NCH believes that violence against the homeless is a wave that will continue to grow without true accountability, effective methods of prevention and positive action taken.

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Appendix C: Mr. Rankins' Letter

March 29, 2010

Dear Homeless and Charity Organizations of America,

My name is Martin Rankins from Southern California. I am writing to you all to inform you of about a game that my son was playing yesterday morning. An image of a decrepit old man on his screen caught my eye. I asked him what he was doing and he said he was playing "Bumrise." He went to explain that you start off as a "homeless bum" and you are supposed to get in fights, beg for money, and drink beer to get more points! My son said, "It's fun." I asked him where he got this game and he said it was on line for free. I immediately turned off the computer and asked him to go to school.

I have never been so disappointed in my life. Once at work I decided to look at the game for myself, and my son was right. This game is based on being a homeless person on the streets of New York and you are supposed to fight, join gangs, beg and do a number of other horrible things to get ahead. There is even an indication of how DRUNK you are! This is absolutely the worst thing I have ever come across. To play a game based off of a real social problem is absolutely grotesque. How can we teach our kids to be morally and socially conscious and at the same time have a game making fun of the very problems we are trying to prevent?

Needless to say I had a long discussion with my son, who is only 10, about why this game is wrong and should not be played. I have told him he is not allowed to play this game as I firmly believe it may have serious social repercussions such as the desensitization towards homelessness.

I looked it up on line and apparently other countries are having the same concerns as I do. Some French and German politicians tried to get the game banned with no success. Perhaps we as the biggest nation in the world can succeed in getting this atrocity banned?

I don't know what any of you can do, but maybe you have lawyers or strong advocates that can speak to the right people in the Government to get this thing off the net.

Please look for yourself and then put yourself in a parent's shoes, and if you are already parents, then I am sure you can understand my frustration. (www.bumrise.com)

Sincerely

Martin Rankins

Appendix D: H.R. 3419/S. 1765

Hate Crimes Against the Homeless Statistics Act of 2009

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 2009'.

SEC. 2. INCLUSION OF HOMELESS.

Section (1)(b) of the Hate Crime Statistics Act is amended--

- (1) in paragraph (1), by inserting 'homeless status,' after 'sexual orientation,'; and
- (2) by adding the the 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.'