

Hate Crimes against the Homeless

An Organizing Manual for Concerned Citizens

January 2012

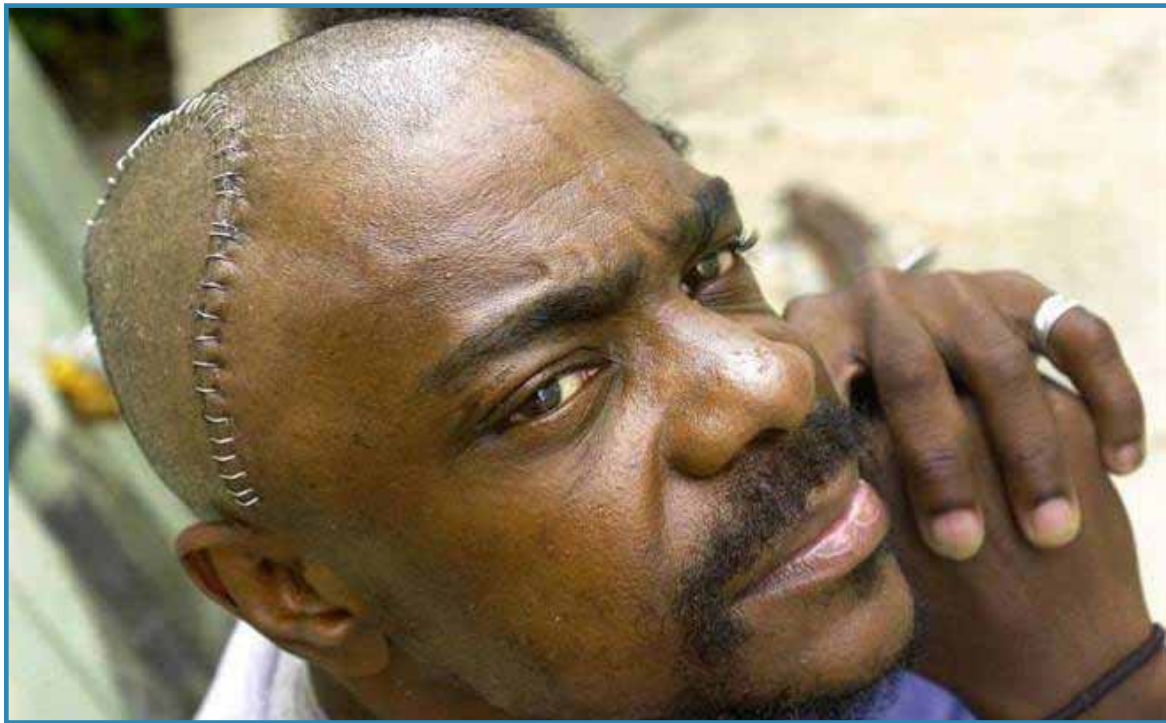


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A Manual From

National Coalition for the Homeless

www.nationalhomeless.org



National Coalition for the Homeless

The National Coalition for the Homeless was founded in 1982. It works to bring about the social change necessary to prevent, reduce and end homelessness in America and works to protect the rights of people experiencing homelessness. NCH seeks to accomplish these goals by engaging its membership in policy advocacy, capacity building, and sharing solutions-to-homelessness with its broader community.

NCH is a national network of people who are currently or formerly homeless, activists and advocates, service providers, and others committed to preventing and ending homelessness. It 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.

Since 1999, more than a thousand attacks against homeless individuals have occurred. These attacks occurred in cities throughout our country in forty-seven states, the District of Columbia, and Puerto Rico. They know no boundaries and are not limited by coast, region, or state. These attacks have permeated every corner of our society, **resulting in three hundred twelve deaths and eight hundred seventy-two non-lethal attacks including beating with golf clubs, rape, and setting victims on fire while they slept.** The victims have endured humiliations both great and small and the injuries they



sustained created not only physical pain and scars, but also the crippling effects of wounded self-esteem and dignity of the human spirit. The National Coalition for the Homeless has published an annual report documenting hate crimes and violence

against homeless individuals since 1999. This organizing manual is intended to supplement those reports and to help concerned citizens and advocates educate those around them on the issue of bias-motivated crimes against homeless individuals; it includes both information and resources for citizens and advocates. To effectively address the problem of violence towards homeless people, it needs to become a priority of communities, media, and legislators.

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America's Growing Epidemic of Violence

Over the past twelve years (1999-2010), advocates and homeless shelter workers from around the country have seen an alarming, nationwide sustained increase in reports of homeless men, women and even children being killed, beaten, and harassed. In response to these concerns, the National Coalition for the Homeless has produced twelve reports documenting these acts, the newest report entitled *Hate Crimes against the Homeless: Violence Hidden in Plain View*. Our reports are collected from a variety of sources including media and advocacy reports. However, it is important to mention the numbers of crimes collected in our reports are estimated to be a gross underrepresentation of the actual number of incidents due to lack of reporting to police, victims



not seeking medical attention, and fear of retribution. Please remember this as you educate those around you about the issue.

Although NCH's data is under-representing the number of crimes, the reports have been able to show some themes and trends. The majority of the victims were middle-aged males; in 2010, the average age of the

victim was forty-eight years of age. In contrast to the average victim, the average perpetrator is much younger. Although still mostly male, nearly half of the accused or convicted perpetrators were under the age of twenty in 2010, and the youngest documented perpetrator of a hate crime against a homeless person was only 9 years of age.

Throughout the last twelve years, nearly one in every four known attacks resulted in death. The majority of incidents include the perpetrator beating the homeless person with deadly weapons. Objects such as bats, wooden boards with protruding nails, metal poles, and even bicycles have been used in addition to the perpetrator's own hands. Furthermore, both rape and arson are types of violence directed toward homeless people.

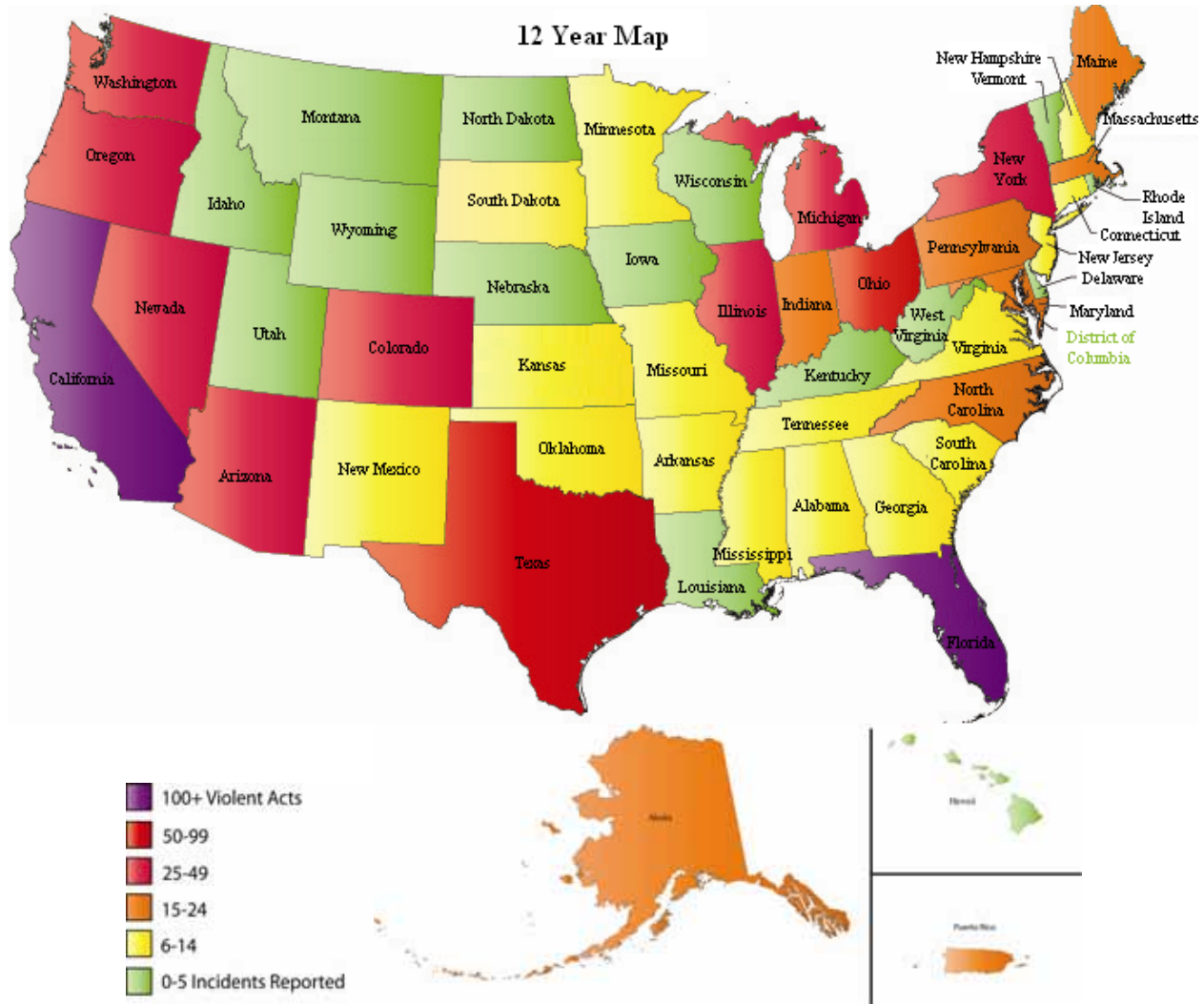


Examples of Recent News Headlines Include:

- o *Man Uses Concrete Slab to Bludgeon Homeless Man*
- o *Homeless Man Set on Fire While Sleeping*
- o *Bottles Filled With Acid Thrown at the Homeless Community*
- o *Homeless Woman Beaten with Pistol after Refusing Sex*
- o *Homeless Man Beaten, Tied to Bumper of Car and Dragged Down Road*

Where Hate Crimes against the Homeless Have Occurred

1999-2010



California	213	Alaska	17	South Carolina	8	Wisconsin	3
Florida	177	Maryland	17	Virginia	8	Louisiana	2
Texas	64	Puerto Rico	15	Mississippi	7	Utah	2
Ohio	59	Indiana	14	New Hampshire	7	Wyoming	2
Colorado	47	Massachusetts	14	Oklahoma	7	Delaware	1
Illinois	42	Maine	13	Alabama	6	Iowa	1
Oregon	37	New Jersey	12	Washington, DC	5	Montana	1
New York	34	Tennessee	12	Hawaii	5	Idaho	0
Nevada	32	Arkansas	11	Kansas	5	North Dakota	0
Arizona	23	Georgia	10	Nebraska	5	Vermont	0
Michigan	23	Minnesota	10	Rhode Island	5		
Pennsylvania	21	Missouri	9	Connecticut	4		
Washington	21	South Dakota	9	Kentucky	3		
North Carolina	20	New Mexico	8	West Virginia	3		

"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, D.C.)

Trends in Hate Crimes

The number of incidents collected by the National Coalition for the Homeless under-represent the actual count of crimes committed against homeless individuals. However, the twelve-year map shows that of the ones recorded, trends can still be identified. The states with the most crimes against homeless people tend to be both in areas with warm climates and in areas where communities have taken measures to criminalize homelessness.

Both California and Florida are good case studies. Their warm climates are conducive to outdoor living, and many cities in both states 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 occurred. In fact, seven of the ten meanest cities identified in *Homes Not Handcuffs: The Criminalization of Homelessness* were cities in Florida and California. These states are also the ones with the highest number of bias motivated crimes against homeless individuals.

When communities criminalize homelessness, they send the message that homeless people do not matter and are not welcome in the community.

Media Exploitation

In addition to criminalization measures, the media is another source of negative messages about homeless people. Young men are most receptive to many of the exploitative, hateful messages. Accordingly, young men make up the majority of accused or convicted perpetrators of homeless hate crimes.

A series of four films entitled *Bumfights* gained significant popularity in the past decade, selling over seven million copies. They inspired thousands of copycats on YouTube. Reports from both *ABC* and *CBS 60 Minutes* identified the *Bumfights* videos as possible causes for the increased amount of attacks on homeless individuals.

In *Hate Crimes against the Homeless: Violence Hidden in Plain View*, we reported on eight YouTube videos, entitled "Bum Fight," which copy the films. These videos are growing exponentially in popularity, with now over 15.5 million views. Only half of the most popular videos have an age-verification requirement to view. This leaves youth to watch half of the most popular videos without verifying they are over eighteen. This is an unfortunate circumstance, as perpetrators of hate crimes are often younger than eighteen, and could have access to such videos.

Such representations are the catalyst for the recent disturbing trend of teens recording video of their own attacks on homeless people in imitation. The overall depiction of homelessness promotes the idea that homeless people are second-class citizens not worthy of respect.



National Response

Jurisdictions with Hate Crime Legislation:

Alaska; California; Cleveland, OH; Florida;
Los Angeles, CA; Maine;
Maryland; Puerto Rico; Rhode Island;
Seattle, WA; Washington; Washington, DC

NCH's Response

NCH has been confronting this issue on several fronts. NCH advocates for the inclusion of homeless status as a protected class under federal and state hate crimes legislation. NCH also advocates for federal crime statistics to include violence against homeless individuals. In fact, in 2010, Senator Benjamin Cardin (MD) presided over a Senate Judiciary Subcommittee on Crimes and Drugs hearing entitled "Crimes against America's Homeless: Is the Violence Growing." The hearing was held to explore support and opposition to the Hate Crimes against the Homeless Statistics Act of 2009.

Including homeless status as a protected class will serve two purposes. The first will be to increase the penalties that those attacking homeless individuals out of bias will face. This can serve as a deterrent for individuals committing the crime for fun and will decrease the number of attacks. Protecting homeless individuals under hate crime laws will also send a message to homeless individuals as a group. When a group is being targeted, like homeless individuals have been, it is important for those in power to send a message that this group does matter in society and deserves protection under the law.

Pending Federal Legislation

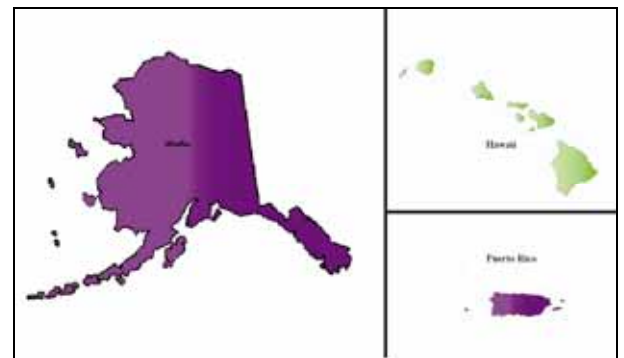
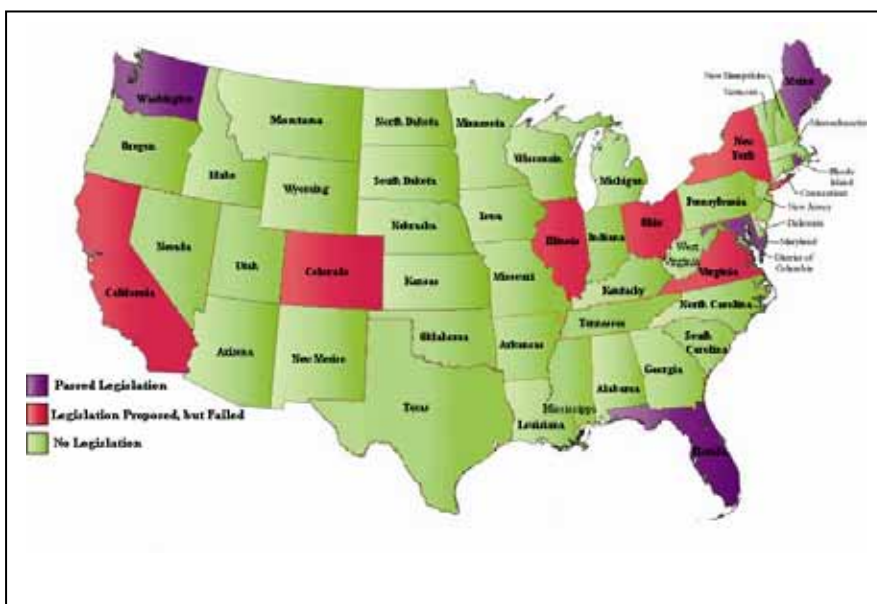
H.R. 3528, Hate Crimes against the Homeless Statistics Act of 2011 was introduced in 2011 by U.S. Representative Eddie Bernice Johnson (D-TX) and co-sponsored by 5 other members of Congress. The bill had identical language to two bills introduced in the previous session of Congress: **S. 1765, Hate Crimes against the Homeless Statistics Act of 2009** and **H.R. 3419, Hate Crimes against the Homeless Statistics Act of 2009** which were introduced in 2009 by U.S. Benjamin Senator Cardin (D-MD) and U.S. Representative Eddie Bernice Johnson (D-TX), and co-sponsored by over 20 other members of Congress (11 Senators and 12 Representatives). On September 29, 2010, Senator Cardin convened a hearing of the Senate Judiciary Subcommittee on Crime and Drugs, entitled “Crimes against America’s Homeless: Is the Violence Growing?”

Brian Levin, Criminologist from California State University, San Bernardino gave academic proof that the homeless face a much higher victimization rate than any other group in the Western industrialized world. He quoted statistics that show the annual victimization rate of homeless individuals is between 66%-82%.

Simone Manning-Moon, sister of slain homeless man Norris Jay Gaynor (1/12/2006) provided another important piece to the hate crimes legislation process—passion. Manning-Moon told her brother’s story in loving detail, and described how he was targeted for simply being homeless.

Captain Richard Wierzbicki, of the Broward County (FL) Sheriff’s Office was able to provide the point of view of law enforcement organizations. He acknowledged that there would not be adequate information on the extent of hate crimes against the homeless unless there was a national reporting system, as set up in the bill. He also stressed that there would not be significant burden placed on law enforcement agencies, in requiring them to report such crimes to the FBI.

Even **Eric Luna**, Law professor at Washington and Lee University School of Law, an opposition witness from the Cato Institute, who called into question whether or not federal hate crime prevention legislation was the most effective way to deal with hate crimes against the homeless said he strongly encourages the collection and distribution of data on hate crimes against the homeless to inform decision-makers on criminal justice policy.



State Legislative Response

Across the nation, communities are beginning to take action to protect the homeless members of their community. Thanks to the hard work of both advocates and lawmakers, Alaska; California; Cleveland, OH; Florida; Los Angeles, CA; Maine; Maryland; Puerto Rico; Rhode Island; Seattle, WA; Washington; and Washington, D.C. have created laws that consider homelessness as a factor that may motivate a person to attack a homeless person. Some of these laws mandate stricter penalties for convicted perpetrators, while others require law enforcement to keep track of crimes where housing status may have been a motivating factor. With the help of the resources available in this manual, you can help the eight states with pending legislation and the remaining states enact legislation to help shield homeless people from unacceptable violent attacks toward them.

Federal sponsorship refers to a Congressperson or Senator from that state who had sponsored or cosponsored HR. 3528, S.1756/H.R.3419 (see previous page).

Alaska

Hate crime definition: no.

Federal sponsorship: none.

Statewide Legislation: Homelessness is classified as a possible aggravating factor in sentencing associated with a crime. Homelessness is not categorized under hate crime protection, and therefore including homelessness as a motivating factor does not automatically result in harsher sentencing.

Punishments vary depending on what degree the judge finds the victim's homelessness as a factor in the crime.

Colorado

Hate crime definition: no.

Federal sponsorship: none.

Statewide Legislation: Senate Bill 4, sponsored by Senator Lucia Guzman (D-Denver), would expand the current definition of hate crimes to include homelessness. The bill passed the Colorado Senate, but was killed in the House Judiciary Committee on May 3, 2011.

California

Hate crime definition: no.

Federal sponsorship: S.1765: Sen. Dianne Feinstein. H.R. 3528: Rep. Grace Napolitano. H.R. 3419: Rep. Zoe Lofgren and Rep. Grace Napolitano.

Statewide legislation: Currently implementing police training, including seminars and a two-hour video, to educate the police force to better serve the homeless.

City legislation: Los Angeles (March 2009): The Board of County Supervisors passed a resolution requesting the Human Relations Commission to promote educational efforts in high schools and youth programs; police training regarding investigating crimes against the homeless; increased tracking and reporting of crimes against the homeless; and national Human Relations Commissions coordination.

Pending legislation: AB 312: This bill would have allowed a homeless individual to sue for higher damages if the attack was motivated by hate. The bill was vetoed by Governor Brown. The same bill had previously been vetoed by then-Governor Schwarzenegger.



Florida

Hate crime definition: yes. State hate crime legislation (S.B. 506, H.B.11) includes “homeless status,” meaning these offenses will be reclassified as hate crimes and will have stricter penalties (in effect October 1, 2010).

Federal sponsorship: H.R. 3528: Rep. Debbie Wasserman Schultz. H.R. 3419: Rep. Alcee Hastings, Rep. Ileana Ros-Lehtinen, and Rep. Debbie Wasserman Schultz.

State Legislation: On May 11, 2010 Governor Charlie Crist signed into law Florida House Bill 11– the Crimes Against Homeless Persons Act – which reclassified offenses targeting homeless persons as hate crimes, and permits perpetrators to receive stricter penalties.

Illinois

Hate crime definition: no.

Federal sponsorship: S.1765: Sen. Roland Burris. H.R. 3528 & H.R. 3419: Rep. Danny Davis

Pending legislation: An amendment to Criminal Code of 1961 would add homelessness and veteran status to the hate crime definition was proposed in 2010. The bill was referred to the Judiciary Criminal Law Committee, where it died in 2011.

Maine

Hate crime definition: yes. Added protection for the homeless, allowing enhanced sentences for crimes (nonbinding). Also requires police training about homelessness.

Federal sponsorship: S.1765: Sen. Susan Collins.

Maryland

Hate crime definition: yes. SB 151 includes homelessness in state hate crime statutes, allowing harsher penalties for perpetrators.

Federal sponsorship: S.1765: Sen. Benjamin Cardin, Sen. Barbara Mikulski.

State Legislation: On May 07, 2009 Governor Martin O’Malley signed into law Maryland Senate Bill 151, the brainchild of Republican Senator Alex Mooney. The legislation protects homeless individuals from damage to their self and real property.

Massachusetts

Hate crime definition: no.

Federal sponsorship: H.R. 3419: Rep. James McGovern.

New York

Hate crime definition: no.

Federal sponsorship: S.1765: Sen. Charles Schumer.

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

Ohio

Hate Crime Definition: no.

Statewide legislation: S.1765: Sen. Sherrod Brown. H.R.3419: Rep. Marcia Fudge and Rep. Dennis Kucinich.

City legislation: Cleveland: 2008 city ordinance No. 830-08 dictates that repercussions for intimidation or harassment of a homeless person due to their status are elevated one degree higher than the offense.

Pending Legislation: H.B. 509 would create the offense of intimidation of a homeless person and would raise offenses to the next degree. The bill, however, died at the end of the assembly period has not been reintroduced.

Puerto Rico

Hate Crime Definition: no.

Statewide legislation: 2007 legislation gave support to homeless people, acknowledged their frequent abuse, emphasized that they should not be discriminated against and created an anti-discrimination council.

Pending legislation: PS 1477 would establish penalty enhancements for anyone convicted of an attack that was motivated by a prejudice against the victim for his or her homeless status.

Rhode Island

Hate crime definition: yes.

Federal sponsorship: S.1765: Sen. Sheldon Whitehouse.

Pending legislation: Homelessness is 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 law requires state police to report and monitor crimes against the homeless.

South Carolina

Hate crime definition: no.

Federal sponsorship: None.

Pending legislation: Bill H4091 did not pass but was reintroduced in 2010 as House Bill 3141. It would amend the South Carolina Code of 1976 by adding a two-tiered penalty system for assault and battery on a homeless person. The bill was referred to the Committee on Judiciary where it currently sits.

Tennessee

Hate crime definition: no.

Federal sponsorship: H. R. 3528 & H.R.3419: Rep. Steve Cohen.

Texas

Hate crime definition: no.

Federal sponsorship: H.R. 3528 & H.R.3419: Rep. Eddie Bernice Johnson.

Vermont

Hate crime definition: no.

Federal sponsorship: S.1765: Sen. Patrick Leahy.

Virginia

Hate crime definition: no.

Federal sponsorship: none.

Pending legislation: HB844, which would include homeless status as a protected class, creating harsher punishments, allowing homeless people to seek damages for harassment, and requiring the State Police to include violence on homeless people as hate crimes in data collection. Referred to the Committee for Courts and Justice, where it died. Delegate Patrick A. Hope intends to reintroduce the bill when the budget restrictions on the state legislature are lifted.

Washington

Hate crime definition: yes.

Federal sponsorship: none.

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

City legislation: Seattle: the city's malicious harassment statute was amended in December 2007 to criminalize violence or threats against the homeless.

Washington, D.C.

Hate crime definition: yes. Increased civil and criminal penalties.

Federal sponsorship: H.R.3419: Rep. Eleanor Holmes Norton.

City legislation: 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.

Wisconsin

Hate crime definition: no.

Federal sponsorship: H.R. 3528 & H.R.3419: Rep. Gwen Moore.

"I think it's a human rights issue. These are vulnerable people. They're marginalized."

Senator Lucia Guzman,
(D-Denver, CO)



“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)

Responses to Frequently-Used Arguments Against Homeless Hate Crime Legislation

The idea behind hate crime legislation is to protect individuals targeted because of their membership in a group. These crimes are not motivated by opportunity or passion. Rather, the motivation comes from a bias held against the targeted group. When groups are included in hate crimes legislation, a message is sent to society that this targeted group is protected.

When discussing the issue of hate crimes with legislators and the public there are several road blocks that can occur. The following questions are samples of those you may encounter and possible responses.

Hate crimes are for immutable qualities, such as sexuality, ethnicity, and other innate characteristics. Homeless people can change their housing status.

- According to Brian Levin of the Center for the Study of Hate and Extremism at California State University, San Bernardino, the importance of immutability arose because civil rights laws had their beginning in the post civil war period, and focused on race—an immutable characteristic. However, immutability has never been a requirement in anti-discrimination and related hate crime laws¹. These characteristics, despite what you may have heard, relate to how an attacker identifies a victim, and not whether a characteristic is technically “changeable” or mutable. Many hate crime categories like religion, nationality, or disability can be mutable. The fact that one’s religion can be altered does not make it less worthy of 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. What’s important is that they are identity characteristics, with which negative stereotypes are associated.

Again, the two key elements here 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. Offenders rely on biased stereotypes that are triggered into action by a desire for thrill-seeking, turf protection, peer validation, or notions of group superiority.

From a purely criminological perspective, physical attacks against the

¹ See also United States v. Carolene Products CO., 304 U.S. 144 (1938). See Danner, Allison Marston, Bias Crimes and Crimes Against Humanity: Culpability in Context, Buffalo Criminal Law Review: Volume 6, Number 1.

Responses to Frequently-Used Arguments against Hate Crime Legislation (Continued)

homeless in this country are indistinguishable from other hate crimes—with one major exception. While offender characteristics, motive, deterrence, injury, and weaponry are basically analogous, prevalence differs significantly. The homeless face a rate of victimization that far exceeds that of traditionally protected groups. The more reliable statistics arising from homicide data and victimization studies indicate that the homeless are among the nation's most criminally vulnerable population.

Won't this dilute hate crimes laws? Why not just include homeless people under other statutes such as vulnerable persons?

- Theoretically, the reason for a hate crime or bias crime law is founded in the understanding that a crime against a person because of their membership in a group is a different type of crime than others. Perpetrators of bias crimes are motivated by their beliefs that the targeted group is not worthy of similar protections enjoyed by others. Possible alternatives suggested will be including homeless people in vulnerable persons statutes, or similar ones. However, this does not address the issue. Groups protected under vulnerable persons statutes, such as the elderly and disabled, are attacked because the perpetrator believes they will be able to get away with this crime. The motivation for attacking a homeless person is not one of opportunism, as is the case with vulnerable persons statutes, but rather, homeless persons are attacked because they are not seen as worthy of equal protection under the law. Bias crimes are motivated by discrimination, not opportunism. In many of the recent cases, groups of young men went out with the specific intention of attacking a homeless person—this is discrimination in choosing whom to attack and should be considered a bias crime.

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

But this does nothing to end homelessness!

- It is true that including homeless persons as a protected class under bias crimes laws does nothing to end homelessness. However, until housing policy is addressed in this country, homelessness will exist and homeless people will require our protection under bias crimes laws because they will remain targets.

What about capital punishment, won't more people be sent to death row?

- Again, this may or may not be a result of including homeless persons as a protected class under bias crimes laws. What is being questioned here is, again, the judicial system. Alternatives to death row are possible and could be written into legislation. It is important to build coalitions with those opposed to capital punishment and get their assistance in drafting legislation so they will not oppose including attacks against homeless persons in bias crimes laws. The more groups supporting the bill, the better chances it will have to pass. Ask for help and find ways to reach compromise so issues such as this do not get in the way of including homeless persons in hate crimes legislation.

"It is imperative that we do everything we can to stop any and all abuse of the homeless and this bill is a crucial first step. I urge my colleagues to not forget the countless number of homeless persons living in our communities and co-sponsor this legislation. They truly have no voice whatsoever but nonetheless they should be protected by the full extent of the law"

Representative Ileana Ros-Lehtinen (FL)



Getting the Issue Heard

Anyone can bring an issue to the attention of local, state, and federal legislators. Equipped with the right information and know-how, you can be very effective in making hate crimes against the homeless an issue in the next legislative session in your community.

Writing a letter is an easy and effective step. If you can get ten friends to write a letter to legislators, it will be enough to get the issue on their agenda (Handwritten letters are more effective than simply signing your name to a pre-typed, standard letter). More effective still is a meeting with those you elected. Being prepared and respectful of their time is key when considering this as an option.

All legislators should have local offices near your home. They will be more than willing to listen to you should you decide to **schedule a meeting**. More likely than not, you will meet with a legislative aide who will make your concerns known to his/her legislator.

When you are ready to meet with an aide, **arrive prepared**. Know the number of incidents that have happened, specifically in your area, and be able to articulate why this is an important issue. The next step is to know what you want done. NCH and other advocacy organizations are pushing for our model legislation to include homeless status as a protected class. If this is what you seek, take a copy of our model legislation. Whenever you go to the meeting, be sure to take fact sheets and other information to leave behind. Fact sheets, the model legislation, and other resources are available at the end of this manual. Again, **check with local homeless and civil rights organizations** to see if they are already working on this issue and offer assistance. A person from the general public raising this issue will go further than the voice of those the legislators already know. If you would like more information or assistance, please contact NCH.

National Coalition for the Homeless

Meeting with Public Officials (Aides) 101

Surprisingly, meeting with legislators, or their aides, is an easy step to take. Here are a few reminders on how to schedule and handle the meeting.

1. **Make an Appointment.** The appointment is usually best made in writing several weeks in advance. Be sure to request a meeting at least two weeks in advance, and include what you would like to discuss. This will help them give you a meeting with the aide who is most knowledgeable about the issue.
2. **Purpose.** Throughout the whole process remember your purpose - what are you there to do?
3. **Be concise.** With your purpose firmly in mind and the facts presented in this manual, prepare what you will say - you will be one of the fortunate ones if you have more than ten minutes to say what you need to say.
4. **"The Ask".** The aide you speak with will ask you "what is your ask?" This is what you want done, are you asking for the model legislation?
5. **The Info.** You have in your hands (or on your computer screen) a valuable tool. In the resources there are fact sheets you can copy and distribute to aides, and there are answers to the questions you will face. There is a great deal of information, so know what's important to you and your cause.
6. **"The Ask" (again).** This is worth stating twice: remember the ask, what you want, why it will work, and what the aide and legislator can do.
7. **Thank You.** No one likes a Nancy Nomanners, so make sure you send thank you notes, and follow up. Just because you had an amazing meeting where the aide agreed with you does not mean your job is done. Phone calls, letters, and emails are all part of the arsenal needed to ensure the legislator takes action.
8. **They work for you!** Remember the legislators and their aides work for you. Be sure to get your voice heard. Mutually beneficial relationships are productive ones. Be sure to offer assistance and make sure the aides and legislators know that you are there to help them as well.

Media Tactics

Another valuable aid in raising awareness of this issue is the media. NCH constantly receives calls from the media wanting more information on the issue of hate crimes against homeless individuals. There is great interest in the issue and getting heard should not be a challenge.

There are several ways to utilize the media. One would be to get an article written about the issue. This should be especially easy in areas where hate crimes have occurred. Letters to the editor, op-eds, and possibly an editorial on the issue are all very valuable in educating the public as well as lawmakers.

To get started, you want to check local news reports to find if any reporters have covered homeless issues in the past. If you find someone, make an appointment or ask if they have an email address and send him or her information. If this works, see if they can arrange for you to meet with or share information with the editorial board of the newspaper. This can create a valuable relationship, which will give you a forum for the issue. Editorial boards may allow you to write op-eds, or they may do it themselves. If neither of these tactics is successful, letters to the editor are another path to getting the issue heard in the media.

Talking points to remember:

- the number of incidents which have occurred, especially highlighting your community and state.
- the number of bias-motivated murders of homeless individuals would more than double the number of FBI-classified hate crime homicides
- hate crimes legislation is an important response to the incidents

What's Next?

If your city/county or state has already passed homeless hate crime legislation, rejoice, but know your work is not done. Hate crime legislation is an important first step, but does not alone end violence toward homeless people. You can work on strengthening the impact of local or state legislation in your community.

Legislation can send an important message that your community will not tolerate violence against homeless individuals. This message can act as a deterrent, preventing future crimes.

Publicize: Legislation can act as a deterrent to prevent crimes but only if laws are publicized. Research groups in your state with public education initiatives on homelessness and ensure they include information on homeless hate crimes and legislation. Also work with local reporters and/or media outlets to publicize the law after passage and again if a biased-motivated crime occurs.

Ensure Enforcement: Advocates should partner with law enforcement agencies to train police officers on homeless hate crimes so they can respond accordingly. The police should be familiar with the prevalence of the known crimes in their community and how to recognize cases that may be bias-related. Also, record keeping documents should be updated to include homeless victims. If an incident occurs in your community, follow up with law enforcement to ensure the case is being investigated as a potential hate crime.

Support Victims: Finally, create awareness within the local homeless community and service providers. Many incidents go unreported for various reasons; however, if homeless individuals know that the crime will be taken seriously and follow up will be provided, they may feel more confident and comfortable reporting incidents.

Education is Prevention

NCH is not exclusively concerned with passing legislation punishing those who commit bias-motivated crimes against homeless individuals. Education will prevent the need for hate crimes laws. Education can help prevent these incidents from happening by enlightening the public about homelessness and homeless individuals.

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, in keeping with that of NCH, 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 figure out how we can prevent its worst outcomes.

We can help anyone set up a Speakers' Bureau anywhere in the nation. We provide assistance with everything from recruiting and training speakers and moderators to planning and holding events.

Additional Resources

- Attached to the manual are resources you can use to get involved:
 - Page 18: Model legislative language for state laws regarding protecting homeless people from hate crimes.
 - Page 21: NCH Fact Sheet, also available at nationalhomeless.org/factsheets
 - Page 25: One-page Fact Sheet: Leave with legislators or use for public education. To be even more effective, you can use this as a model to write your own specific fact sheet about your area.
- Individual and historical fact sheets for each state for years 1999–2010 are available at http://nationalhomeless.org/factsheets/hatecrimes_factsheets
- The full report, *Hate Crimes against the Homeless: Violence Hidden in Plain View*, is available at nationalhomeless.org/publications
- If you have additional questions, you can contact NCH's Director of Community Organizing, Michael Stoops, at mstoops@nationalhomeless.org or 202-462-4822 x234.

Model State Legislation - Hate Crimes/Violence against Homeless People

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

Advocates who have questions are encouraged to contact the National Coalition for the Homeless at info@nationalhomeless.org.

Whereas, hate crimes and violence against homeless persons has become a nationwide epidemic, with over a thousand reported cases of violence against homeless people in the past twelve years (1999-2010) resulting in three hundred and twelve deaths;

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

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

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

Be it enacted:

(1) For the purposes of this legislation, a "homeless person" means an individual or member of a family as defined in 42 U.S.C. § 11302 (2009) and any regulations promulgated thereunder.

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

(3) Prohibition on Hate Crimes against Homeless Persons – The following acts shall be deemed a hate crime and prohibited when carried out against a person on the basis that person's status as a homeless person:

- (a) Assault, aggravated assault, battery, or aggravated battery upon the person; or
- (b) Acts that deface, damage, or destroy or attempt to deface, damage, or destroy the personal property of the person; or
- (c) Acts that result in the death of the person; or
- (d) Any other crime against the person.

(4) Punishments for Hate Crimes against Homeless Persons –

- (a) A person convicted of aggravated assault or aggravated battery upon a homeless person based on the victim's status as a homeless person shall be sentenced to a minimum term of 3 years and fined not more than \$10,000. The person shall be ordered by the sentencing judge to make any restitution to the victim of the offense and to perform 500 hours of community service work. Restitution and community service work shall be in addition to any fine or sentence that may be imposed and shall not be in lieu thereof.
- (b) Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon a homeless person based on the victim's status as a homeless person, the offense for which the person is charged shall be reclassified as follows:
 - (1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

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

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

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

(c) Acts that result in the death of the person; or

(d) Any other crime against the person.

(5) State Office of the Attorney General Study -

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

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

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

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

(1) Information about homelessness, including causes of homelessness, its impact, and solutions to homelessness.

(2) Indicators of hate crimes.

(3) The impact of these crimes on the victim, the victim's family, and the community.

(4) The assistance and compensation available to victims.

(5) The laws dealing with hate crimes and the legal rights of, and the remedies available to, victims of hate crimes.

(6) Law enforcement procedures, reporting, and documentation of hate crimes.

(7) Techniques and methods to handle incidents of hate crimes.

(8) The special problems inherent in hate crimes against homeless persons and techniques on how to deal with these special problems.

(B) The lead state law enforcement agency shall develop a protocol that law enforcement personnel are required to follow, including, but not limited, to the following:

(1) Preventing likely hate crimes by, among other things, establishing contact with persons and communities that are likely targets, and forming and cooperating with community hate crime prevention and response networks.

- (2) Responding to reports of hate crimes, including reports of hate crimes committed under color of legal authority.
 - (3) Providing victim assistance and 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) local homeless and formerly homeless individuals;
 - (2) the National Coalition for the Homeless and the National Law Center on Homelessness & Poverty;
 - (3) other 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.



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Hate Crimes and Violence against People Experiencing Homelessness

Published by the National Coalition for the Homeless, January 2012

History of Violence

Over the past twelve years (1999-2010), advocates and shelter workers around the country have received news reports of men, women, and even children being harassed, kicked, set on fire, beaten to death, and decapitated. From 1999 through 2010, in forty-seven states, Puerto Rico and Washington, DC, there have been one thousand, one hundred eighty-four acts of violence committed by housed individuals, resulting in three hundred twelve deaths of homeless people and eight hundred seventy-two victims of non-lethal violence.

In response to this barrage of information, the National Coalition for the Homeless (NCH), along with its Civil Rights Work Group/Grassroots Organizing Committee, a nationwide network of civil rights and homeless advocates, began compiling documentation of this epidemic. NCH has taken articles and news reports and compiled them into an annual report. The continual numbers of reports of hate crimes and violence against people experiencing homelessness has led NCH to publish its twelfth annual report, "Hate Crimes against the Homeless: Violence Hidden in Plain View." This annual report, which also includes a twelve-year analysis of this widespread epidemic, is available on the NCH website at: www.nationalhomeless.org/publications.

What is a Hate Crime?

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

Federal bias crime laws enacted subsequently have provided additional coverage. The Hate Crimes Statistics Act of 1990 (HCSA) authorized the Justice Department to collect data from law enforcement agencies about crimes that "manifest evidence of prejudice based upon race, religion, sexual orientation, or ethnicity."² The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement

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

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

Act of 1994, defines hate crimes as “a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person.” This measure only applies to attacks and vandalism that occur in national parks and on federal property.³

Who commits hate crimes and violence against the homeless?

Most hate crimes/violent acts are committed not by organized hate groups, but by individual citizens who harbor a strong resentment against a certain group of people. Some are “mission offenders,” who believe they are on a mission to cleanse the world of a particular evil. Others are “scapegoat offenders,” who violently act out their resentment toward the perceived growing economic power of a particular racial or ethnic group. Still others are “thrill seekers,” those who take advantage of a vulnerable and disadvantaged group in order to satisfy their own pleasures. Thrill seekers, primarily in their teens, are the most common perpetrators of violence against people who are homeless. Seventy-two percent of hate crimes/violence against homeless persons in 2010 were committed by perpetrators under the age of thirty, and alarmingly, nearly fifty percent were under the age of twenty.

In 2010:

Total Number of Violent Acts in 2010: **113**

Total Number of Non-Lethal Attacks: **89**

Total Number of Lethal Attacks: **24**

Breakdown of 2010 Non-Lethal Attacks:

Beatings: **50%**

Assault w/ Deadly Weapon: **37%**

Shootings: **5%**

Rapes/Sexual Assaults: **3%**

Multimedia Exploitation: **2%**

Harassment: **2%**

Setting Victim on Fire: **1%**

POSITIVE ACTIONS TAKEN AGAINST HATE CRIMES

With this growing problem becoming more apparent in communities around the country, some states, cities, and advocacy groups are proactively addressing the issue.

- Alaska added homeless status to a 2008 law creating more protection for vulnerable populations
- California passed a law in 2004 mandating police officer training on hate crimes against homeless persons, particularly those with disabilities.
- Florida passed a law, which went into effect in October 2010 adding “homeless status” to hate crime legislation.
- Maine passed a law in 2006 that allows judges to take into consideration a victim’s homeless status when considering sentencing for the offender.
- In May of 2009, Maryland added homeless persons to the existing hate crime law.
- In 2007, Puerto Rico passed legislation that acknowledged the abuse and insensible treatment of homeless people.

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

- In 2010, Rhode Island added homelessness to its hate crime definition for reporting purposes.
- Cleveland passed an ordinance in 2008, making repercussions for “intimidation” and harassment more severe if these crimes are perpetrated against an individual because of his/her homeless status.
- Los Angeles passed a resolution requiring homelessness awareness to be taught at the high school level, trainings for police officers dealing with possible hate crimes against the homeless, and tracking of hate crimes committed against homeless individuals.
- The Miami-Dade County Homeless Trust has created a curriculum/video about homelessness that is shown in schools throughout the county to give young people a greater understanding of homelessness.
- Seattle amended the city’s malicious harassment statute 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
- In August of 2009, Washington DC added homeless people to its hate crimes law.
- A statewide public education project in Florida to educate people about homelessness was initiated in 2007 by the National Coalition for the Homeless in conjunction with AmeriCorps*VISTA Volunteers. This project has now expanded to Georgia, Maryland, Massachusetts, and South Carolina, and will expand nationwide in 2012.
- In response to the brutal murder of a homeless man, David Ballenger, the Washington State Legislature signed into law on April 15, 2011 a bill that adds homelessness to a list of aggravating factors for hate crime analysis, permitting a judge to impose harsher sentences on offenders.

RECOMMENDATIONS FOR ACTION

- Supporting bills, such as:
 - **H.R. 3528**, a bill introduced in the 112th Session of the U.S. House of Representatives by Congresswoman Eddie Bernice Johnson (D-TX) and 5 co-sponsors, which seeks to amend the Hate Crimes Statistics Act to include crimes against the homeless.
 - **H.R. 3419**, a bill, introduced in the U.S. House of Representatives by Congresswoman Eddie Bernice Johnson (D-TX) and 13 co-sponsors, which sought to amend the Hate Crimes Statistics Act to include crimes against the homeless. This bill was introduced during the 111th session of Congress and died at the end of the session but was reintroduced as H.R. 3528 during the 112th session of Congress.
 - **S. 1765**, a companion bill introduced in the U.S. Senate by Senator Benjamin Cardin (D-MD) and 11 co-sponsors, which sought to amend the Hate Crimes Statistics Act to include crimes against the homeless. This bill was introduced during the 111th session of Congress and died at the end of the session but will be reintroduced during the 112th Congress.
- Supporting state legislative efforts to add homeless persons as a protected class to state hate crime statutes.
- Initiating police trainings to help law enforcement officers better understand homelessness in general and how to prevent and manage hate crimes against homeless persons.
- Engaging in our public education initiatives in schools to educate young people about homelessness and to humanize our homeless neighbors.
- Advocating against city measures that criminalize homelessness and for more constructive approaches to homelessness.
- Advocating for more affordable housing and permanent supportive housing to bring an end to homelessness for those homeless members of our communities.

RESOURCES

National Coalition for the Homeless. “Hate Crimes against the Homeless: Violence Hidden in Plain View.” 2012, available at www.nationalhomeless.org/publications

Hate Crimes Against the Homeless

A **hate crime** is a discriminatory crime where a substantial part of the motive is the actual or perceived status characteristic of another. Current hate crime law protects on the basis of race, religion, sexual orientation, ethnicity, gender, gender identity, or disability but does not include homeless status.

The Problem

Because of the vulnerability of their situation in addition to prevailing negative and stereotypical societal attitudes towards homeless individuals, the homeless are the targets of violence with increasing prevalence.

- There were one thousand, one hundred eighty-four reported acts of bias-motivated violence against homeless individuals between 1999 and 2010. As a result, three hundred twelve homeless people lost their lives. In 2010 alone, there were twenty-four known deaths.
- These numbers underrepresented the true scale of the problem because many more attacks go unreported and homeless victims are among the least likely to report their victimization.
- Violence has occurred nationwide, in forty-seven states as well as in Puerto Rico and Washington, D.C.
- The perpetrators tend to be young men and teenage boys. In 2010, nearly fifty percent of the attacks were committed by people under twenty years of age, eighty-eight percent of perpetrators were men, and more than one in five attacks ended in death.
- In the past twelve years there were nearly three times as many deaths from homeless hate crimes than for all current protected classes combined.

Legislative Answer

- **Federal:** There were two identical pending bills, *S.1765 and H.R.3419, Hate Crimes against the Homeless Statistics Act of 2009*, introduced in the 111th session of Congress which would amend current federal Hate Crime tracking legislation to include crimes committed against homeless individual by adding "homeless status" as a protected class. The bills died in the 111th session of Congress. *H.R. 3419* was reintroduced in the 112th Congress as *H.R. 3528*, and *S.1765* will be reintroduced before the end of this current session.
- **State:** Alaska; California; Cleveland, OH; Florida; Los Angeles, CA; Maine; Maryland; Puerto Rico; Rhode Island; Seattle, WA; Washington; and Washington, DC have created laws that consider homelessness as a factor that may motivate a person to attack a homeless person. Some of these laws mandate stricter penalties for convicted perpetrators, while others require law enforcement to keep track of crimes where housing status may have been a motivating factor.

America's most vulnerable need your support. The homeless deserve legal protection of their civil rights. Supporting local, state, and federal legislation will be an important step in the fight to protect homeless people from senseless, inhumane, bias-motivated attacks and to suitably punish and deter perpetrators.

For more information

- Reference *Hate Crimes against the Homeless: Violence Hidden in Plain View 2012*, available at nationalhomeless.org/publications
- Contact:
 - NCH's Public Policy Director, Bob Reeg, breeg@nationalhomeless.org at 202-265-7271
 - NCH's Director of Community Organizing, Michael Stoops, mstoops@nationalhomeless.org at 202-462-4822 x234

