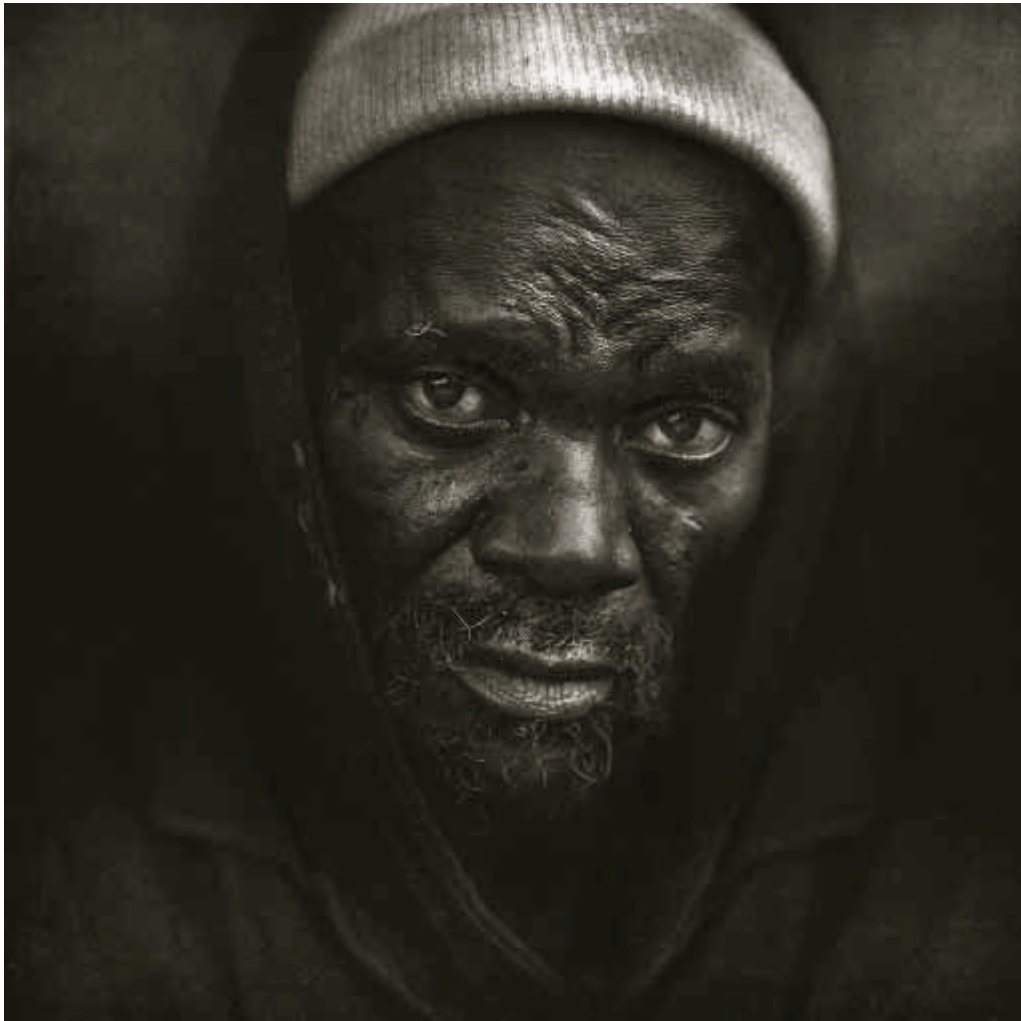


SENSELESS VIOLENCE:

A Survey of Hate Crimes/Violence against the Homeless in 2012



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.

Cover Photo by Lee Jeffries. *Lee Jeffries is a photographer living in the United Kingdom whose powerful and haunting portraits of homeless people have gained worldwide attention. The individuals photographed by Mr. Jeffries transcend the role of subjects, making each portrait a personal statement to the viewer – at times defiant, pleading or proud. The portrait series includes homeless people in the United States and Europe.*

We are grateful to Mr. Jeffries for the use of one such photograph for our cover. You can see more of his work at leejeffries.co.uk.

Tessa Bay, Student Intern, George Washington University, Class of 2015

Brian Brazeau, Student Intern, College of the Holy Cross, Class of 2015, Worcester, MA

Sean Cononie, Homeless Voice, COSAC Foundation, Hollywood, FL

Lois Cross, Homeless Voice, COSAC Foundation, Hollywood, FL

Kristina Dimeska, Student Intern, American University

Allison Dinmore, Student Fellow, University of the Pacific Law School, Sacramento, CA

Jerry Jones, Executive Director, National Coalition for the Homeless

Lizette Landa, Student Intern, California State University-Fullerton

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

Hannah Gisness, Student Intern, George Washington University, Class of 2014

Sahana Malik, Student Intern, University of Michigan, Class of 2013

Richard Martinez, Student Intern, Externado University of Columbia, Class of 2013

Sylvia Precht-Rodriguez, Student Intern, Vanderbilt University, Class of 2015

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

Sidney Stern Memorial Trust

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

Mark Targett, Homeless Voice, COSAC Foundation, Hollywood, FL

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

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Orlando, Florida

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Boston, MA

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Rachel Reed
Greenville, SC

Dametric White
Miami, FL



Jorge de la Paz
Miami, FL

Darren Steptoe
Tampa, FL

Keisha Willis
Atlanta, GA

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Wyatt Bensken
American University

Aaron Chiu
American University

Kristina Dimeska
American University

Steven Fightmaster
American University

Emily Kvalheim
American University

Sarah Saba
Rutgers University

2013 Summer Internship Program

Brian Brazeau
College of Holy Cross

Keith Meyer
Allegheny College

Sylvia Precht-Rodriguez
Vanderbilt University

2013 Spring Internship Program

Lizette Landa
California State University- Fullerton

Dedication

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

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

And may we, as a nation,
work toward rejecting hatred and eradicating
The Senseless Violence.

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Introductory Note

Dear Reader,

This report gives an account of violent acts against homeless people in 2012. It is not a comprehensive summary, since far too many of these attacks go unreported each year. These acts are truly senseless, targeting some of the most vulnerable people imaginable.

The perpetrators are often young, ignorant and shockingly callous. In this year's report, half of those committing these crimes were under the age of 20. The victims are predominately older, 72% 40 years of age or older.

At its root, this violence is prompted by a profound lack of empathy for fellow human beings – the same moral failure that allows our society to tolerate the larger tragedy of homelessness. We could not ignore our own brother or sister so carelessly, or grandparent or dear friend living on the streets, yet we pass by all of those individuals when we ignore the humanity of people who are homeless. Their plight is just as desperate as ours would be in that same situation. They are just as legitimately in need of help as anyone we know who might find themselves in such circumstances.

It is this false anonymity of homelessness that creates the conditions for violence against homeless people. The absence of empathy is a dangerous thing in any society, with repugnant and horrifying consequences as described in this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Jones".

Jerry Jones
Executive Director
National Coalition for the Homeless

Executive Summary

In the past 14 years (1999-2012), the National Coalition for the Homeless (NCH) has documented 1,328 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. *Senseless Violence: A Survey of Hate Crimes/Violence against the Homeless in 2012* is the 14th annual report documenting violence against homeless persons including an array of atrocities from murder to beatings, rapes, and even mutilation.

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 in growing need of public attention. Within 14 years, we have been able to prove the following:

- ❖ 1,328 reported acts of bias motivated violence have been committed against homeless individuals
- ❖ 357 of these individuals have lost their lives as a result of the attacks
- ❖ Reported violence occurring in 47 states, Puerto Rico, and Washington, DC
- ❖ Perpetrators of these attacks are almost always male, younger than 30, and most commonly teenage boys. In fact, 81% of all perpetrators documented in the last 14 years have been under the age of 30

Specifically, in 2012:

- ❖ 79% of all perpetrators were under the age of 30
- ❖ 96% of all perpetrators were male
- ❖ 72% of all victims were 40 years or older
- ❖ 88% of all victims were male
- ❖ 21% of the attacks ended in death

Senseless Violence: A Survey of Hate Crimes/Violence against the Homeless in 2012 documents the known cases of violence against homeless individuals by housed individuals in 2012. 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 bring about change and ensure protection of civil rights for everyone, regardless of their economic circumstances or housing status. As part of its mission, the NCH is committed to creating the systemic and attitudinal changes necessary to end homelessness. A major component of these changes must include the societal guarantee of safety and protection, as well as a commitment by lawmakers to combat hate crimes and violent acts against people who experience homelessness.

Methodology

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

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



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

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

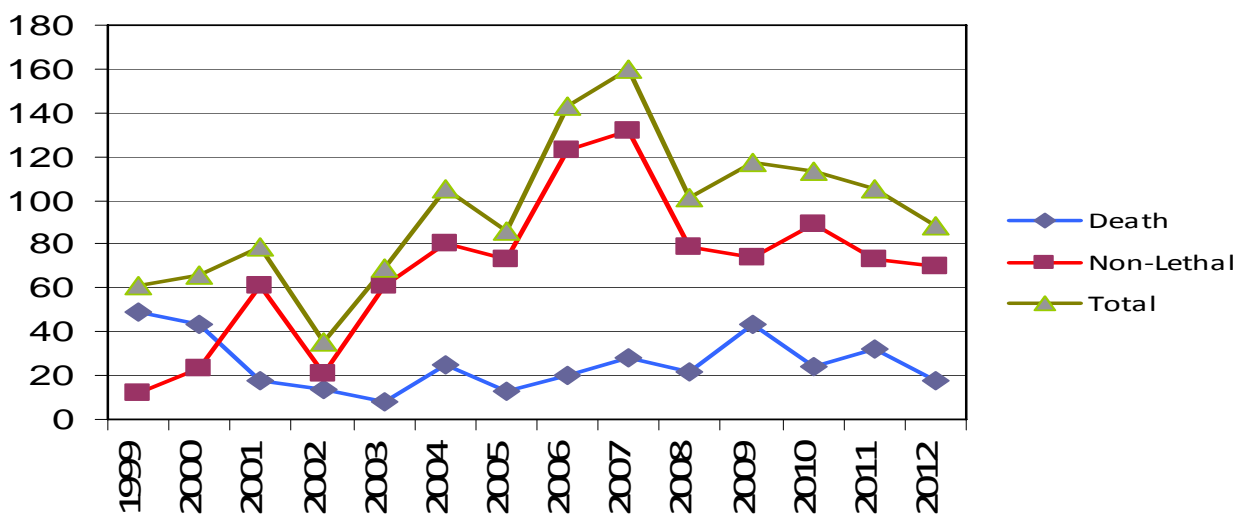
Now and Then: Hate Crimes against the Homeless 1999-2012

Although the FBI does not currently recognize a protected status for the homeless population, the NCH, during the past 14 years, recorded one thousand three hundred and twenty-eight incidents of crimes committed against homeless individuals due to housed offender's bias of victims' housing status. In 2012 alone, of the eighty-eight attacks, eighteen resulted in deaths. While this report provides alarming numbers, it is important to note that homeless people are treated so poorly by society that their attacks are often forgotten or unreported.

A hate crime is defined by the U.S. Department of Justice's Federal Bureau of Investigation (FBI) as a "criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias."¹

In our country, hate crimes are committed against a group of vulnerable people who are at constant risk because they live in public spaces. Many of our communities do not have adequate, affordable housing or shelter space to meet their needs. According to the U.S. Department of Housing and Urban Development, on a single night in 2012 there were 633,782 homeless people in the United States, including 394,379 who were homeless as individuals and 239,403 who were homeless in families.²

Deaths v. Non-Lethal Attacks 1999-2012



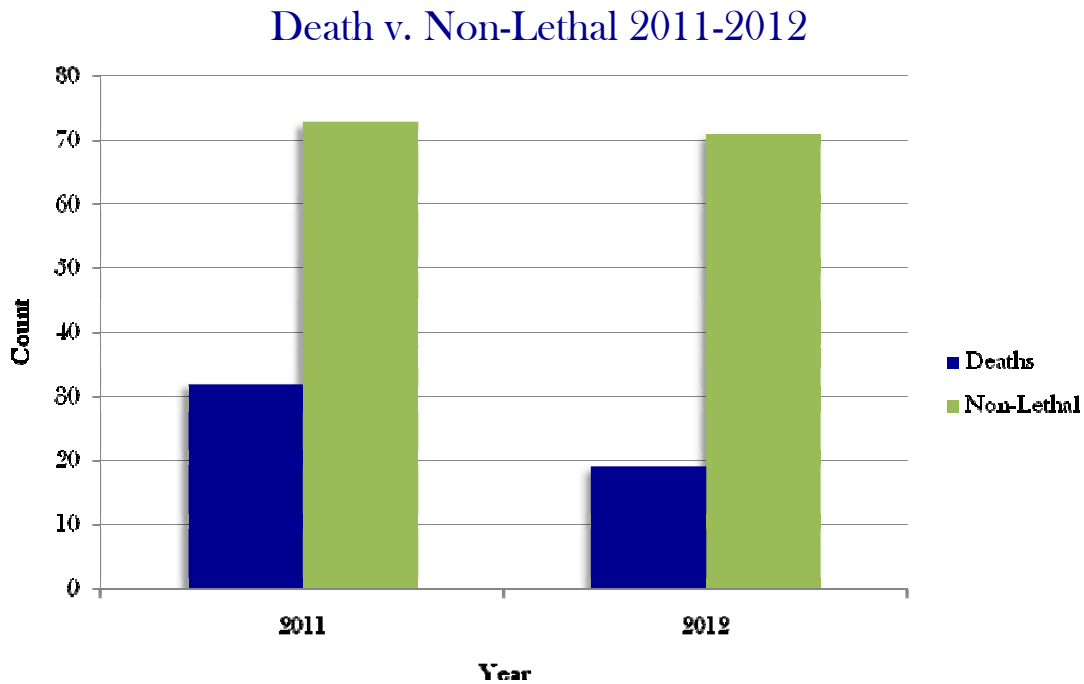
Death	49	43	18	14	8	25	13	20	28	22	43	24	32	18
Non-Lethal	12	23	61	21	61	80	73	123	132	79	74	89	73	70
Total	61	66	79	35	69	105	86	142	160	101	117	113	105	88

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 2012 Point-in-Time Estimates of Homelessness*. November 2012.

The graph, “Death v. Non-Lethal Attacks” shows that violence against the homeless population by housed individuals is an alarming trend over the past decade that has often increased from year to year and certainly not decreased in occurrence from 1999 to 2012. This past year’s report shows some hope of a slight decrease with 14 less deaths in 2012 than 2011.

However, this reality worsens when taking into consideration the fact that many violent acts against homeless populations go unreported therefore, the true number of incidents is likely to be much higher. And while deaths have decreased in the last year, non-lethal attacks have not.



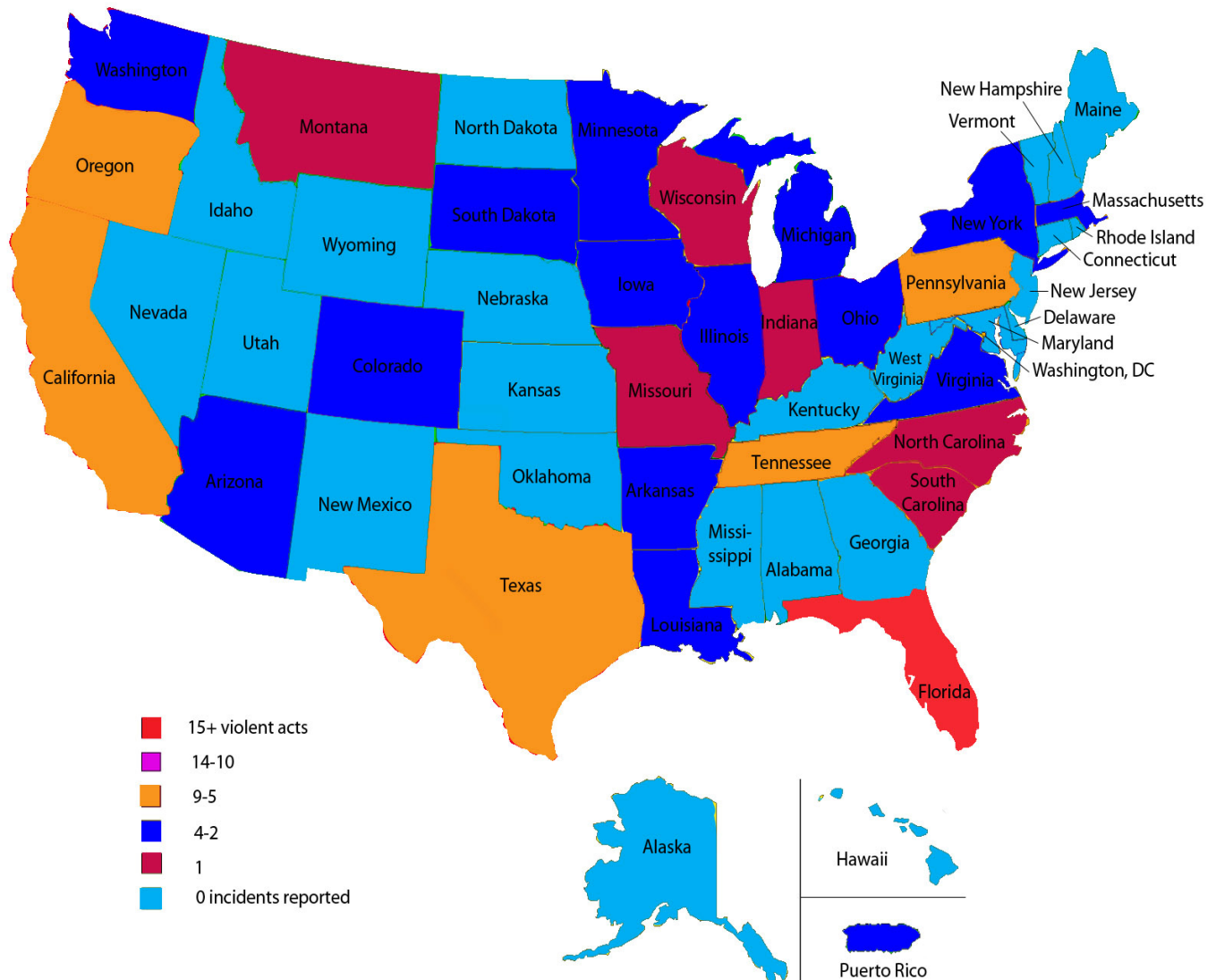
FBI V. NCH DEFINED HATE CRIME HOMICIDES

The amount of deaths the NCH has registered is alarming when compared to the number of deaths determined to be hate crimes for all of the current protected classes. The table below shows that over the past 14 years, there are almost triple the amount of homeless related hate crime deaths than there are for all current protected classes combined.

YEAR	Homicides Classified as Hate Crimes (FBI Data)	Fatal Attacks on Homeless Individuals (NCH Data)
1999	17 (9 racially, 2 religiously, 3 sexual orientation, 3 ethnically motivated)	49
2000	19 (10 racially, 1 religiously, 2 sexual orientation, 6 ethnically motivated)	43
2001	10 (4 racially, 1 sexual orientation, 5 ethnically motivated)	18
2002	13 (4 racially, 3 religious, 4 sexual orientation, 2 ethnically motivated)	14
2003	14 (5 racially, 6 sexual orientation, 2 ethnically, 1 anti-disability motivated)	8
2004	5 (3 racially, 1 religiously, 1 sexual orientation motivated)	25
2005	6 (3 racially, 3 ethnically motivated)	13
2006	3 (3 racially motivated)	20
2007	9 (5 sexual orientation, 2 racially, 2 ethnicity motivated)	28
2008	7 (5 sexual orientation, 1 racially, 1 ethnically motivated)	22
2009	8 (6 racially, 1 sexual orientation, 1 ethnically motivated)	43
2010	7 (1 racially, 3 religiously, 1 ethnically, 2 sexual orientation motivated)	24
2011	4 (1 racially, 3 sexual orientation)	32
2012	10 (1 racially, 8 religiously, 1 sexual orientation)	18
14 Year	132	357

LOCATION OF HATE CRIMES

A) The Last Year: 2012

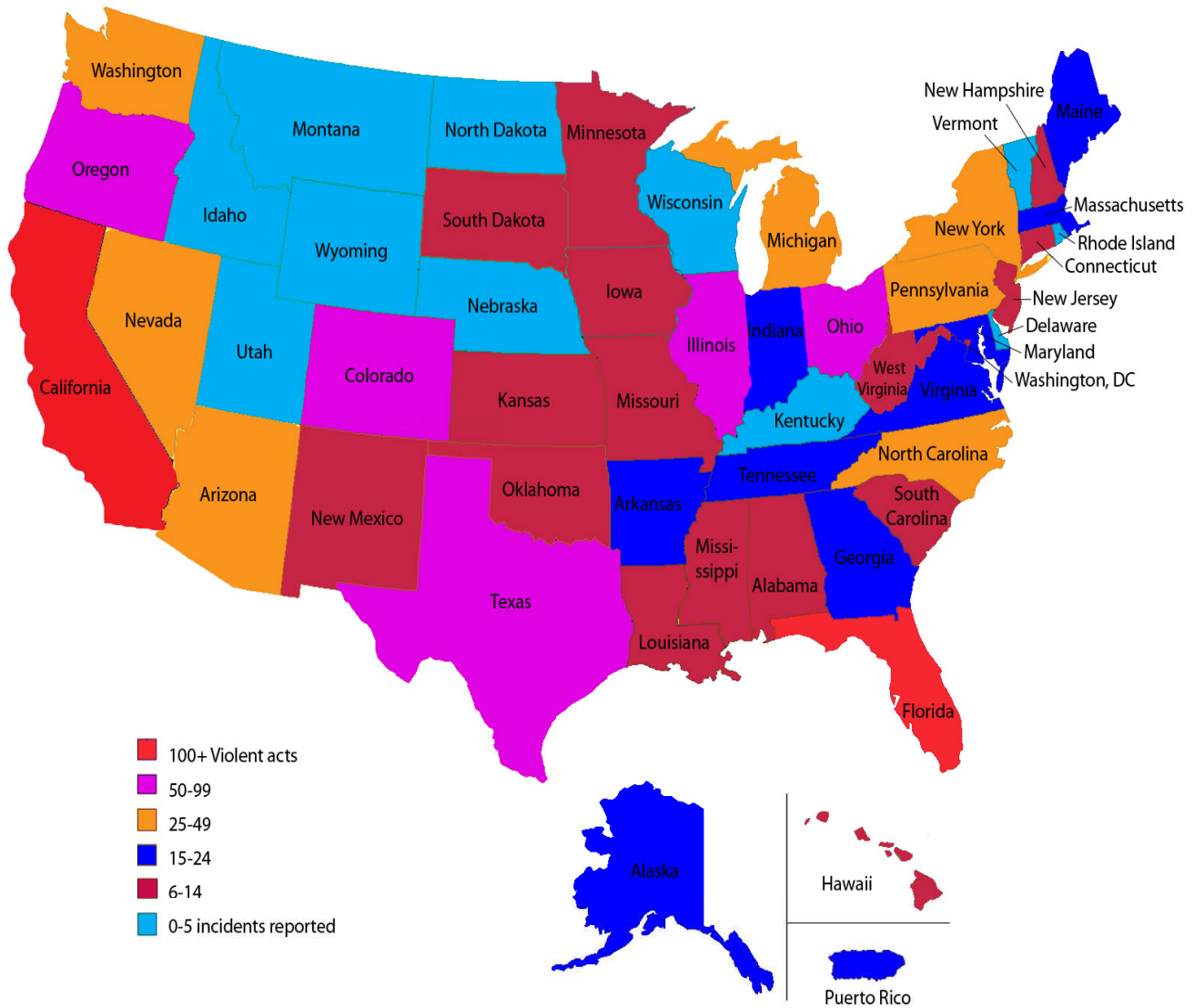


Florida	15
California	7
Pennsylvania	6
Oregon	5
Tennessee	5
Texas	5
Virginia	4
Washington	4
Arizona	3
Arkansas	3
Illinois	3

Louisiana	3
Michigan	3
Puerto Rico	3
Colorado	2
Washington DC	2
Iowa	2
Massachusetts	2
Minnesota	2
New York	2
Ohio	2
South Dakota	2

Indiana	1
Missouri	1
Montana	1
North Carolina	1
South Carolina	1
Wisconsin	1
No Incidents Reported	

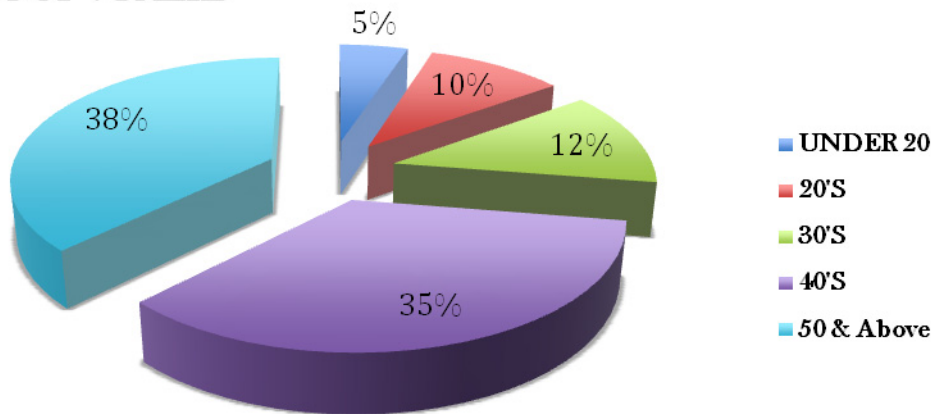
B) Spanning the Years: 1999-2012



California	258	Indiana	22	South Dakota	11	Rhode Island	5
Florida	217	Alaska	21	Washington, DC	10	Wisconsin	5
Texas	79	Maryland	21	Mississippi	9	Kentucky	4
Ohio	73	Massachusetts	21	New Hampshire	9	Montana	3
Colorado	52	Puerto Rico	18	Alabama	8	Delaware	2
Illinois	51	Virginia	18	New Mexico	8	Utah	2
Oregon	50	Tennessee	18	Louisiana	8	Wyoming	2
New York	44	Georgia	17	Kansas	7	Idaho	0
Washington	39	Maine	15	Oklahoma	7	North Dakota	0
Nevada	33	Arkansas	15	Connecticut	6	Vermont	0
Pennsylvania	33	Minnesota	14	Hawaii	6		
Michigan	31	New Jersey	14	West Virginia	6		
Arizona	29	South Carolina	13	Iowa	6		
North Carolina	26	Missouri	11	Nebraska	5		

PROFILE OF HOMELESS VICTIMS

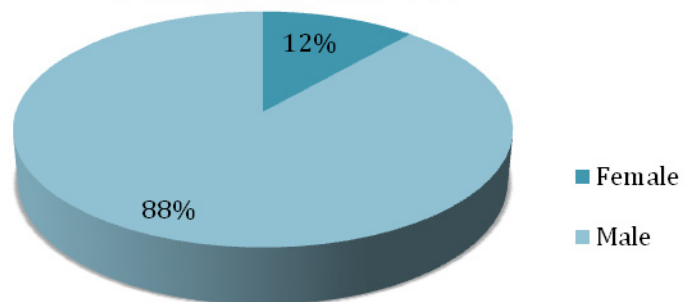
Ages of Victims



The most common victim of homeless hate crimes is a middle-aged man. Between 1999 and 2012, on average, almost thirty-five percent of victims were between the ages of forty and fifty, and seventy-three percent of the victims were over forty years of age. In 2012, the average age of homeless victims was forty-five.

Additionally, it is essential to mention that the majority (eighty-eight percent) of victims in 2012 were male.

Gender of Victims



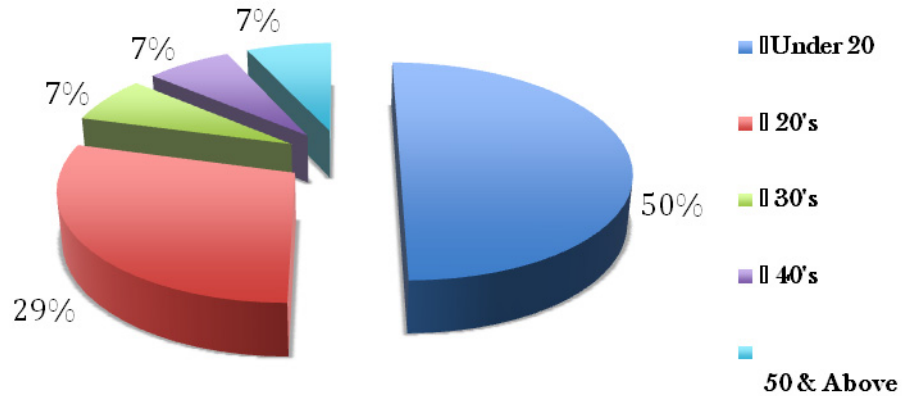
PROFILE OF ACCUSED & CONVICTED PERPETRATORS

In contrast to the victim, the most common perpetrator of homeless hate crimes is a young man. In the past 14 years, 81% of the perpetrators were under the age of thirty. In 2012, exactly 50% of the perpetrators were under the age of twenty. This is a larger

proportion that ever before, showing that the perpetrators are becoming younger.

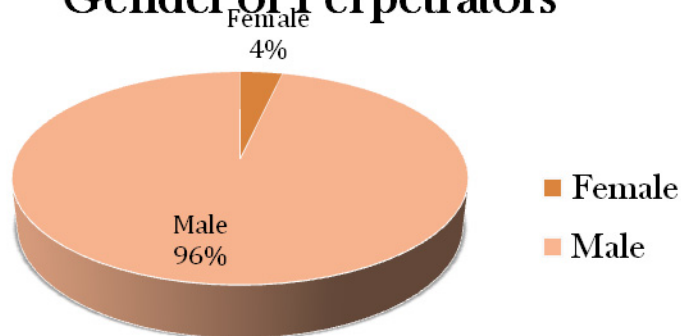
Additionally, 29% were between the age of twenty and twenty-nine years old. That means 79% of the perpetrators were below thirty years old. This year, the youngest known perpetrator was thirteen years old.

Ages of Perpetrators



Males made up 96% of the perpetrators. This means 23 out of 25 times a hate crime against a homeless person is committed, the attacker is a man.

Gender of Perpetrators



Criminalizing the Homeless Community

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

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

³ The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless. *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*. July 2009.

CASE DESCRIPTIONS: 88 HATE CRIMES IN 2012

In 2012, the NCH identified that eighty-eight homeless people were directly affected this year. Of the eighty-eight victims, seventy were not fatally injured, while eighteen lost their lives. Over the past 14 years, more than one in four violent attacks on the homeless population resulted in death, and in 2012 twenty percent resulted in death.

Examples of 2012 headlines include:

- ❖ Killing Spree Over? Homeless Still Afraid
- ❖ Teens Killed Homeless Man for One Dollar
- ❖ Homeless Woman Set Ablaze in Van Nuys Still in Critical Condition

LETHAL CASE DESCRIPTIONS

Total Deaths: 18

Anaheim, California

Serial Killer targets homeless people and views it as public service

Jan. 13: Itzcoatl Ocampo, 23, stabbed John Berry, 64, near a Carl's Jr. restaurant located at the intersection of Imperial Highway and La Palma Avenue in Anaheim, California. Berry, a Vietnam veteran, was the fourth homeless man stabbed by Ocampo between December 20th and January 13th, following the stabbing of James Patrick, 53, Lloyd Middaugh, 42, and Paulus Smit, 57, all killed within Orange County in December of 2011. Ocampo was arrested the same night after witnesses of the crime helped police locate the fleeing perpetrator. He was later indicted on February 16 on six counts of serial murder, after he was linked to the murder of a mother and her adult son on October 25 in their home located in Yorba Linda. According to the Daily Beast newspaper, Ocampo murdered the homeless victims, stabbing them, "as many as 60 times in the upper torso, neck and head and using, such force on his victims that he fractured some of their ribs." He stalked them before doing so, and thus was indicted on the charge of "committing murders by lying-in-wait." He discovered Berry, his final victim, when he was featured in a news article about danger to the homeless in which his typical nightly location was revealed to the public. Police Detective Daron Wyatt later revealed to a grand jury that Ocampo had told him he "targeted the homeless because 'they were available and vulnerable.'" Ocampo was found guilty in September.

Salinas, California

Man intentionally runs homeless man over with vehicle

Jan. 17: A vehicle driven by Adnan Nijmeddin, 54, at the intersection between Market way and Soledad Street, intentionally hit Billy Rajah Jr., 47. Nijmeddin not only struck once, but twice. The second time, Rajah was run over and left for dead. Nijmeddin fled the scene, though police were able to follow the leaking fluid in his radiator to his place of residence. He was charged with first-degree murder.

Seattle, Washington

Respected homeless guardian of park fatally shot by three men

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Mar. 18: Alpha Lake Rajai, 59, was known to his friends simultaneously as the “guardian” of Ravenna Park in Seattle, WA, and “A citizen who served our nation, who always looked at himself as a protector of the weak against those who would do them harm.” He was a Vietnam veteran. However, Timothy J. Murray, 27 and two companions, who had been drinking and consuming marijuana, confronted Rajai one early morning while he rested on a park bench. Apparently, they wanted to “Root” Rajai out of the park by scaring him with a gun. They approached with a pistol and commanded Rajai to lower to the ground when Rajai lifted a stick. Murray shot him in the chest. The attackers ran to Murray’s home, at which point Murray was arrested. He was charged with first-degree murder and convicted.

Houston, Texas

Teens kill homeless man for one dollar

Apr. 4: A group of four teenagers were surveying the streets for prostitutes to rob when they ran into a local homeless man, Pedro Ramos, age 32. The group of teenagers, ranging in ages 16 to 18, had a long history of home invasions and robberies. Two of them were armed and within minutes of arguing with Ramos, shot and killed him for his wallet. There was a single dollar inside. The group was caught several days later, when two of them were involved in another home invasion.

Colorado Springs, Colorado

Homeless man stabbed seven times

May 30: James Bratt, 36 years old, was arrested for the murder of James Bidgood, who was 50. The body was found abandoned on May 30th, after police received help from Bratt’s wife. Upon responding to a domestic disturbance call, Bratt’s wife, told investigators that Bratt had come home one day “excited,” and began scrubbing his hands and a knife. He later confessed to stabbing Bidgood seven times, twice in the neck and five times in the chest. He hid the knife by putting it in a bucket filled with concrete. It was recovered by police, and Bratt was charged with first-degree murder.

Memphis, Tennessee

Homeless woman slain outside Downtown Memphis Church

June 6: A homeless woman was found dead outside a Downtown Memphis Church. She was identified as Gwen Jackson. Police initially reported that there were no witnesses or suspects. However, police then found the killer’s fingerprints at the scene and arrested Michael Mullins. Mullins, a local resident, confessed to his friends that he routinely gets high, seeks out homeless women, and rapes them. Mullins has been charged with first-degree murder.

Austin, Texas

Homeless woman beaten to death

June 15: Valerie Godoy, 34, died of blunt force trauma in the park. Her killer was Jeffrey Howard, 41, who frequented the areas used by homeless people though he was not homeless himself. He has been charged with her murder.

Minneapolis, Minnesota

Homeless man beaten to death

June 29: Willis Richardson, 29, and teenager Andre Zedrick, have both pled guilty to second-degree murder. Looking for someone to rob, the two hit 50 year old Harry Brown with a bat until he was unconscious. He passed away a few days later in the hospital.

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

-Senator Scott White

Little Rock, Arkansas

Homeless man beaten and left to die

July 10: After suffering from massive head trauma, William Blundell, 22, died in a parking lot. He was shot in the head; however, it was the subsequent loss of blood as he lay there by himself that ultimately led to his passing. Local Stephen Cole has been charged with first-degree murder after he admitted to beating and shooting Blundell.

Phoenix, Arizona

Homeless man fatally shot in private yard

July 21: A homeless man, 57, was fatally shot when he wandered on to the private front yard of a Phoenix resident and refused to move. The owner, 48-year-old Donald Taylor, was prohibited from possessing a firearm because of an earlier conviction but held one the day that the homeless man visited his yard. Taylor claims that the homeless man continued to advance towards him even when threatened with the gun. Taylor shot and the homeless man eventually died from his injuries in the hospital.

Little Rock, Arkansas

Assault charge becomes murder charge

July 30: Thomas Trosper has been identified as the man who brutally beat Donald Jenkins, 51. Trosper is a resident of Little Rock. In an alley, Trosper caused extreme head trauma that landed Jenkins in the hospital. Trosper was charged with assault until Jenkins eventually died from his injuries a few weeks later. Now Trosper is facing first-degree murder charges.

San Jose, California

Police arrest suspect in slaying of a homeless woman with sword

Aug. 13: Police Wednesday identified 37 year old Marquis Reynolds, resident of San Jose, as the suspect in the stabbing death of a homeless woman near the city’s busy Midtown area. The female victim has not yet been identified but was found with fatal stab wounds on the sidewalk in front of Walgreen’s on West San Carlos Street. Reynolds was arrested a few hours after the slaying. It appears as though he used a Samurai-type sword and it was found next to the woman.

Tampa, Florida

Man kills elderly homeless man with car

Aug. 16: Michael Marston, 33, stabbed Rolando Rivera, 73, after they began engaging in an argument in the back of a church. Marston had been there to confiscate building materials from the church but became violent upon meeting Rivera. He stabbed Rivera three times before getting into his car, hitting Rivera with the car, and then dragging his body around the garage. Marston was found later that night and has been charged with Rivera's death.

Nashville, Tennessee

Man charged in deadly homeless attack could be linked to others

Oct. 18: Video footage captured and identified Christopher Crowley as he drove up to the bench, located on James Robertson Parkway and 3rd Ave North, where Robert Mitchell was seated. Crowley shot Mitchell in the head and fled the scene. There was one homicide and attempted murder that was eerily similar to the case of Robert Mitchell. In 2009, Edward Matthews was shot in the head and killed while sitting on a park bench, and Albanus Kitaka was shot in the mouth while sleeping outside a building. Both Matthews and Kitaka were homeless, but Kitaka survived his attack. Police have found evidence that Crowley is connected to all three crimes and is being detained and placed on suicide watch.

Raleigh, North Carolina

Homeless individual beaten to death by teenagers

Nov. 20: A 37-year-old homeless individual, Regynald Jose Brown worked as an electrician and was on his way to becoming a formal licensed electrician when he was found partially buried near Walnut Creek in South Raleigh, North Carolina. Brown was beaten to death by a group of teenage boys. The four boys ranging from ages 13-15 years old were arrested and detained for the murder. The teenagers beat Brown to death by crushing his skull with a rock and punching and kicking him. The teens left the body for a day or so, returned to dispose of the body in a trash can and then attempted to bury it along a creek. All four of the teenagers were tried as adults: two found guilty for first-degree murder and one guilty for second-degree murder.

Deerfield Beach, Florida

Man confesses to murder

Dec. 1: John Stabile, 23, reported the murder he had committed minutes afterward. While he did not have any ties to the victim, Stabile admits he had been thinking about killing the stranger for a few weeks. The victim was a 43-year-old man. Stabile has admitted fully to the murder and awaits sentencing.

Hallandale Beach, Florida

Teens murder homeless man

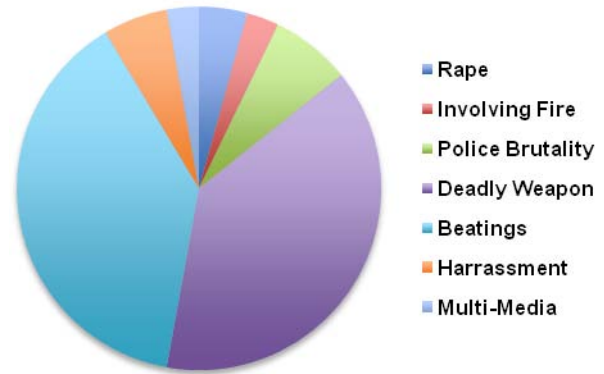
Dec. 12: Two teenagers, ages 14 and 17, have been charged with the murder of a homeless man, age 40. The teenagers sought out a prostitute and asked the homeless man to set up the exchange. The prostitute did not think the boys had enough cash so she denied them. The homeless man then demanded the fee they promised him. What began as an argument soon became physical. One teen choked the older man while the other punched, kicked, and stabbed him with a pen. The teenagers have been charged with murder in the second degree.

NON-LETHAL CASE DESCRIPTIONS

Total Non-Lethal: 70

- i. Rape/Sexual Assaults
- ii. Attacks Involving Fire
- iii. Police Brutality
- iv. Assaults with Deadly Weapons
- v. Beatings
- vi. Harassment
- vii. Multi-Media Exploitation

Types of Cases (%)



i. Rape/Sexual Assaults

Total: 3

Fredericksburg, Virginia

Homeless woman assaulted for sex

May 14: A homeless woman walking through a parking lot noticed a man sitting in his car, described as white, 260 pounds, and about 50 years of age. Upon walking past him, he left his vehicle and grabbed her, badgering her for sex in the process. The woman was able to break free and escape, although the suspect was never found.

South Bend, Indiana

No arrest in homeless woman's alleged sex assault

July 6: A homeless woman went to a friend's apartment to seek shelter however, no one was home. A man living nearby invited her into his apartment. Once inside, he told her she could remain at his house in exchange for sex. The homeless lady refused, but the man reportedly would not allow her to leave and said he had a gun. He then instructed her to take off her clothes. After raping her, she had told him she wanted cigarettes. The pair left together with him holding on to her arm, and the moment they stepped outside she saw another male who reportedly helped the woman get away from the attacker and called the police.

Columbus, Ohio

Teen rapes teenage homeless girl

Dec. 23: 18-year-old, Kevin Henderson was arrested by police officers after beating, threatening, and raping a young 16-year-old homeless girl. The activity happened in an apartment two streets away from Henderson's residence, and he repeatedly beat and threatened her with a handgun leaving an open wound on the young girl's forehead. Henderson is being charged with aggravated assault, aggravated sodomy and rape, and is awaiting trial.

ii. Attacks Involving Fire

Total: 2

Gettysburg, Pennsylvania

Person suspected as homeless lit on fire

July 9: Christian Baker stopped in Gettysburg for supplies during his hiking trip one night when car passengers riding by verbally assaulted him. The passengers shouted obscenities to Baker about being homeless and when Baker yelled back, the car turned back around and two men got out of the car. One threw liquid on Baker while the other lit him on fire. Baker, thought to be homeless, suffered burns on his hands, arms, face, and scalp. No arrests were made and Baker was treated at the nearest hospital.

Van Nuys, California

Homeless women lit on fire

Dec. 27: Dennis Petillo, 24, was arrested and is being charged with attempted murder and aggravated mayhem for setting Violet Phillips, a 67-year-old homeless woman on fire. Phillips had routinely slept on a bench by a bus stop on the corner of Sherman Way and Van Nuys Boulevard. Erikson Pina, an eyewitness, watched Petillo exit the Walgreens and poured rubbing alcohol all over Phillips. He then continued by dropping a lit match and set Phillips on fire. Petillo then turned and began to run away from the scene. Pina chased him while calling the police department. During the chase, Petillo had turned around and pulled a knife and threatened to cut Pina if he continued to follow him. Once officers arrived to the scene, they arrested Petillo and sent Phillips to the hospital. She suffered second and third degree burns on 20% of her body.

iii. Police Brutality

Total: 5

Saginaw, Michigan

Police officers shoot homeless man

July 1: Police Investigation is underway in Michigan after six police officers shot a homeless man, Milton Hall, 46 times after he failed to follow their instructions in a parking lot. Victim, Milton Hall, had called the police after an argument with a convenience store clerk. When the police arrived and Hall refused to drop the knife, the officers repeatedly shot him. Milton's mother claimed that her son had been mentally ill and "admitted to being furious with the police." Rev. Sharpton, National Action Network President, organized and led a demonstration in support of Hall's case. For this reason, the officers were all placed on paid leave until they were later cleared of criminal charges in September.

San Juan, Puerto Rico

Homeless man shot by cop after urinating on street

Aug. 16: After urinating on the sidewalk, a homeless man, Billy Cepeda, was approached by a police officer. After not having cooperated with the officer, the homeless man, 23, was shot once. There were witnesses and the incident has been further investigated though no charges were made.

Sarasota, Florida

Police Officials are under Investigation

Oct. 6: Sarasota police officer Derrick Gilbert was caught on tape slamming a homeless man into a wall. The victim's head was split open and prompted a trip to the hospital. Afterwards, Gilbert, as well as the police department, underwent an investigation for causing serious injuries while arresting a homeless individual and cultivating a new attitude towards homeless individuals. There is documented evidence police officer sending text messages stating: "I am bum hunting," "I should dress like one," and refer to themselves as "bum hunters." Since then, the new police commissioner has vowed to make the treatment of homeless persons a priority.

Brooklyn, New York

NYPD Probes Beating of Homeless Man in Brooklyn

Oct. 8th: A homeless man Ehud Halevy was sleeping in a Jewish Community Center when he was awoken by police and told that he was trespassing and he had to leave. Halevy had permission from the Center's director to sleep there, so he refused to leave. The police claim that he then attacked them, and they had to forcefully subdue him. However, surveillance video only shows Halevy breaking the grip one of the officers had on his arm, not him attacking the officers. The video does show one officer, Officer Vega, taking a boxer's stance and repeatedly punching Halevy in the head, even after he has already fallen down. The other officer, Officer Bruzzese, hits Halevy with her baton several times. Halevy was then arrested and charged with assault, trespassing, resisting arrest, harassment, and unlawful possession of marijuana. The NYPD Internal Affairs Bureau is investigating, and Officer Vega has been placed on modified duty.

Phoenix, Arizona

Guard recruiter accused of harassing homeless

Oct. 15: A former "Recruiter of the Year," for the Arizona National Guard reportedly led raid with recruits specifically for the purpose of harassing homeless people. Roughly 30 to 35 of these night raids happened, in which Sgt. 1st Class Michael Amerson drove recruits through the cities and encouraged the harassment of the homeless. For instance, he had them hunt homeless people with paintball guns, forced female recruits to expose their breasts to homeless men, and offered homeless women money if they would sing, dance, or expose themselves. Amerson referred to these raids as "bum hunts" and conducted them while in full uniform and driving a vehicle marked with the National Guard insignia. Cadets are not considered responsible for such actions, but Arizona Governor Jan Brewer has ordered a full, independent review of the case.

Rock Hill, South Carolina

Homeless man experiences extreme police action

Nov. 24: The original charges against Ronald Calson, 62, for felony resisting arrest have been dropped. Two police officers had spotted him on the road and began conversing about hitchhiking- at which point the fight became physical. The two police officers attacked him and used a stun gun, which momentarily disables a person with an electric shock. The stated reason for the use of the stun gun was "resisting arrest." Yet the York County court has found that the use of the stun gun was unnecessary. The felony charge will be dropped.

iv. Assaults with Deadly Weapon

Total: 27

Portland, Oregon

Two homeless men shot in unprovoked drive-by shooting, one hospitalized

Feb. 22: Carter “Joe” Hickman, 57, and Albert “Allen” Dean, 43, were both sleeping under the Morrison Street Bridge when a vehicle drove by with passengers who shot at both of the men while they were sleeping, hitting Hickman in the chest and grazing Dean. A witness who heard the shots called 911, and police found the men. Hickman’s injuries were considered life threatening, although he survived. Dean was released shortly after being admitted to the hospital. No one has been charged. The shooting caused a fearful reaction in the homeless community and also sparked a concern over how little space there was in homeless shelters in the surrounding area, leaving homeless individuals to sleep on the streets as Hickman and Dean did.

Pittsburgh, Pennsylvania

Man shoots multiple homeless men with paintball gun because he “hates them”

Mar. 8: Joseph Drake, 21, along with two friends, fired paintball guns at a group of homeless people who lived underneath railroad tracks on the North side of Pittsburgh. Three complaints, from a man who was wounded in his hand and covered in paint and a couple who were fired on and hit in the head, led to the arrest of Drake. Allegedly, a homeless person killed Drake’s older brother ten years before. Now he bears a grudge against all homeless people, saying, “He hates how they beg for change.” The victims had been peppered with paintball pellets. Drake was the only suspect found.

Cherrydale, Virginia

Homeless man attacked in car, victim defends himself

Apr. 8: A homeless man who had been living in his car for five years awoke one morning to the sound of a man having jumped on his car. The man on the roof of the car, 24-year-old Andrew Lee, attacked the homeless man. Taking control of the car, Lee drove over the victim before crashing the car soon after. The victim pulled out a knife to defend himself, stabbing the attacker in the chest. This caused Lee to run away, and, although initial efforts at finding Lee proved unsuccessful, the police were later able to track him down. He was arrested.

Galveston, Texas

Father and son beat and stab homeless man for resting in vacant house

Apr. 12: Jackey Wooley and his son Jeremy arrived at a relative’s vacant house and upon finding a homeless man inside, they proceeded to beat the man with a bat and stab him with a knife, even though he presented no danger to them. The homeless man was taken to the hospital and the father and son were charged with aggravated assault with a deadly weapon.

Fort Pierce, Florida

Housed man attacks homeless man with dog and fire extinguisher

Apr. 2: A 71-year-old homeless man resting on the street late at night was attacked. Fred Anthony Danise, 29, initially manipulated his dog to ruthlessly attack the man. Danise then later returned with a chemical fire extinguisher and sprayed the contents over the homeless man. Police later arrested Danise at his house.

Cidro, Puerto Rico

Homeless man assaulted with a bat

May 4: A homeless man, Luis Colon Ramos, barely survived a group attack by bat. His arms were fractured and his head severely beaten. One of the attackers has been identified as a local.

Colorado Springs, Colorado

Homeless man barely survives awakening to gun barrel

May 7: After two teens shot Gerald Shinkle, a homeless man, in the leg and back, he faced a pain he, “wouldn’t wish...on anybody”. He experienced the pain of having three bullets hit him, two in his backside and one entering his leg. He describes the shooters as two white male young men, although they haven’t been found. Shinkle was discovered nine hours later lying on the ground with blood seeping from his wounds. Because of his economic situation he does not have the funds to acquire medicine or to go to the hospital a second time, which doctors thought might be necessary if his wounds were to worsen after his initial visit upon being discovered.

Little Rock, Arkansas

Homeless man attacked by group of four

May 19: A homeless man was sitting down when four men approached him and harassed him for resting in public. They pulled out a gun and shot him twice, once in the lower leg and once in a bicep, before fleeing. Little Rock police fortunately heard the shots fired and were able to transport him to a hospital quickly. No suspects have been listed, although the homeless man’s injuries were non-life-threatening.

Minneapolis, Minnesota

Homeless man shot in library

June 13: Timothy L. Harper, 24, shot and irreversibly paralyzed Macdad Abdullahi in a public library. Abdullahi was brushing his teeth when Harper came in and shot him in the back. Harper pled guilty and is awaiting sentencing.

Palm Bay, Florida

Homeless man stabbed with knife

July 28: Local Dillon Craig, 19, stabbed 41-year-old Derick Plaster before fleeing into the woods. Plaster had multiple stab wounds in the torso in addition to one in his leg. Craig has been charged with aggravated battery with a deadly weapon.

Portland, Oregon

Man and teen accused of attacking homeless people

Aug. 1: A 20-year-old man and 13-year-old boy assaulted three homeless people with a bat. A homeless man bleeding from a head wound appeared on a woman’s porch and asked her to call 911. The man,

Elijah Lawson, was booked in the Multnomah County Jail. The boy has been sentenced to time in juvenile hall.

Rapid City, South Dakota

Rampant stabbings of homeless men

Aug. 15: 23-year-old Nico Steele has been arrested for the stabbing of two homeless veterans. Intoxicated and on his way home, Steele asked for cigarettes. When he did not receive them, he began stabbing the two victims.

Fairfax County, Virginia

Police: Homeless Men Shot with BB Gun

Sept. 12: Two homeless men were assaulted by teenage perpetrators while sitting by the highway. The assailants shot them with a BB gun; one victim was fine, the other suffered minor injuries. No arrests have been made in the case.

Staten Island, New York

Homeless man beaten and left on road

Sept. 13: Taevon Smith, 23 was charged with the attempted murder of Hector Meza, 33. Smith and Meza were arguing before Smith hit, kicked, robbed, and left him unconscious in the middle of the road. He then drove away in his car.

Houston, Texas

Hockey-masked man attacks homeless men with machete

Oct. 25: A man with a machete attacked two unidentified homeless men while they were sleeping behind a building. The man was wearing a hockey mask and was dressed like the character Jason from the *Friday the Thirteenth* movies. Both men had severe wounds and cuts from the machete. The men are expected to make full recoveries, but their attacker is still on the loose and they did not get a good enough look at him to give police an accurate description.

Seattle, Washington

Two homeless individuals attacked with a pair of scissors

Dec. 15: While a homeless couple man and woman rested in their tent under the interstate 5, they heard someone yelling “Get the hell out of here you baby rapist,” and the individual began to slash through the tent with a pair of scissors. The pair escaped from the individual and stayed near a fire truck until police arrived. Local authorities arrested Troy Huntley, 49, who fit the description and was carrying the weapons described the victims. Huntley has been charged with second-degree assault and is incarcerated.

Miami, Florida

Homeless man stabbed at intersection

Dec. 18: David Mercado, age 49, was randomly stabbed while panhandling at an intersection. Mercado states that he was waived over by a gentleman in a black Ford 150 truck, as Mercado began to thank him; the driver stabbed him in the neck and drove off. Mercado stumbled over to the nearby bus stop and was airlifted to Kendall Regional Medical Center where he was listed as “stable.” No suspects have been found and local law enforcement officials have stated the incident to be a “random act of violence”.

v. Beatings

Total: 27

Nashville, Tennessee

Homeless man beaten by three teenagers

Jan. 23: A homeless man left a Nashville Metro Transit Authority bus after an argument with three teenagers, only to be followed by the teenagers. They proceeded to beat the homeless man and stomp on him. The man was taken to the hospital, and the bus driver who witnessed the assault radioed the police, who were able to track down the teenagers based on descriptions from witnesses.

Tamaqua, Pennsylvania

Homeless attacked at camp by teenagers

Mar. 14: Four teenagers attacked Bill Paton, 48, who had been without a home for many months. Paton suffered head and neck injuries. No suspects have been identified.

Plymouth, Massachusetts

Group surrounds and beats two homeless men for backpack

Mar. 20: Willie King Jr., 20, was captured and arrested on a series of multiple counts including unarmed robbery, assault, and resisting arrest. King was among others that beat two homeless men. One of the homeless individuals was 21 years of age and the other 22. The group attempted to rob the homeless men for their backpacks, which contained food, clothing, medication, and a phone. The bag was later found, however, a phone and pair of glasses was damaged. Only King was found, identified, and arrested.

New Orleans, Louisiana

Homeless men attacked after basketball win

Mar. 31: After a New Orleans basketball victory over Louisville, Kentucky, fans of the New Orleans team celebrated in the streets to the extent where property was burned and physical assaults on homeless individuals were being committed. A homeless man who went to the Christ Church Cathedral the following morning reported that he had asked someone for a cigarette, which prompted the person to “basically beat him up and drag him across the concrete,” according to Erik Wilson who works at the church. There were two other homeless individuals who reported injuries as well. No suspect has been charged.

Novato, California

Two neighbors beat homeless man to the point of unconsciousness

Apr. 10: Miguel Aguerrebere, 31, and Ronald DeLeon, 52, confronted a homeless man early in the morning at a railroad bridge passing over the Novato Creek. The homeless victim, who was 49 years of age, ran away from his tent when confronted by the two, only to return to see them destroying his possessions. He was then harassed and beaten, being kicked in the head and nearly drowned as he was held underwater more than once. He was beaten to the point of unconsciousness and suffered facial fractures, although he survived and was taken to the hospital. The suspects had fled, but because the

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victim knew one of them, he was able to lead the police to their houses, which were located next to each other. Both men were charged.

Chicago, Illinois

Teenagers set sights on homeless man twice

Apr. 11: Frederick Springer, a 43-year-old man, was attacked specifically because he was homeless. Springer, who had been homeless since November of 2011, was sleeping on the Chicago subway when he awoke, startled, to the sensation of his neck being gripped and squeezed tightly as he was being strangled by an unspecified group of teenagers. Springer reported to the Medill News Service, “When I woke up, my eyes were bulging out of my head.” In another incident, Springer recalls, a group of young males peed in a cup and threw it at him. He also recounted how this sort of violence happens all the time, and data listed in the article shows how Springer isn’t alone.

Pontiac, Michigan

Homeless couple beaten because they “don’t belong”

Apr. 15: A homeless couple, a 29-year-old woman and a 30-year-old man, were walking down an Oakland County, Michigan street when a group of four teenagers, all of whom were 13 or 14 years old, approached them. Upon nearing them, they accused the couple of not belonging in the neighborhood, before one revealed a handgun, which he threatened the couple with. The teens then attacked the couple, leaving the woman with a bloody nose. The teenagers then ran away, with the police arriving soon afterward. One teen dropped a hat, but a K-9 was unsuccessful at finding any further leads from this.

Reading, Pennsylvania

Attempted robbery of homeless man leads to beating of victim

Apr. 22: Early in the morning three men, Ryolden Morales, Charlie Perez, and Joseph Rodriguez, all of whom were 18, attempted to rob a homeless man, beating him in the process and throwing his wallet back at him when discovering there was no money in it. The three men were captured and charged.

Toledo, Ohio

Teenagers beat homeless man to unconsciousness

May 8: Daryll Veres, 19, was arrested for the beating of Todd Swint, 34. Store clerks at a Shell gas station saw a number of males fleeing the scene, after a witness alerted the clerks to the beating outside. No other suspects were apprehended, although witnesses reported Veres had been with three other men at the gas station earlier that night. Swint was taken to the hospital in serious condition, and Veres was charged with assault. The victim was unconscious when he was found.

Washington, District of Columbia

Nine D.C. Gang Members charged with multiple robberies

June 5: A gang referred to as the, “Show Out” crew, were charged for multiple robberies and two hate crimes. There were nine members and the head of the gang nicknamed himself “Cloven.” The gang targeted a Hispanic man, yelling racial comments and beating him. Several minutes after that, the crew beat and robbed a homeless man.

Helena, Montana

Helena Police still searching for suspects in beating caught on video

July 1: A homeless man was beaten behind the Golden Bar. Police investigators found and confirmed that the beatings resulted in the individual having a broken jaw and eye socket. The suspects were caught on tape and are described as two white males in their early 20's by officers.

Daytona Beach, Florida

Beaten Daytona homeless man, 'I didn't want to die that night'

July 10: Homeless for the last several years, Robert Desmarais, was taken into the home of his former friend, Arthur Oberempt. However, one night while Robert was sleeping, Oberempt and accomplice Brian Edwards beat him. He was kicked both in the head and face. Not only did they kick him, but urinated on him, and threatened to rape him. He eventually escaped by jumping out the bedroom window and found help. The motive was that apparently the two men wanted Desmarais' food stamps so that they could exchange it for drugs.

Valencia, California

Homeless man beat with belt

July 29: A homeless man, 50, entered the Santa Clara Valley Sheriff's Station to report the beating he had experienced. A young male had driven by to stop and yell obscenities, including racial slurs, at the man. The suspect then hit him with a belt. The injuries were minor. No arrests have been made.

Key West, Florida

Two suspects sought in 2 a.m. Duval Street beating

Aug. 21: Kenneth Fleming, 43, yelled obscenities at two scooter riders who were speeding on Duval Street. The two men, 25 and 32 year old Missouri vacationers, turned back to the man lying down and began to hit and kick him until he stopped moving. Within hours of the beating, police had found the two culprits. They were placed under arrest.

Washington, District of Columbia

Teenager attacks elderly homeless man

Sept. 5: Teenagers outside of Kuehner Placed Senior Center, a homeless shelter for the elderly, attacked an elderly homeless man on the evening of September 5. He was beaten but is said to recover from his injuries.

Salinas, California

Restaurant owners arrested in homeless man beating

Oct. 13: Two brothers who own a popular restaurant downtown were arrested on suspicion of attempted murder in the beating of a homeless man who fell into a coma. Sgt. Lane reported that the brothers were apparently irritated with the homeless man because he continued to loiter in front of their restaurant. The homeless man is recovering from serious head injuries. One of the two brothers was sentenced to serve 180 days of jail time and three years of probation.

Crystal River, Florida

Elderly man beats a homeless man

Oct. 21: James Meagher, 65, has been charged with a felony of battery causing great bodily harm. He beat up a 64 year-old, breaking his nose. Meagher is a resident of Crystal River.

Madison, Wisconsin

Four arrested in alleged mugging of homeless man

Oct. 27: A 49 year old homeless man was attacked and mugged by four men, all in their twenties. The victim was ordered to hand over his wallet, and then he was knocked to the ground as the assailants took turns beating him. The man was taken to the hospital with a broken nose. The witness was able to give the police descriptions of the attackers and also had their car make and model and license plate number.

Sarasota, Florida

Teens attack homeless men with an air soft gun

Nov. 30: Two teens were caught by deputies chasing three homeless men in their car while shooting at them with an air gun. The three homeless men, Lawrence Hollow, 48, Eric Simonson, 47, and Scott Morrison, 51 suffered minor injuries and recovered. The teens are facing charges of aggravated assault and battery.

Kansas City, Missouri

Homeless man attacked and assaulted

Dec 31: Arthur Scott, a homeless man in the city, reported that he was attacked by a group of teenagers that looked younger than fifteen after they had asked to use his cell phone. The boys and girls began to wrestle and kick him while one of the girls yelled out: “cut his throat.” The attack was unprovoked and no arrests were made due, to the inability of Scott to identify the teenagers.

vi. Harassment

Total: 4

Des Plaines, Illinois

Man attempts to provoke homeless teen into fight

Jan. 1: Michael Kelly, 42, attacked a homeless 19-year-old male lying on a bench at the police station. Believing that the teenager was using the bench to sleep, Kelly apparently “grabbed the teen by his jacket and dragged him to the front counter” (...), before he attempted to fight the teenager. Even when an officer demanded that Kelly let the victim down, he did not comply with the police. Kelly was arrested, and was assumed to be intoxicated at the time.

Ames, Iowa

Threatening the homeless

July 1: Michael Nootz, 56, pled guilty to two accounts of second-degree harassment against two homeless men. He threatened to kill them, which violated his probation. He earned his probation after visiting homeless campsites in Ames and telling homeless men to leave the area while displaying an assault weapon.

San Juan, Puerto Rico*Unjust treatment at hospital leaves homeless man bruised*

July 2: In front of a hospital emergency room, two security guards assaulted a homeless man. The homeless man was performing with a guitar inside of the hospital when the guards said he had to move into the street. He did so but the guards continued their harassment. A woman gave the performer a dollar and the guard snatched it out of his hands. He was placed in handcuffs that cut his wrists and received a bruise from the handling by the security guards. When the official police showed up to the scene, witnesses attested that the homeless man was within his rights and it was the security guards that had been of annoyance. The homeless man was released.

vii. Multimedia Exploitation**Total: 2****Miami, Florida***Miami Reality Star's Son Could Face Charges of Battery on a Homeless Person*

Oct. 2: The son of Real Housewives of Miami star Alexia Echevarria, Peter Rosello, attacked an unsuspecting homeless man. Rosello, 25, posted a video to his Facebook page and his YouTube account the depicted him walking up to a homeless man, taunting him, and then punching him in the genitals and running away. Within days of the video being posted, it was removed from his social networking accounts. However, TMZ had already passed the video along to the Miami-Dade Police, who positively identified Rosello in the video. The victim in the video, Gary Lee Brown, wanted to press charges. Rosello was charged with battery on a homeless person, a third degree felony in Florida, and turned himself in. He bonded out of jail the same day and agreed to a deal that will seal his record if he agrees to complete a first-time offenders' program.

Vero Beach, Florida*Paying for free hits*

Dec. 12: Nicholas Marr and William Gregory were placed under arrest after a friend had reported the gentlemen after viewing the video they posted on their social network Facebook page. The video was of the two gentlemen hitting a homeless male in the face after paying him twenty dollars for letting them do it.

MULTI MEDIA EXPLOITATION: AN EXPLANATION

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

About a decade ago, NCH mounted a campaign against groups of videos that were released under the name, “Bum Fights.” These videos included homeless men beating each other up and performing dangerous stunts like banging their heads through glass windows and going down stairs in a shopping cart. Rufus Hannah, Jr., now an NCH Speaker, and others who were compensated with a few dollars or a beer, suffered severe injuries as a result of the videos. These videos continue to degrade and stigmatize homeless persons by perpetuating the stereotype that homeless people are “bums” and that they have no other worth than to provide the rest of society entertainment by causing themselves and others bodily harm. “Bum Fights,” has now been viewed more than 7.6 million times, garnering about 6,400 likes by YouTube users.

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

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

1. Bum Fights (The Original) http://www.youtube.com/watch?v=uZUrj_D13_Y&feature=related
2. Boyle Heights Bum Fights 2011 <http://www.youtube.com/watch?v=bSxT1Zye2Wg>
3. Bum Fight Live from Chicago
<http://www.youtube.com/watch?v=1IAtZIDOjG0&feature=related>

Legislation

PROPOSED FEDERAL LAW

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

-Congresswoman Eddie Bernice Johnson, H.R. 1136 Sponsor

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

Federal Legislation Proposed in 2013 H.R. 1136

The purpose of this bill is to compel the Department of Justice to grant protected status to the homeless population in the original Hate Crimes Statistics Act. If done, the Department of Justice would be obliged to acquire data from law enforcement agencies across the country on crimes committed against the homeless population. An annual summary of the findings would then be published in order to disseminate the information to the public and discourage such attacks from occurring further. H.R. 1136 is a reintroduction of H.R. 3528 (2011), H.R. 3419 (2009) and H.R. 2216 (2007). **The complete text and list of co-sponsors of the Violence against the Homeless Accountability Act of 2013 is included in this report under Appendix C.**

CURRENT FEDERAL LAWS

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 Act¹ 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.”² 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.³

The Violent Crime Control and Law Enforcement Act of 1994⁴, 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

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.

² 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.*

³ Hate Crime Data Collection Guidelines, *supra* note 2, at 4.

⁴ Pub. L. No. 103-322, § 280003, Sept. 13, 1994, 108 Stat. 2096.

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.”⁵

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.⁶ 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 five million dollar allocation, federal agents are more adequately funded to assist and independently investigate hate crimes too complex for local authorities. Additionally, the bill mandates that the FBI track hate crimes committed against transgender individuals.

⁵United 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.

⁶*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).

CURRENT STATE AND CITY LAWS

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

Alaska Courts in Alaska, from 2008 onwards, may take into account whether a defendant knew or reasonably should have known that the victim of an offense was particularly vulnerable or incapable of resistance due to homelessness during sentencing.⁷ Much like Maine (below), homelessness is not categorized under hate crime protection, and therefore including homelessness as a motivating factor does not automatically result in harsher sentencing. Punishments vary depending on what degree the judge finds the victim’s homelessness as a factor in the crime.

Analysis

This law is similar to that of the Maine law (below) in that sentencing courts are granted discretion to take a hate crime against a homeless person into account when determining punishments- 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. Furthermore, it does not require data collection.

California

The **Los Angeles** Board of County Supervisors unanimously passed a resolution in March 2009 requesting that the Human Relations Commission (1) incorporate awareness of homelessness into high school and youth programs to encourage respect and humanization of homeless people; (2) create trainings for law enforcement to investigate crimes against the homeless with an eye out for evidence of bias or discrimination against the victim due to disability; (3) track crimes of hate against the homeless in the Commissions database and monitor trends to educate the community; (4) encourage the Sheriff, District Attorney, and city/county prosecutors to track and report crimes against homeless people to help in developing actions to prevent and stop these violent acts; and (5) to work with all human relations commissions across the county to create better practices and data collection.⁸

Analysis

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

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

⁷ Alaska Statute § 12.55.155 – Factors in Aggravation and Mitigation

⁸ Yaroslavsky and Knabe. Motion By Yaroslavsky and Knabe. Homelessness and Human Relations Committee. AGN. NO. 11. March 24, 2009.

Analysis

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

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

Analysis

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

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

Analysis

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

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

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

Ohio: Cleveland passed a city ordinance in August 2008 dictating that repercussions for “intimidating” or harassing a homeless person due to their status would be elevated one higher degree than the offense.⁹

Analysis

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

Puerto Rico passed legislation in 2007 that was designed to give much-needed support to its homeless population. The law recognizes that on a daily basis homeless people are being exposed to insensible and abusive treatment.¹⁰ Encompassed in this law is a section emphasizing the fact that homeless people should not be discriminated against for any reason. Further, anti-discrimination will be addressed through the creation of the Multi-Sector Homeless Population Support Council, which will take action to support homeless individuals.¹¹ Additionally, in 2010 PS 1477 was signed into law. This bill amended Article 72 (q) of Law 149 (18 June 2004), the Penal Code of Puerto Rico, “so as to establish as an aggravating circumstance the commission of a crime motivated by prejudice towards and against the victim for being a homeless person.”

Rhode Island added homelessness, as a protected class under hate crime statutes, but only for reporting purposes. House Bill 7490, and companion Senate Bill 2323, were introduced on February 11, 2010 and became effective without the governor’s signature on June 25, 2010. The new law requires state police to report and monitor crimes against the homeless and changes the state definition of “hate crime” to include: “...or, motivated by prejudice against a person who is homeless or perceived to be homeless.

Analysis

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

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

Analysis

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

⁹ FindLaw. City of Cleveland Codified Ordinance No. 830-08

¹⁰ Law 130. Concilio Multisectorial en Apoyo a la Poblacion sin Hogar. Approved September 27, 2007.

¹¹ *Ibid.*

In Seattle the 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.

Analysis

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

Washington, D.C. legislation, passed by the City Council in 2009, clearly defines homeless individuals as a protected class from “bias-related crime”.¹² Homeless individuals are protected from criminal acts, as well as attempts or conspiracies to commit assault, injury to property, murder, rape, theft, and robbery. Homelessness is defined in the ordinance using similar language to that contained in the Maryland legislation. The statute further requires the Mayor to collect and compile data on the incidence of bias-related crimes and annually publish a summary of the data, transmit the summary, and make recommendations, to the Council. The statute also states that the summaries may not contain information that reveals victims’ identities. Criminal sanctions in the form of fines and imprisonment are outlined in the law. Victims may also pursue relief through a civil action and may receive an injunction, reasonable, actual or nominal damages for economic or non-economic loss such as emotional distress, punitive damages, or attorney’s fees.

Analysis

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

¹²DC CODE § 22-3703: Bias-Related Crime

PROPOSED AND/OR DEFEATED STATE LAWS

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

Opposition to the Bill/Veto Messages

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

Analysis

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

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

Opposition to the Bill (All Hearings)

Testimony in opposition came from the District Attorney (DA), Attorney General (AG), and Criminal Justice Reform Coalition. These organizations testified that current laws are strong enough and sufficient to deal with crimes against the homeless; homelessness is not an immutable characteristic and therefore does not qualify as a protected class under hate crimes legislation; the definition of “homeless” is too broad; the bill will cover homeless-on-homeless crimes and unduly burden already overworked

prosecutors' officers; further increases in prosecutions will have an unwarranted fiscal impact; there is no evidence that there is a problem that warrants a solution; and hate crimes legislation will not serve as a deterrent.

Legislators who voted "no" on the bill asked the following questions:

1. Does the bill cover homeless on homeless crime?
2. Aren't sentencing guidelines strong enough already?
3. The definition of homeless is too broad. Where did it come from?
4. Is this really an extensive problem?

Connecticut H.B. No. 6572, An Act Concerning Intimidation Based on Bigotry or Bias against a Homeless Person, was introduced 2013. If passed, it would add "homelessness" as a category for protection under Connecticut's hate crime laws. This bill received much support as 12 people testified in support of the bill. Advocates ran out of time for passage in the 2013 Legislative Session. It will be re-introduced in 2014.

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

Missouri has introduced a Homeless Bill of Rights which has a hate crimes provision. Democratic Senator Scott Sifton has drafted a bill, SB428 that demands the homeless have equal right to treatment, emergency health care, process of job seeking, and the reasonable privacy. In addition, it asks that the homeless are not to be discriminated when seeking housing. The bill was last referred to the Senate Judiciary and Civil and Criminal Jurisprudence Committee. Proceeding action on the legislation is said to take place on August 28, 2013 and hopefully additional progress can be made towards passing the law. The Missouri Bill of Rights is nearly an exact copy of the Rhode Island Homeless Bill of Rights passed in June 2012, as it contains equal rights and provisions that Rhode Island declared only a year ago. Briefly, these rights include the right to use and move freely in public spaces, the right to equal treatment by all state and municipal agencies, the right to seek or maintain gainful employment, the right to medical care, the right to vote, and register to vote etc. The legislation, similar to the Rhode Island Homeless Bill of Rights, also includes a provision explaining the ability of a homeless plaintiff to receive benefits from the court if violations of these rights occur.

Analysis

In its current form, the Missouri Bill of Rights is a strong piece of legislation that provides basic rights to all that are homeless. Under Section 557.035, 'housing status' is added as a category of motivation for perpetrators to commit a hate crimes action along with sexual orientation, gender, race, etc. The provision explains that the crimes can be classified as either Class C or Class D Felonies, which for the first time gives protections to homeless individuals from hate crimes actions.

New Mexico State Senator William O'Neill proposed a bill to add homeless people to the state Hate Crimes Act, meaning that perpetrators would be subject to harsher punishment if convicted. His bill received near unanimous endorsement from the Courts, Corrections and Justice Committee in December of 2012. Senate Bill 124 was on the House Floor but was not called up for consideration. Senator O'Neill intends to reintroduce the bill in future sessions.

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

Ohio legislation was introduced in May 12, 2010 by Representatives Dennis Murray and Mike Foley. House Bill 509 would create the offense of intimidation of a homeless person. Any offender that commits a violation with the intent to cause harm to a homeless person because of their homeless status would be charged with intimidation of a homeless person as well as the original charge. However, with the end of the assembly period in December 2010, House Bill 509 died and has not been reintroduced.

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

-Brian Davis, Northeast Ohio Coalition for the Homeless

South Carolina's House Bill 4344, introduced in December 2013, if passed, would create "the hate crime of assault and battery on a homeless person." It is considered an uphill battle politically due to the fact that South Carolina currently does not have hate crime legislation for any other group. The penalty would be 30 days for a first offense, and one year for a second or subsequent offense.

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

RESOURCE GUIDE: ENACTING EFFECTIVE HATE CRIME LEGISLATION IN YOUR COMMUNITY

i. Goals to Achieve

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

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

ii. Ideals for Hate Crimes Legislation

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

1. Recognition of the homeless or a person of “homeless status” as a protected class. Thus, targeting a person due to their homeless status or perceived homeless status qualifies as violation of the law¹³.
2. Using a definition of homelessness in line with 42 USC § 11302 (2012) as revised by the HEARTH Act.
3. Including both committed hate crimes and attempts or conspiracies to commit a hate crime, including those against a person or their property.
4. Criminal and civil sanctions (including injunctions, reasonable actual or nominal damages for economic or non-economic loss, punitive damages, or attorney’s fees) for violation of the hate crime law.
5. Procedures for data collection by law enforcement and local organizations, distribution of data and recommendations for prevention plans to governing bodies. Furthermore, this data should not disclose the identity of the victim.
6. Requiring law enforcement complete training on how to deal effectively with homeless populations.
7. Coordination between law enforcement and local service providers to ensure homeless individuals receive necessary services.
8. Awareness campaigns amongst high school students about homelessness.

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

iii. Main Arguments against Hate Crimes Legislation

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

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

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

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

Brian Levin of the Center for the Study of Hate and Extremism at California State University, San Bernardino states that the importance of immutability arose because civil rights laws had their beginning in the post-civil war period and focused on race – an immutable characteristic. Immutability, however, has never been a requirement for anti-discrimination and hate crimes laws.¹⁴ Hate crimes laws relate to how an attacker identifies the victim and not whether the characteristic is immutable or changeable. For example, hate crime categories often include religion, nationality, and disability, none of which are mutable. This fact does not make these groups any less worthy of protection than someone targeted based on their race, ethnicity, or sexual orientation. These identity characteristics, including homelessness, are often associated with negative stereotypes.

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

The definition of “homeless” is too broad

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

¹⁴ See *US v. Carolene Products Co.*, 304 U.S. 144 (1938); Danner Allison Marston, *Bias Crimes and Crimes Against Humanity: Culpability in Context*, *Buffalo Criminal Law Review*: Vol. 6, No. 1.

The bill will cover homeless-on-homeless crime and unduly burden already overworked prosecutors' officers

Homeless-on-homeless crime is not a hate crime, but rather considered a "crime of opportunity." These crimes are motivated by reasons other than bias or bigotry, which is what hate crimes legislation target.¹⁵

Demand will vary from state to state and across jurisdictions. For example, California is the state with the most documented homeless hate crimes at 258 over 14 years. This averages to about 18 incidents per year. Considering there are 58 counties in the state, distribution of processing these crimes can hardly be considered an undue burden.

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

The sanctions for hate crimes include enhanced penalties for crimes that a perpetrator is already being charged for. This means that perpetrators will already be processed through the criminal justice system. For this reason, it is unlikely that this legislation will require any additional resources to be spent on prosecution of hate crimes.¹⁶

There is no evidence that there is a problem that warrants a solution

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

Hate crimes legislation will not serve as a deterrent

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

¹⁵ Interview with Richard Wierzbicki, Captain, Broward County Sheriff's Department, July 17, 2012

¹⁶ Interview with Richard Wierzbicki, Captain, Broward County Sheriff's Department, July 17, 2012

COMMUNITY POLICY AND EDUCATION RECOMMENDATIONS

The National Coalition for the Homeless recommends the following:

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

In the 113th Session of Congress H.R. 1136 was introduced by U.S. Representative Eddie Bernice Johnson, seeking to add “homeless status” to the federal hate crimes statistics statute. H.R. 1136 is identical to three bills introduced in previous sessions of Congress.

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

MODEL LANGUAGE FOR ALL LEGISLATION AND RESOLUTIONS

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

Whereas, hate crimes and violence against homeless persons has become a nationwide wave, one thousand three hundred and twenty-eight reported cases of violence against homeless people over the past 14 years (1999-2012), resulting in 357 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 thereafter.

(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** -

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

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

- (1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.
- (2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.
- (3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.
- (4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(5) State Office of the Attorney General Study -

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

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

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

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

- (1) Information about homelessness, including causes of homelessness, its impact, and solutions to homelessness.
- (2) Indicators of hate crimes.
- (3) The impact of these crimes on the victim, the victim's family, and the community.

- (4) The assistance and compensation available to victims.
- (5) The laws dealing with hate crimes and the legal rights of, and the remedies available to, victims of hate crimes.
- (6) Law enforcement procedures, reporting, and documentation of hate crimes.
- (7) Techniques and methods to handle incidents of hate crimes.
- (8) The special problems inherent in hate crimes against homeless persons and techniques on how to deal with these special problems.

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

- (1) Preventing likely hate crimes by, among other things, establishing contact with persons and communities that are likely targets, and forming and cooperating with community hate crime prevention and response networks.
- (2) Responding to reports of hate crimes, including reports of hate crimes committed under color of legal authority.
- (3) Providing victim assistance and follow up, including community follow up.
- (4) Reporting methods and procedures to track hate crimes against homeless persons.

(C) In developing the telecourse, the lead state law enforcement agency shall consult subject matter experts including, but not limited to, the following:

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

OTHER WAYS NCH APPROACHES THE ISSUE

AmeriCorps*VISTA Project

*NCH has partnered with the Corporation for National & Community Services (CNCS) to expand and run Faces of the Homelessness Speaker's Bureaus along the East seaboard. Established as one of the War on Poverty programs in the 1960's, today's AmeriCorps*VISTA program is a project of CNCS that provides full-time members to community organizations and public agencies who create and expand programs that build capacity and ultimately bring low-income individuals and communities out of poverty.*

<http://www.nationalhomeless.org/projects/VISTA.html>

Faces of Homelessness Speakers' Bureau

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

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

<http://www.nationalhomeless.org/faces/index.html>

Bill of Rights

Years of research and advocacy around criminalization of homelessness and increasing violence committed against people experiencing homelessness has shown that added protections are needed to preserve the civil rights of people experiencing homelessness. NCH staff work to educate public officials and local advocates about the importance of passing protections for those without housing in the United States.

We support the efforts of local advocates to pass Bill of Rights measures that include:

- Homeless hate crimes provisions as spelled out in the Model Language for All Legislation and Resolutions of this report
 - Protections against segregation, laws targeting homeless people for their lack of housing and not their behavior, and restrictions on the use of public space.
 - Privacy protections for those experiencing homelessness, and the ability to vote or feel safe in the community.
 - Providing broad access to shelter, social services, legal counsel and a quality education for the children of homeless families.

The following cities and states have passed or are considering homeless rights legislation:

California | Connecticut | Delaware | Illinois | Baltimore, Maryland | Minnesota | Missouri
Oregon | Puerto Rico | Rhode Island | Tennessee | Vermont | Madison, Wisconsin

Conclusion

In the past 14 years the National Coalition for the Homeless (NCH) has documented over 1,328 crimes committed against homeless people by housed individuals. These violent attacks have cost three hundred and fifty-seven homeless people their lives.

In this 2012 annual report, NCH has documented 88 violent attacks against the homeless. Eighteen of these incidents resulted in death, a significant decrease compared to the thirty-two lives taken the previous year. In fact, 20% of attacks against the homeless resulted in death in 2012 compared to 30 percent in 2011. This signals a decrease in the brutality of crimes.

Yet perpetrators are becoming younger in age. This year, 79% of perpetrators were under the age of 30. More commonly, it is a teenage boy that leads the attack. A teenager is more likely to be caught due to the fact they often document their attacks or do not take measures to eradicate evidence that would lead back to him and/ or his group of friends. In most states, a teenager will be tried as an adult if the homeless person is in poor condition or dead. That leads to many young lives in prison that could have been saved with effective education. Any curriculum that teaches young adults the rights and human qualities of a homeless person could decrease the amount to which the homeless community is victimized by teenagers and young adults.

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

Senseless Violence: A Survey of Hate Crimes/ Violence against the Homeless in 2012 report has the main objective of educating lawmakers, advocates, and the general public about the problem of hate crimes and violence against homeless people. The hope is to instigate change and ensure protection of civil rights for everyone, regardless of their economic circumstances or housing status. Although some communities are taking positive steps toward protecting homeless individuals, NCH believes that violence against the homeless is a trend that will continue to grow unless there is true accountability for crimes committed, established effective methods of prevention, and positive action taken by advocates, legislators, and community members.

APPENDIX A: SOURCES

LETHAL CASE DESCRIPTIONS

January 13: Anaheim, California

"Vigil Held In Anaheim for Slain Homeless Veteran." *CBS Los Angeles*. CBS, 15 Jan. 2012. Web. 08 July 2013.

Kevin, Freking. "Homeless Killings Suspect Stalked Victims." *Fox News*. FOX News Network, 17 Jan. 2012. Web. 08 July 2013.

Cabrera, Yvette. "Killing Spree Over? Homeless Still Afraid." *The Orange County Register*. N.p., 23 Jan. 2012. Web. 08 July 2013.

"Forklift Driver Rewarded in Homeless Killings Case." *Fox News*. FOX News Network, 25 Jan. 2012. Web. 08 July 2013.

Welbourn, Larry. "Grand Jury Indicts Suspect in Serial Killings." *The Orange County Register*. N.p., 16 Feb. 2012. Web. 08 July 2013.

Pelisek, Christine. "Serial Killer's Twisted Logic: Allegedly Murdered Homeless Victims as Community Service." *The Daily Beast*. Newsweek/Daily Beast, 16 Mar. 2012. Web. 08 July 2013.

January 17: Salinas, California

"Friends: Salinas Homicide Victim 'Not Just a Homeless Guy' - Bing Videos." *MSN Video*. N.p., n.d. Web. 08 July 2013.

March 18: Seattle, Washington

Pulkkein, Levi. "Remembering a Peaceful 'warrior' Killed at Ravenna Park." *Seattlepi.com*. N.p., 18 Mar. 2012. Web. 08 July 2013.

Brodeur, Nicole. "Ravenna Park Was Man's Home, and He Served as Its Protector." *The Seattle Times*. The Seattle Times, 19 Mar. 2012. Web. 09 July 2013.

April 4: Houston, Texas

"Teens Killed Homeless Man for \$." *CBS Houston*. N.p., n.d. Web. 09 July 2013.

May 30: Colorado Springs, Colorado

"Man Arrested For Killing Homeless Man." *KRDO*. N.p., 4 June 2012. Web. 09 July 2013.

Welter, Rachel. "Police Arrest One for Homeless Man's Murder." *Colorado Connections*. N.p., 4 June 2012. Web. 9 July 2013.

June 6: Memphis, Tennessee

McKenzie, Kevin. "Homeless Woman Slain outside Downtown Memphis Church; Suspect Arrested." *Memphis Commercial Appeal*. N.p., 7 June 2012. Web. 09 July 2013.

June 15: Austin, Texas

"Man Arrested in Death of Homeless Woman in June." *Austin News, Sports, Weather, Longhorns, Business*. N.p., June 2012. Web. 09 July 2013.

June 29: Minneapolis, Minnesota

"Man Gets 10 Years for Homeless Man's Death." *CBS Minnesota*. N.p., 30 May 2013. Web. 09 July 2013.

July 10: Little Rock, Arkansas

"Arrest Made in Murder of Homeless Man." *CW Arkansas*. N.p., 13 July 2012. Web. 18 July 2013.

July 21: Phoenix, Arizona

Coe, Jackie. "Man Fatally Shoots Homeless Man in Yard, Police Say." *Azcentral.com*. N.p., 22 July 2012. Web. 09 July 2013.

July 30: Little Rock, Arkansas

"Archive Purchase Required." *Beaten Man's Death Adds Murder Charge*. N.p., 9 July 2012. Web. 09 July 2013.

August 13: San Jose, California

"SJ Police Arrest Suspect in Slaying of Homeless Woman with Sword." *San Francisco, Oakland & San Jose: Bay Area News, Weather &...* N.p., 14 Aug. 2012. Web. 09 July 2013.

August 16: Tampa, Florida

Lang, Marissa. "Man Accused in Killing outside South Tampa Church Engaged in Night of Crime, Police Say." *Tampa Bay Times*. N.p., 9 July 2012. Web. 09 July 2013.

October 18: Nashville, Tennessee

Schuler, Quinn. "Man Charged in Deadly Homeless Attack Could Be Linked to Others - WKRN, Nashville News, Nashville Weather and Sports." *Man Charged in Deadly Homeless Attack Could Be Linked to Others - WKRN, Nashville News, Nashville Weather and Sports*. N.p., 12 Oct. 2012. Web. 09 July 2013.

November 20: Raleigh, North Carolina

Gardiner, Kelly. "Teens Allegedly Beat Homeless Raleigh Man to Death with Rock." *WRAL*. N.p., 20 Dec. 2012. Web. 9 July 2013.

McDonald, Thomasi. "Raleigh Police Charge Four Teens with Killing Homeless Man." *RALEIGH: Raleigh Police Charge Four Teens with Killing Homeless Man*. N.p., 12 Dec. 2012. Web. 09 July 2013.

December 1: Deerfield Beach, Florida

"Man Confesses to Homeless Killing." *Local10*. N.p., 1 Dec. 2012. Web. 09 July 2013.

December 12: Hallandale Beach, Florida

"Hallandale Teens Charged With Murdering Man Were Looking to Hire a Prostitute (UPDATED)." *The Daily Pulp*. N.p., n.d. Web. 09 July 2013.

NON-LETHAL CASE DESCRIPTIONS

i. RAPE/ SEXUAL ASSAULTS

May 14: Fredericksburg, Virginia

Lopez, Natalie. "Attempted Sexual Assault in Fredericksburg: Police." *NBC4 Washington*. N.p., 14 May 2012. Web. 18 July 2013.

July 6: South Bend, Indiana

Harrell, Jeff. "No Arrest in Homeless Woman's Alleged Sex Assault." *Wsbt.com*. N.p., 6 July 2012. Web. 09 July 2013.

December 23: Columbus, Ohio

Chitwood, Tim. "Columbus Police Charge Teen with Beating, Raping Homeless Girl." *Ledger Inquirer* 24 Dec. 2012: n. pag. Print.

ii. ATTACKS INVOLVING FIRE

July 9: Gettysburg, Pennsylvania

"Appalachian Trail Hiker Burned in Gettysburg Assault." *The Patriot-News*. N.p., 13 July 2012. Web. 09 July 2013.

December 27: Van Nuys, California

"Homeless Woman Set Ablaze in Van Nuys Still in Critical Condition." *Los Angeles Times*. Los Angeles Times, 13 Jan. 2012. Web. 09 July 2013.

"Man Charged with Burning Homeless Woman." *The Big Story*. N.p., 31 Dec. 2012. Web. 09 July 2013.

iii. POLICE BRUTALITY

July 1: Saginaw, Michigan

Nye, James. "A Firing Squad in Uniforms: Family's Anger as Video Shows Police Shooting Knife Wielding Homeless Man 46 times." *Mail Online*. N.p., 18 Aug. 2012. Web. 09 July 2013.

August 17: Puerto Rico

"La Policia Dispara a Un Deambulente." *Primera Hora* [San Juan] 17 Aug. 2012: n. pag. Print.

October 6: Sarasota, Florida

Schelle, Charles. "Easton Grad Investigated in Florida Police Probe." *Sarasota Eastern Patch*. N.p., 2 Dec. 2012. Web. 09 July 2013.

Lush, Tamara. "Homeless Are a Challenge for Sarasota, Florida." *Yahoo! News*. N.p., 18 Jan. 2013. Web. 09 July 2013.

October 8: Brooklyn, New York

"Probe into Video of Man Beaten by Cops in Brooklyn - New York News | NYC Breaking News." *Probe into Video of Man Beaten by Cops in Brooklyn - New York News / NYC Breaking News*. N.p., n.d. Web. 09 July 2013.

October 15: Phoenix, Arizona

Sieczkowski, Cavan. "Arizona National Guard Recruiters Hunted Homeless With Paintball Guns, Other Misconduct: Report." *The Huffington Post*. TheHuffingtonPost.com, 16 Oct. 2012. Web. 12 July 2013.

November 24: Rock Hill, South Carolina

Dys, Andrew. "Rock Hill Herald Online." *ROCK HILL: No Charges for Homeless Man Stunned by Rock Hill Police*. N.p., 12 Feb. 2013. Web. 12 July 2013.

ix. ASSAULTS WITH DEADLY WEAPONS

February 22: Portland, Oregon

Roberson, Bill. "Police: Two Homeless Men Shot in 'drive-by' under Morrison Bridge." *KATU.com*. N.p., 22 Feb. 2012. Web. 12 July 2013.

March 8: Pittsburg, Pennsylvania

Gurman, Sadie. "Man Charged in Paintball Attacks against Homeless." *Pittsburgh Post-Gazette*. N.p., 13 Mar. 2012. Web. 12 July 2013.

April 8: Cherrydale, Virginia

"Update: Arrest Made Following Weekend Altercation in Cherrydale." *Clarendon-Courthouse-Rosslyn Patch*. Trans. Jason Spencer. N.p., 19 Apr. 2012. Web. 12 July 2013.

April 12: Galveston, Texas

Hogan, Liz. "Father, Son Accused Of Beating Panhandler | NWAonline." *NWAonline*. N.p., 22 Oct. 2012. Web. 12 July 2013.

April 21: Fort Pierce, Florida

"Man Arrested for Dog, Chemical Attacks on Homeless Man in Fort Pierce." *WPTV*. N.p., 22 Apr. 2012. Web. 12 July 2013.

May 4: Cidra, Puerto Rico

"Agreden Con Un Bate a Deambulante En Cidra." *Nueva Dia*, 4 May 2012. Web. 18 July 2013.
Confirmed by an anonymous source.

May 7: Colorado Springs, Colorado

Watts, Lindsay. "Springs Homeless Man Speaks About Being Shot By Strangers." *KRDO*. N.p., 7 May 2012. Web. 12 July 2013.

May 19: Little Rock, Arkansas

"Homeless Man Shot Downtown." *Arkansas Democrat-Gazette*, 21 May 2012. Web. 12 July 2013.

June 13: Minneapolis, Minnesota

"Guilty Plea in Library Shooting." *CBS Minnesota*. N.p., 12 Mar. 2013. Web. 12 July 2013.
"Police: Man Stabs Homeless Man Multiple times." *Wtsp.com*. Florida News, 29 July 2012. Web. 12 July 2013.

July 28: Palm Bay, Florida

"Police: Man Stabs Homeless Man Multiple times." *Wtsp.com*. N.p., 29 July 2012. Web. 18 July 2013.

August 1: Portland, Oregon

"Man and Teen Accused of Attacking Homeless People in SE PDX - KPTV - FOX 12." *Man and Teen Accused of Attacking Homeless People in SE PDX - KPTV - FOX 12*. FOX News, 2 Aug. 2012. Web. 12 July 2013.

August 15: Rapid City, South Dakota

"Man Sentenced for Attack on Homeless Men." *Rapid City Journal*, 2 Apr. 2012. Web. 12 July 2013.

September 12: Fairfax County, Virginia

Leonard, Rachel. "Homeless Men Shot with BB Gun." *Mount Vernon Patch*, 18 Sept. 2012. Web. 12 July 2013.

September 13: Staten Island, New York

Jacobs, Shayna. "Cops Seek Two for Questioning in Beating of Homeless Man in Staten Island." *NY Daily News*. New York Daily News, 1 Sept. 2012. Web. 12 July 2013.

October 25: Houston, Texas

"Hockey-masked Man Attacks Victims with Machete - NBC-2.com WBBH News for Fort Myers, Cape Coral & Naples, Florida." *NBC-2.com*. N.p., 26 Oct. 2012. Web. 12 July 2013.

December 15: Seattle, Washington

Pulkkinen, Levi. "Charge: 'Santa' Attacked Seattle Homeless Couple." *Seattlepi.com*. Seattle Pi, 24 Dec. 2012. Web. 12 July 2013.

December 18: Miami Florida

"Homeless Man Stabbed on U.S. 1 Speaks about Attack." *CBS Miami*. N.p., 21 Dec. 2012. Web. 18 July 2013.

"Man Injured In Pinecrest Stabbing." *CBS Miami*. N.p., 16 Dec. 2012. Web. 12 July 2013.

x. BEATINGS

January 23: Nashville, Tennessee

Sutton, Scott. "Homeless Man Attacked by Teens Downtown." *Wsmv.com*. N.p., 23 Jan. 2012. Web. 12 July 2013.

March 14: Tamaqua, Pennsylvania

Leighbunguth, Andrew. "Homeless Man is Life-Flighted after Alleged Attack in Woods." *Times News Online*. N.p., 15 Mar. 2012. Web. 12 July 2013.

March 20: Plymouth, Massachusetts

"ON THE BEAT: March 21." *Http://www.wickedlocal.com/plymouth*. N.p., 21 Mar. 2013. Web. 12 July 2013.

March 31: New Orleans, Louisiana

Johnston, Tim. "Homeless Men Say They Were Attacked after Final Four Celebration." *WKYT RSS*. N.p., 1 Apr. 2012. Web. 12 July 2013.

April 10: Novato, California

Ainsworth, Brent. "Beating of Homeless Man Results in two Arrests." *Novato Patch*, 13 Apr. 2012. Web.

April 11: Chicago, Illinois

Michaels, Matt. "Logjam in Homeless Shelters Creating Citywide Problem for Chicago." *Austin Weekly News*, 11 Apr. 2011. Web.

April 15: Pontiac, Michigan

"Oakland County Sheriff's Department Says Homeless Couple Attacked Sunday by Group of Teens in Pontiac." *ClickOnDetroit*. N.p., 16 Apr. 2012. Web. 12 July 2013.

April 22: Reading, Pennsylvania

"3 Reading Men Beat, Rob Homeless Man, Police Say." *Reading Eagle RSS*. N.p., 23 Apr. 2012. Web. 12 July 2013.

May 8: Toledo, Ohio

"Man Held in Downtown Toledo Beating." *The Blade*. N.p., 11 May 2012. Web.

June 5: Washington, District of Columbia

Austermuhle, Martin. "Nine DC Gang Members Charged with Multiple Robberies." *DCist*. N.p., 15 Nov. 2012. Web. 12 July 2013.

July 1: Helena, Montana

Anderson, Melissa. "Helena Police Still Searching for Suspects in Beating Caught on Video." *KXLH.com*. N.p., 30 Aug. 2012. Web. 16 July 2013.

July 10: Daytona Beach, Florida

Longa, Lyda. "Beaten Daytona Homeless Man." *News-JournalOnline.com: Daytona Beach News, Sports, Weather and Classifieds*. The Daytona Beach News Journal, 22 July 2012. Web. 16 July 2013.

Filosa, Gwen. "Beating Suspects Nabbed." *Beatingsuspectsnabbed / KeysNews.com*. Key West News, 31 Aug. 2012. Web. 16 July 2013.

July 29: Valencia, California

Holt, Jim. "Homeless Man Beating Investigated as Hate Crime." N.p., n.d. Web. 16 July 2013.

August 21: Key West, Florida

Filosa, Gwen. "Two Suspects Sought in 2 A.m. Duval Street Beating | KeysNews.com." *Two Suspects Sought in 2 A.m. Duval Street Beating / KeysNews.com*. N.p., 23 Aug. 2012. Web. 16 July 2013.

October 13: Salinas, California

Bermensolo, Briana. "Brothers Accused of Beating Homeless Man Plead Not Guilty - Central Coast News KION/KCBA." *Brothers Accused of Beating Homeless Man Plead Not Guilty - Central Coast News KION/KCBA*. N.p., 27 Nov. 2012. Web. 16 July 2013.

Viajan, Sunita. "Oldtown Salinas Restaurant Owner Gets Jail Time, Probation in Beating." *The Salinas Californian*. N.p., 20 Feb. 2012. Web. 16 July 2013.

October 21: Crystal River, Florida

"Citrus County Chronicle 07/16/2013." *ChronicleOnline.com*. N.p., n.d. Web. 16 July 2013.

October 27: Madison, Wisconsin

Novack, Bill. "Four Arrested for Allegedly Mugging Homeless Man." *Madison.com*. The Cap Times, 29 Oct. 2012. Web. 16 July 2013.

November 30: Sarasota, Florida

Schelle, Charles. "Teens Terrorize Homeless by Chasing them with Car." Sarasota Patch, 29 Oct. 2012. Web. 16 July 2013.

December 31: Kansas City, Missouri

Tryon, Barrett, and Macradee Aegerter. "Homeless Man Attacked, Assaulted On Plaza." *Fox4kccom*. N.p., 16 Feb. 2013. Web. 12 July 2013.

xi. HARRASSMENT

January 1: Des Plaines, Illinois

Delgado, Jennifer. "Man Faces Battery Charges after Grabbing Homeless Teen in Police Station." Trib Local Des Plaines, 6 Jan. 2012. Web. 16 July 2013.

July 1: Ames, Iowa

Miller, Jessica. "Ames Man Who Threatened Homeless Placed on Probation." *Ames Patch*. N.p., 8 Feb. 2012. Web. 16 July 2013.

July 2: San Juan, Puerto Rico

Denis, Ely A. "Attack on Homeless Man Shows Impunity Is Contagious." *Puerto Rico Daily Sun*, 3 July 2012. Web. 16 July 2013.

xii. MULTIMEDIA EXPLOITATION

October 2: Miami, Florida

"Miami Reality Star's Son Could Face Charges Of Battery On A Homeless Person." *CBS Miami*. N.p., 4 Oct. 2012. Web. 16 July 2013.

October: Vero Beach, Florida

"Beating of Homeless Man Lands Nicholas Marr and William Gregory in Jail." *Wtsp.com*. A Gannett Company, 13 Dec. 2012. Web. 16 July 2013.

Parker, Terri. "Woman Who Reported Homeless Man's Attack 'horrified'" *Wpbf.com*. N.p., 13 Dec. 2012. Web. 16 July 2013.

Appendix B: Index of Case Location

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Appendix C: House Resolution 1136

H.R. 1136

Violence against the Homeless Accountability Act of 2013 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 ‘Violence against the Homeless Accountability Act of 2013’.

SEC. 2. INCLUSION OF HOMELESS.

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

(1) in paragraph (1), by inserting ‘homeless status,’ after ‘sexual orientation,’; and

(2) by adding at 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 whom the individual is temporarily staying with due to loss of housing, economic hardship, or a similar reason.’.

Sponsor:

Eddie Bernice Johnson (TX)

Co-Sponsors:

Danny Davis (IL)

Raul Grijalva (AZ)

Luis Gutierrez (IL)

Alcee Hastings (FL)

Henry Johnson (GA)

Barbara Lee (CA)

John Lewis (GA)

Grace Napolitano (CA)

Eleanor Holmes Norton (DC)

Charles Rangel (NY)

Loretta Sanchez (CA)

Marc Veasey (TX)

Frederica Wilson (FL)

Appendix D: S.1765

S. 1765, Hate Crimes against the Homeless Statistics Act of 2009 was introduced by Senator Cardin (D-MD). The act is identical in nature to H.R. 1136. The act would have amended current federal Hate Crime tracking legislation to include crimes committed against homeless individual by adding “homeless status” as a protected class. The bill unfortunately died, but Senator Cardin is still making efforts to address this issue.

S. 1765 Co-Sponsors:

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