



**Report**

National  
Coalition *for the*  
Homeless

**June, 2014**

# **Vulnerable to Hate:**

## **A Survey of Hate Crimes & Violence Committed against Homeless People in 2013**

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# **VULNERABLE TO HATE: A Survey of Hate Crimes and Violence Committed against Homeless People in 2013**

**A report by the National Coalition for the Homeless**

*Edited by Michael Stoops*

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## Executive Summary

In the past 15 years (1999-2013), the National Coalition for the Homeless (NCH) has documented 1,437 acts of violence against homeless individuals by housed perpetrators. These crimes are believed to have been motivated by the perpetrators' biases against homeless individuals or by their ability to target homeless people with relative ease. **VULNERABLE TO HATE: A Survey of Hate Crimes Committed against Homeless People in 2013** is the 15<sup>th</sup> annual report documenting violence against people experiencing homelessness, including an array of atrocities from murder to beatings, rapes, and even mutilation.

NCH 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 are part of an issue that is in growing need of public attention.

Over the last 15 years, NCH has determined the following:

- **1,437** reported acts of violence have been committed against homeless individuals
- **375** of the victims have lost their lives as a result of the attacks
- Reported violence has occurred in **47** states, Puerto Rico, and Washington, DC
- Perpetrators of these attacks were generally male and under the age 30; most commonly they were teenage boys.

Specifically, in 2013:

- **85%** of all perpetrators were under the age of 30
- **93%** of all perpetrators were male
- **65%** of all victims were 40 years old or older
- **90%** of all victims were male
- **18** of the **109** attacks resulted in death



*Photo by Bryan Dozier (2014)*

**VULNERABLE TO HATE: A Survey of Hate Crimes Committed against Homeless People in 2013** documents the known cases of violence against individuals experiencing homelessness by housed individuals in 2013. 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 hate crimes and violence against homeless people, in order to bring about change and ensure the protection of civil rights for everyone, regardless of 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 large 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 other violent acts against people who experience homelessness.

## Methodology

The data on violent acts committed against the homeless population was gathered from a variety of sources. A number of narratives were taken from published national and local news reports. Homeless advocates and local service providers across the country provided information about incidents in their local communities. Lastly, this report relied on the voices of homeless persons and formerly homeless people, who self-reported incidents they experienced first-hand.

Every reported incident was subject to a rigorous fact-checking process, designed to evaluate and verify the accuracy of the reported events. This process entailed

multiple follow-up discussions with those closely involved with the incident. Cross-comparisons were also made with other news sources reporting the incident.

While the motive for each attack was not always evident from the information available, in many cases, there was confirmation that these violent acts were perpetrated because of a bias against the victim based on his or her housing status. Other attacks were deemed opportunistic, and 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 perpetrated by housed individuals against un-housed individuals 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, new information about cases may become 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 1999-2013

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."<sup>1</sup>

The FBI does not currently recognize a protected status for people experiencing homelessness. Over the past 15 years, the NCH has recorded 1,437 incidents of crimes committed against this unprotected group. In 2013 alone, the NCH became aware of 109 attacks, 18 of which resulted in death. While this report provides alarming statistics, it is important to note that people experiencing homelessness are often treated so poorly by society that attacks are forgotten or unreported.

In this country, hate crimes are committed against a group of vulnerable people who are at constant risk

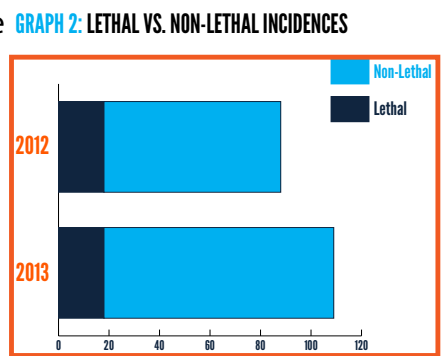
because they live in public spaces. Many of our local communities do not have shelter space or adequate

affordable housing to meet their needs. According to the U.S. Department of Housing and Urban Development, on a single night in 2013 there were 610,042 homeless people in the United States, including 387,845 who were homeless as individuals and 222,197 who were homeless in families.<sup>2</sup>

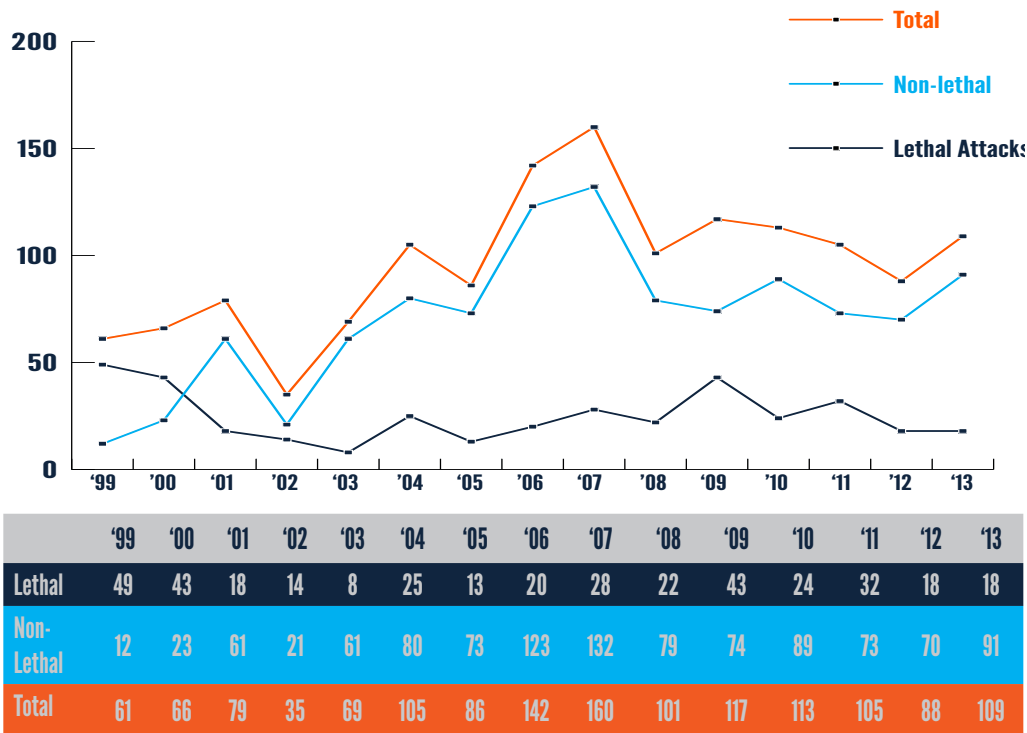
Violence against the homeless by housed individuals is an alarming trend that has often increased from year to year and certainly has not decreased in occurrence from 1999 to 2013. In 2013, the same number of

fatal attacks (18) occurred as in 2012 and 30 percent more non-lethal attacks were committed.

This reality worsens when one considers the fact that many violent acts against homeless populations go unreported and therefore, the true number of incidents is likely to be substantially higher.



**GRAPH 1 AND TABLE 1: NUMBER OF INCIDENTS RECORDED**



<sup>1</sup> U.S. Department of Justice Federal Bureau of Investigation. "Hate Crime" [http://www.fbi.gov/about-us/investigate/civilrights/hate\\_crimes/overview](http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview)  
<sup>2</sup> Office of Planning and Development, U.S. Department of Housing and Urban Development. The 2013 Part 1 Point-in-Time Estimates of Homelessness. November 2013.

## FBI vs. NCH Defined Hate Crime Homicides

The number of reported fatal attacks on homeless victims is particularly alarming when compared with the number of deaths that have occurred as a result hate crimes among the currently protected classes. Table 2 shows that over the last 15 years, nearly triple the number of homeless individuals have died as a result of bias-motivated attacks than all of the other currently protected classes combined.

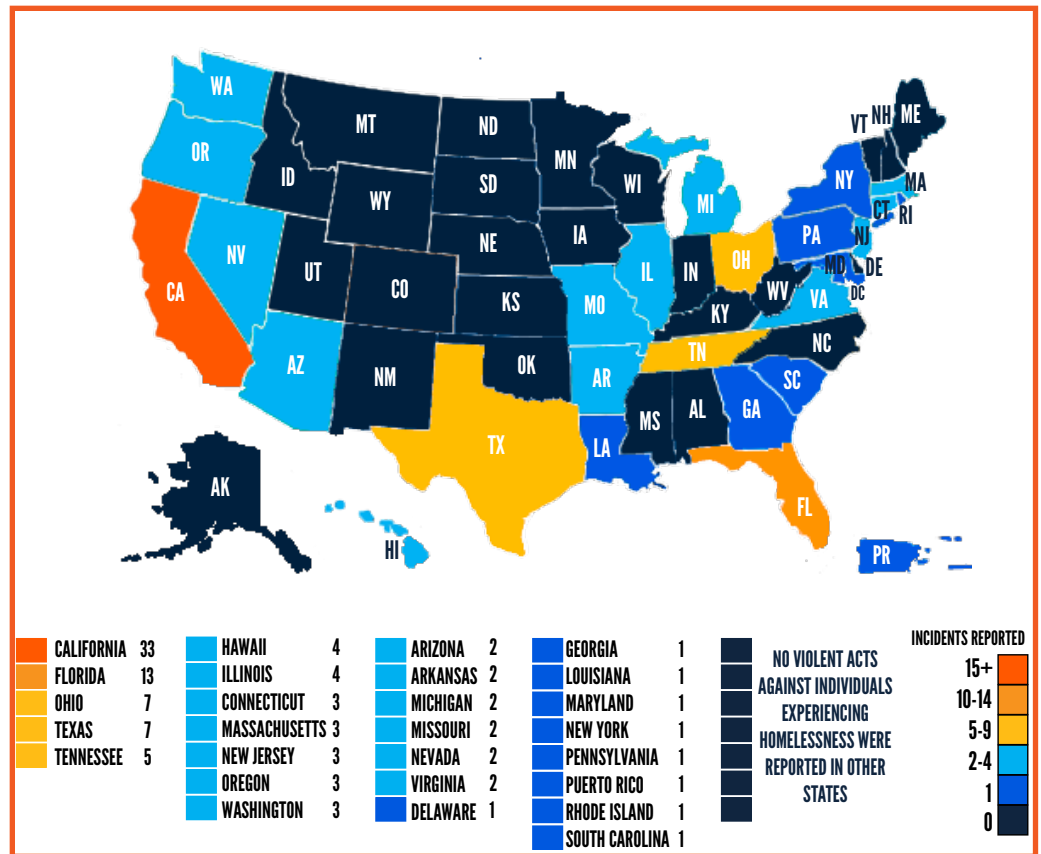
**TABLE 2 DECLARED HATE CRIME DEATHS VS. UNDECLARED HATE CRIME DEATHS OF HOMELESS INDIVIDUALS**

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
2013	Data Not Yet Available	18
<b>TOTAL</b>	<b>132</b>	<b>375</b>

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

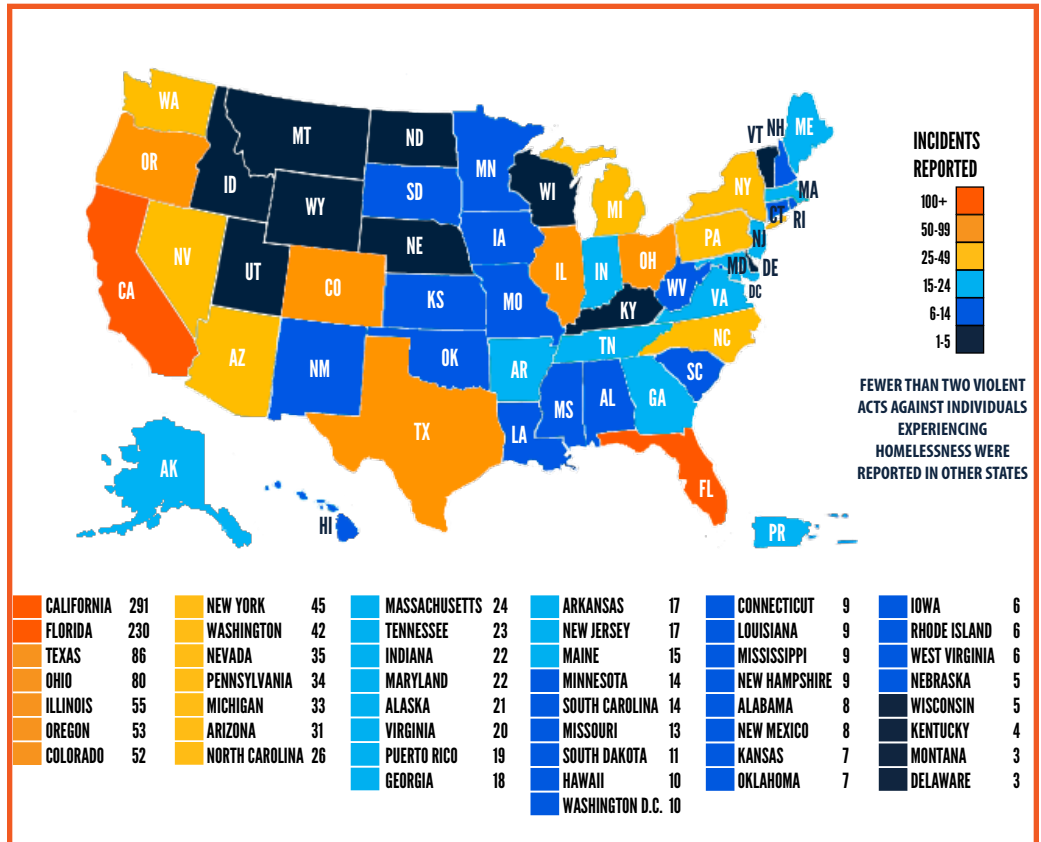
# Geographical Distribution of Hate Crimes

IMAGE 1 LOCATIONS OF HATE CRIMES COMMITTED AGAINST HOMELESS INDIVIDUALS IN 2013



The 109 attacks committed against individuals experiencing homelessness in 2013 occurred across 26 states and Puerto Rico. An astonishing 30 percent of the attacks took place in California and another 12 percent of the incidences were in Florida. These two states have consistently seen high rates of violence and abuse towards their homeless populations. In the last fifteen years, NCH has recorded over 500 attacks collectively across these two states, where homeless people tend to be more visible.

IMAGE 1 LOCATIONS OF HATE CRIMES COMMITTED AGAINST HOMELESS INDIVIDUALS FROM 1999-2013





## Profile of Homeless Victims

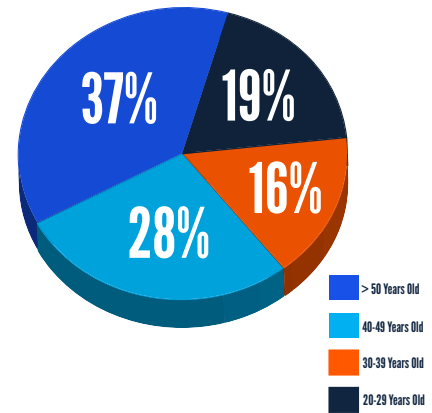
Victims of homeless hate crimes are most commonly middle-aged men. Between 1999 and 2013, on average, 34 percent of victims were between the ages of 40 and 50, and 72 percent of the victims were over the age of 40.

In 2013, 90 percent of homeless victims were male and the average age was 44-years-old.

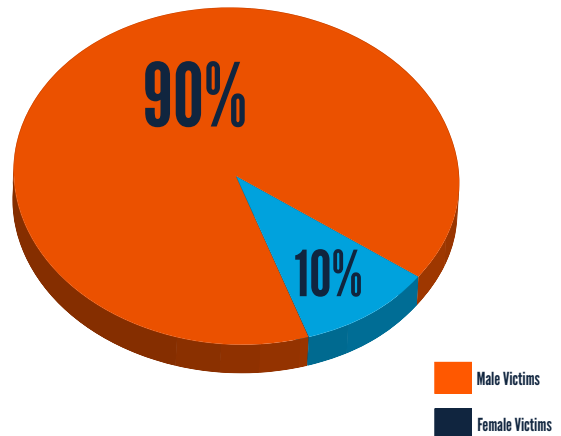
## Profile of Accused and Convicted Perpetrators

In contrast to the victims, perpetrators of hate crimes against homeless individuals have been overwhelmingly young men, with the attacker being male 93 percent of the time. Additionally, in the past 15 years, 82 percent of the perpetrators were under the age of thirty. In 2013, 48 percent of the perpetrators were under the age of 20, the youngest being 13-years-old, and 37 percent were between the ages of 20- and 29-years-old. With 85 percent of the perpetrators being under 30-years-old, it is clear that the perpetrators are continuing to act at young ages..

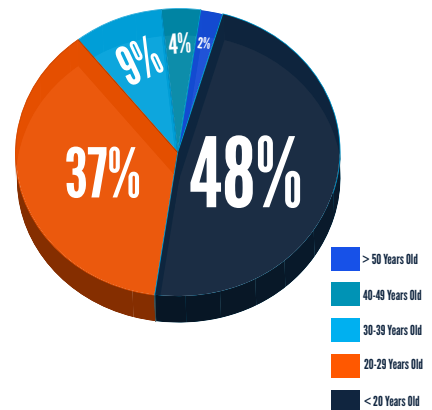
GRAPH 3: VICTIM AGE DISTRIBUTION



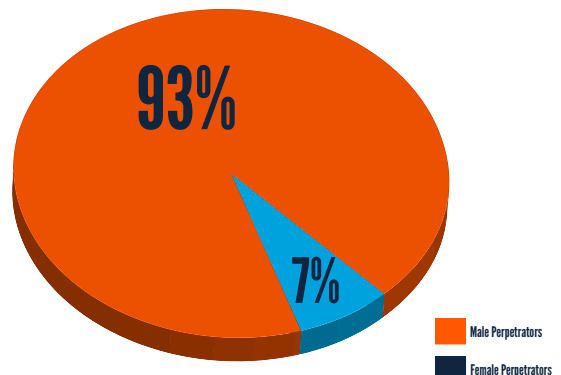
GRAPH 4: VICTIM GENDER DISTRIBUTION



GRAPH 5: PERPETRATOR AGE DISTRIBUTION



GRAPH 6: PERPETRATOR GENDER DISTRIBUTION



## 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. Historically, many cities in these two states have enacted severe anti-camping, anti-panhandling, and anti-food sharing laws, as well as other regulations that criminalize activities related with homelessness. A high number of cities that were mentioned in NCH's periodic criminalization of homelessness reports, also have some of the most elevated numbers of incidents 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.<sup>3</sup> 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 criminalizing homelessness sends to the general public: "Homeless people do not matter and are not worthy of living in our city." This message is blatant in the attitudes many cities have toward homeless people and can be used as an internal justification for attacking someone.

<sup>3</sup> 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: 109 Hate Crimes in 2013

In 2013, the NCH identified 109 people without homes who were directly involved in attacks because of their housing status. Of the 109 victims, 91 suffered non-fatal injuries, while 18 lost their lives. Over the past 15 years, 26 percent of violent attacks on the homeless population resulted in death; in 2013, 17 percent resulted in death.

Examples of 2013 headlines include:

**HOMELESS MAN SEXUALLY ASSAULTED IN VACANT SOUTH AUSTIN APARTMENT**

**FLINT HOMELESS MAN WAS STOMPED TO DEATH BECAUSE ALLEGED ATTACKER FELT "DISRESPECTED"**

**HOMELESS MAN BEATEN WITH CANE OUTSIDE MIAMI GAS STATION**

This section will provide summaries of the cases associated with incidences reported in 2013. For more information about a specific crime, contact NCH.

## LETHAL CASE DESCRIPTIONS - Total: 18

### Newport News, Virginia

Homeless man fatally shot

Jan. 20th: Ajene Marrow, a 24-year-old homeless man was shot in front of mobile home units located in the American East Mobile Home Park, while visiting his girlfriend and son. Marrow suffered and died from a single gunshot wound to the upper left-side of his chest. Police personnel indicated that "the victim was shot after an argument. The shooter then got into a car and drove off." The car was described as a gold-colored vehicle. No arrests have been made.

### Houston, Texas

Homeless man driven over repeatedly

Apr. 19th: Several people witnessed the deliberate acts of an individual with a car repeatedly running over a sleeping homeless man. The police concluded that it was not a hit and run, but rather that the killing was intentional. No arrests have been made.

### Las Vegas, Nevada

Homeless man killed at his sleeping site

May 11th: Ronald Gray, a 62-year-old homeless man was resting in an alley when he was stabbed to death by a man between the ages of 20 and 25. Police were called to the site by a witness, but Gray was then pronounced dead upon arrival to the nearest hospital. The witness reported that the attacker had fled on a silver BMX bike. No arrests have been made.

**Springfield, Illinois**

Homeless woman killed by a sex offender on parole

Jun. 2nd: 47-year-old Rebecca Cleaton was beaten to death by a parolee recently registered as a sex offender. Mark Brown, 50 was staying at a halfway house in Springfield when he beat Cleaton and left her for dead. Neighbors found her body the next morning. Brown fled the city after the attack but was arrested and is now being charged with her murder.

**New Port Richey, Florida**

Homeless man died following a brutal attack by three teenagers

Jun. 26th: Frank Rudolph, a 54-year-old homeless man was attacked by three teenagers on the intersection of Kentucky Avenue and Congress Street. The suspects beat Rudolph with sticks and their fists, leading to Rudolph's death four days later at North Bay Hospital. The victim suffered injuries to his collarbone and blunt force trauma was deemed the cause of death. Allan Youngerman, 16, and a 15-year-old boy have been charged with his death. They were both known by police personnel for getting into trouble in the past.

**Doylestown, Pennsylvania**

Homeless veteran stabbed over 70 times

Jul. 3rd: George Mohr, a 71-year-old homeless veteran was found lying in the street bleeding and unconscious after being stabbed more than 70 times by 21-year-old Dale Wakefield. He was charged with stabbing Mohr "in the head, chest, arms, hands, and back several times and beating him, causing multiple fractures and brain injury." Mohr was transported to Temple University Hospital, where he was in critical condition until he died several days later. The suspect faced charges of first-degree murder and aggravated assault, and was held without bail. He pleaded guilty and was convicted to life in prison without the possibility of parole.

**Fresno, California**

Two homeless men shot at homeless camp, one killed

Jul. 5th: Jordan Mullin, 20, and Manuel Galindo, 38, were shot at by three men near a homeless camp on Santa Clara Street. Galindo received injuries to his shoulder, while Mullin died after being shot in the head at his tent. Galindo was taken to Community Regional Medical Center for treatment. Police captured the two suspects, Raymond Snowden, 35, and Randy Little, 52. "Snowden is being charged with murder, assault with a deadly weapon and felony for possession of a firearm. Little is being charged with murder."

**Flint, Michigan**

Homeless man beaten to death by two teenagers

Jul. 30th: Gary Nagy, a 57-year-old homeless man was brutally beaten to death by Peris Dorsette, 20, and a 15-year-old boy. "Dorsette kicked...[the] homeless man to death because he felt 'disrespected.'" He faced charges of torture and murder. Torture charges were dismissed after Dorsette's attorney, Michael Ewing, argued that "the state of torture statute pertains to actions that lead to intentional suffering." The prosecutor plans to have the torture charges reinstated.

**Santa Ana, California**

Police officer shot and killed homeless man

Jul. 30th: Hans Kevin Arellano, a 22-year-old homeless man, was shot to death by a female police officer outside a shopping center. Arellano was asked to get on the ground while in a restaurant. After exiting the restaurant, he was asked again to get on the ground. He did not comply, said some profane words, and was shot by the officer. A nearby eyewitness was able to capture the attack on his cell phone. Police have, "three separate investigations that are going on simultaneously." Family members of Arellano's are dismayed and wish that the officer used another strategy.

**Tarpon Springs, Florida**

A shooting leaves one homeless man dead, another in critical condition

Aug. 5th: Two homeless men, Brian Kennedy, 56, and Larry Schuff, 54, were shot by suspect Myron Farley, 32. The attack occurred near a bank on 710 E Tarpon Avenue. A bank employee heard the gun fire and called police, however she was only able to see the perpetrator running away. Kennedy died of his injuries and Schuff was listed in critical condition at Bayfront Medical Center. The suspect was later apprehended and charged with first-degree murder and attempted first-degree murder. *(Suspect also responsible for attack on September 16, 2013 in Clearwater, Florida)*

**Las Vegas, Nevada**

Homeless man's body found in dumpster

Aug. 12th: Carl Simon, a 50-year-old homeless man, was killed by three people who beat, stabbed, and tortured him. "When he still wouldn't die" they stuffed him in his suitcase and then put the suitcase in a bathtub. The brutal attack occurred at an apartment near 4855 Boulder Highway. Simon's body was found by police personnel naked and bound in a dumpster. Suspects Emilio Arenas, 43, Peyton Hemingway, 37, and Theresa Allen, 46, were charged with multiple charges including, first-degree kidnapping, murder

and robbery with deadly weapon, and conspiracy to commit robbery, murder and kidnapping.

### Hoboken, New Jersey

A homeless man died after landing on a fence

Sept. 10th: Eric Ralph Santiago, a 46-year-old homeless man, was attacked by two 13-year-old boys and one 14-year-old boy. They punched Santiago in the face, causing him to fall onto a fence, leading to his death. The suspects were at first unknown. However, after police released the video images and surveillance to the media, the three suspects turned themselves in. They claimed they were playing the “knock-out” game. After being punched in the face, “Santiago fell back from the blow and collapsed onto an iron fence, where he died after his neck was wedged between two posts.” The suspects were arrested and face murder charges.

### Santa Barbara, California

Homeless man found unconscious near Granny’s field

Sept. 16th: Richard Alden Boden, a 51-year-old homeless man was murdered by three suspects and left for dead at Granny’s field. The victim was found in the middle of the field nonresponsive and was taken to the hospital for treatment. He was in a coma for weeks however, before being taken off life support by his family. Suspects Roman Romero, 18, Jonathan Andrade, 20, and Carlos Medina, 44, faced murder charges and conspiracy. They were taken to Santa Barbara County Jail with bail set at \$1 million.

### Clearwater, Florida

Homeless man murdered by gas station

Sept. 16th: John Austin Lloyd, a 61-year-old homeless man was found dead outside a gas station in Clearwater. Police found that 32-year-old Myron Farley, who was charged in another shooting in Tarpon Springs could be a suspect. After a thorough investigation, police recovered two shell casings near Lloyd’s body that matched those from the Tarpon crime scene. A 9mm gun was found at Farley’s residence. Charges are being added to Farley’s sentencing to include the murder of Lloyd. *(Suspect also responsible for attack on August 5, 2013 in Tarpon Springs, Florida)*



### Dayton, Ohio

Dayton homeless man stabbed to death

Oct. 10th: Daniel Mooty, a 51-year-old homeless man, was found dead behind a vacant house after being stabbed by 27-year-old Curtis R. Gray. Police responded to a call they received about a man screaming; when they arrived on the scene, they witnessed the suspect standing over Mooty’s body. The murder weapon, a knife, was found at the scene. Gray was charged with five felony counts and \$500,000 bail.

### Honolulu, Hawaii

83-year-old homeless man beaten to death

Dec. 4th: Mamero “Eddie” Semana, an 83-year-old homeless man, was brutally beaten to death by 18-year-old RJ Marsolo near Chinatown. Semana was found dead, “with severe head and face injuries. He was taken to the hospital in critical condition where he later died.” Marsolo was arrested and charged with second-degree murder and third-degree assault; his bail was set at \$500,000.

### Honolulu, Hawaii

62-year-old homeless man beaten to death by 3 men

Dec. 27th: Anthony Montero, a 62-year-old homeless man, had a dispute with three teenagers who brutally beat him to death. “I couldn’t recognize him. It was like they beat him with something,” said Brian Christman, who saw the victim lying on the ground after the incident.” A 16-year-old boy was arrested and faces possible second-degree murder charges. A petition has been filed to lessen charges from murder to manslaughter. No other suspects have been detained.

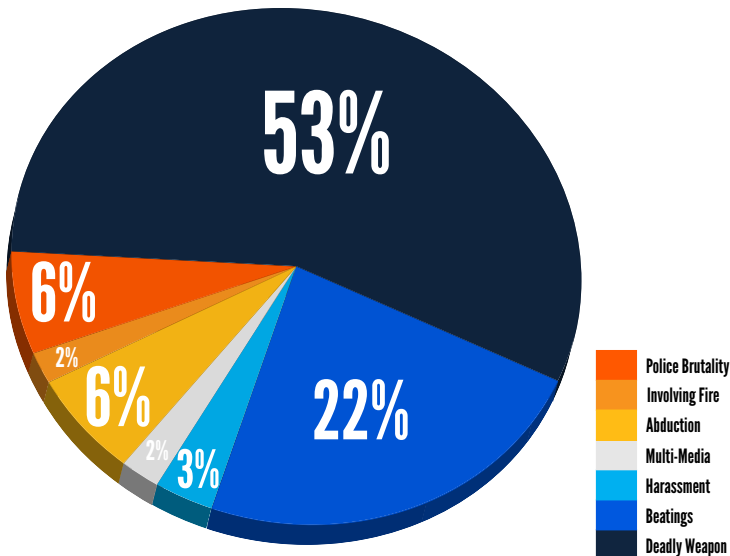
### Dania Beach, Florida

Homeless woman died of a broken neck

Dec. 28th: Lacy Michelle Woolridge, a 49-year-old homeless woman, was found dead lying in the road. She died of a broken neck and suffered injuries to her face. Experts claim that “Woolridge had facial injuries that may have come from a beating and a sexual assault that ruptured her colon.” Suspect Raul Armando Serrano, 28, was arrested after police found Woolridge’s cellular phone in his vehicle. He was taken to the BSO Jail and faces first-degree murder charges.

**NON-LETHAL CASE DESCRIPTIONS - Total: 91**

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

**GRAPH 7: DISTRIBUTION OF TYPES OF NON-LETHAL ATTACKS****i. Rape/Forced Prostitution - Total: 5****Austin, Texas**

Homeless man sexually assaulted

Jan. 28th: Michael Connell, 26, approached a homeless man stating that he sympathized with his situation and offered him a place to stay for the night. The homeless man followed him to an unoccupied apartment where he was sexually assaulted at gunpoint. The suspect then fled on foot and the victim was able to call and report the incident to the police. Connell has been charged with burglary of habitation with intent to commit sexual assault, which is a first-degree felony.

**Portland, Oregon**

Homeless women raped and assaulted

Jun. 18th: Two homeless women were raped and assaulted by Bradley Ritmiller, 21, and Bobby Lee Alsop III, 20, near Southeast 82nd Avenue. The 27-year-old victim suffered injuries to her head, wrist and hand after being beaten with a metal wrench. The 44-year-old victim was injured on her chest and face. Police

personnel arrested the perpetrators, who face charges of first-degree kidnapping, first-degree sodomy, second-degree assault, and third-degree assault. Alsop was recently sentenced to eight years in prison, as part of a plea bargain. Ritmiller also pleaded guilty and was sentenced to seven years for his involvement in this incident. He will serve an additional 19 months for an unrelated case.

**Dania Beach, Florida**

Homeless woman forced to prostitute

Jun. 21st: Jesse Lewis, 27, offered a homeless woman a place to live before forcing her into prostitution. Lewis held her hostage, pimped her out with the use of online ads, and waited outside hotel rooms while she attended her "dates." Lewis kept all the money for himself. The woman was moved around at least three times before she was able to escape Lewis and his customers. Lewis is being charged with human trafficking, procuring for prostitution, and living off the earnings of a prostitute.

**Chicago, Illinois**

Homeless man sexually assaulted in a park

Aug. 28th: A 20-year-old homeless man was walking by Adams and Wells streets when he was approached by James Starkey, 36, to go out for dinner. Starkey then put his hand around the victim and offered to pay \$100 in exchange for sexual acts. The victim refused and tried to get away, but Starkey forced the victim to a downtown park; he then sexually assaulted him and tried to kill him. Starkey was charged with, aggravated criminal sexual assault, and his bail was set at \$600,000.

**ii. Attacks Involving Fire - Total: 2****Nashville, Tennessee**

Homeless man's tent set on fire

Jul. 1st: Jill Naujoks and Roy Morris poured gasoline on top of a tent with a homeless man inside. The homeless man was able to escape without injury, but Naujoks was burned after falling into the fire. Morris was charged with aggravated arson. Police officials are continuing to investigate the attack.

**Los Angeles, California**

Homeless man set on fire by three men

Sept. 29th: A homeless veteran was sleeping by the Eagle Rock library, when he was approached by three men estimated to be around 18-25. The suspects poured gasoline on him and set him on fire while he

sat in his wheelchair. The victim was able to get out of his wheelchair before it started to melt, but he suffered serious burns on his back. The suspects fled the scene. Police are skeptical of the attack because they claim they do not have any reports indicating the police or fire departments were called. According to the lead investigator, “multiple pieces of information in the homeless man’s claims do not appear to be true.” Nevertheless, the victim and local advocacy groups stand behind the story.

### iii. Police Brutality - Total: 5

#### Knoxville, Tennessee

Three police officers found guilty of beating

Feb. 9th: Three officers have been charged with beating Michael Mallicoat, a 30-year-old homeless man. Mallicoat was waving around his arms and yelling as he received blows to his face and kicks to his stomach while handcuffed. He was hospitalized with broken ribs. Chris Whitfield, 28, Jeremy Jinnett, 31, and Ty Compton, 26, were given a plea deal which stated that, they would not face federal civil rights charges. However, more recently, Mallicoat made a settlement with the city of Knoxville to receive \$200,000.

#### Columbia, South Carolina

Mentally-ill homeless man beaten in jail

Feb. 11th: Robert Sweeper III, a 52-year-old homeless man, was incarcerated for sleeping on University of South Carolina property. In the Alvin S. Glenn Detention Center, while moving as his handcuffs were put on, Sweeper was beaten by correctional officer Robin Smith, 38. This resulted in several serious injuries including a collapsed lung. Moreover, “he stayed in jail four days without medical treatment and nearly died of his injuries.” Several correctional officers were fired for ignoring the attack while those directly involved face criminal charges.

#### Santa Barbara, California

Homeless man experiences controversial arrest

Apr. 21st: A man experiencing homelessness was arrested while sleeping near his car. Jerry Cox was approached by two police officers, stunned by a Taser, and placed in handcuffs within a matter of moments. He tried to explain numerous times that the vehicle was his, but police did not respond and instead used brute force. After the arrest, officers came to realize that he had proper documentation for the vehicle and the charges were dropped.

**“He stayed in jail four days without medical treatment and nearly died of his injuries..”**

#### Branson, Missouri

Homeless man unnecessarily assaulted outside of market

Jun. 25th: A local business owner bailed out homeless man Justin Squyres, 33, and is now paying for an attorney to defend him in court against superfluous charges and treatment by two police officers. The community gathered around Squyres in support of the claim that he was unnecessarily beaten and tasered after refusing arrest. There are dozens of witnesses and the event was caught on video. No charges have been made against the officers, though the community demands an apology.

#### Tampa, Florida

Homeless woman dragged by police officer

Oct. 5th: Sonya Mimminger, a 36-year-old homeless woman, was arrested for being under the influence of cocaine. While in police custody, she was taken to the police station to be transferred. The victim had her hands and feet bound, and was taken out of the squad car and placed upon the parking lot floor. Officer Scott Van Treese removed her leg restraints and began “Trying to get her to cooperate. She did not move.” The officer then grabbed her arm and dragged her to the booking area, while her shins scraped across the pavement. The incident was caught on video surveillance. As punishment, “the officer received a written reprimand.” The victim was not injured.

### iv. Assaults with Deadly Weapons - Total: 47

#### San Juan, Puerto Rico

Homeless man cut on the forehead

Jan. 2nd: Juan Rodríguez Hernández, a homeless man, was attacked by a man wearing black and armed with a weapon at Muñoz Rivera Avenue. Hernández sustained a cut to the head from an air-soft gun and was taken to the hospital for treatment. Police did not make an official report of the incident because this incident is connected with previous incidences.

#### Murfreesboro, Tennessee

Homeless man attacked by two unknown males

Jan. 17th: A 50-year-old homeless individual filed a report stating that he had been assaulted by two males between the ages of 18 and 25. The attackers approached the homeless man and struck him multiple times. One perpetrator threw a beer bottle at him and the other carried a gun. The attackers left the homeless man badly injured. No arrests have been made.

**Paterson, New Jersey****Police investigate a robbery of a homeless man**

Jan. 26th: Three men assaulted and robbed a 23-year-old homeless man by hitting him with a pipe-like object, causing him to drop to the floor. The man told police that the suspects searched his pockets and took his wallet. He was taken to St. Joseph's Regional Medical Center where they determined he had suffered injuries to the head, elbow, and lower-body. No arrests have been made.

**Knoxville, Tennessee****Homeless man stable after knife attack**

Feb. 5th: William Koontz, a 52-year-old homeless man, was stabbed multiple times by two individuals who had offered him a ride. The attack occurred after Koontz got into an argument with the male suspect and then after repeatedly stabbing Koontz, the perpetrator fled on foot. The second individual drove the van away. Authorities found Koontz wounded. He stabilized at the University of Tennessee Medical Center. No arrests have been made.

**Flagstaff, Arizona****Whiskey bottle thrown at homeless men**

Mar. 12th: Two homeless men, ages 47 and 55, were sleeping on couches in a home on East Benton Avenue. When 31-year-old suspect Tashina Renae Dayzie found out the men were from New Mexico, she struck the two homeless men with a bottle of Jim Beam. One man was bleeding from the head. The victims were taken to Flagstaff Medical Center to recover. "Dayzie was arrested for assault with a deadly weapon, as well as disorderly conduct and resisting arrest."

**Weott, California****Homeless man stabbed eight times**

Mar. 25th: Clayton Hamilton, 29, began a conversation with a 40-year-old homeless man at a gas station. The homeless man was hitchhiking and Hamilton offered him a ride along with another friend. At lunch, Hamilton told his friend that he believed the homeless individual was evil and needed to be killed. He proceeded to find the victim and stabbed him eight times with a knife. He is being charged with attempted murder. The victim was taken to the nearest hospital and released several days later.

**Camden County, New Jersey****Homeless woman assaulted and later shot**

Apr. 12th: Stephanie Warren, a 48-year-old homeless woman survived a brutal beating by her attacker, 32-year-old Allan Mattocks. She was planning to testify in court in May of 2013. However, Warren was abducted on April 12, taken to a vacant lot behind 502 Rand Street, and shot in the head. Jonathan Kearney, 20, and Joshua Sloan, 18, joined Mattocks in the abduction. Warren was brought to a nearby hospital in critical condition. The suspects were arrested and face criminal charges.

**Fresno, California****Homeless community targeted by teens with paintball guns**

Apr. 20th & 22nd: Teenagers have been targeting homeless people with their paintball guns. Three incidents involving the same two teenagers were reported in one week. Two victims were hit in the torso and one lost eyesight when a paintball made contact with his eye. The teenagers have been arrested. The case is still being investigated.

**Maui, Hawaii****Two homeless men attacked on the beach**

May 5th: A group of four young men attacked two homeless men, one 28 years-old and the other 33-years-old, on Makena beach. The victims were punched and threatened with a knife. One victim was sent to the hospital with a broken jaw in three places and multiple bruises. The other victim did not sustain serious injuries and refused medical treatment. The perpetrators were young in age, the youngest being 16. Two suspects, ages 27 and 16, were released from custody, while the 18-year-old and 20-year-old suspects were detained. Police continue to investigate the attack.

**San Diego, California****Resident fires a personal weapon at a homeless man**

May 6th: 28-year-old Antonio Barragan used his personal weapon to shoot an enraged homeless man who had recently been kicked out of the Cloverleaf Market. Having heard a commotion, Barragan rushed to meet the homeless man, who was causing a scene. The homeless man did not have a weapon and was not hurting anyone around him. Barragan shot him after he refused to put his hands behind his back. The shot went into his shoulder. Barragan pleaded not guilty to charges of bodily injury to the victim and personally discharging a firearm.

**Corpus Christi, Texas**

3 teens shoot a homeless man at his campsite

May 10th: A homeless man was at his campsite when three teenagers approached him. He offered them food, but instead of accepting, the teenagers stole some of his property, pulled out a gun, and shot him three times. The homeless man was reported to be in stable condition. No suspects have been apprehended.

**Glendale, California**

Rocks and water thrown at homeless man

Jun. 5th: At 4:10 a.m. a homeless man was sleeping when 22-year-old Vahan Kiourktzian and 23-year-old Ogan Manvelyan dumped water on him. When he had awoken, they continued to pester him and threw several rocks. The homeless man grew angry and got up to pursue the perpetrators. The two men then "punched the man several times in the face and head and kicked him." This was not the first time these men had attacked this homeless man, who claimed Manvelyan and Kiourktzian harassed and attacked him 10 times in the past three months. The suspects fled the scene, but were later arrested by police officers. Both perpetrators face one count of assault with a deadly weapon.

**Pensacola, Florida**

Church is the site of a homeless stabbing

Jun. 25th: Three teenagers stabbed and robbed 41-year-old homeless man, Bradley Kocian. The event occurred in the early morning outside of a community church. Kocian was taken to the medical center for treatment and remained in stable condition. Damon Scott Rambo, 16, and Kamron Reid Boshart, 14, were arrested and face charges of, "aggravated battery, robbery with a deadly weapon and tampering with evidence."

**Little Rock, Arkansas**

Homeless man pepper-sprayed and robbed

Jul. 5th: Willie Juniel, a 67-year-old homeless man was near the Salvation Army when two unknown suspects came up to him, sprayed pepper-spray in his eyes, and stole \$147. The suspects fled to their car. After the attack, the homeless man went to the police station to file a report about the assault and robbery. The police have not yet found any leads. The suspects are described as male, 5 feet 10 inches tall, and weighing up to 170 pounds.

**Willimantic, Connecticut**

Two homeless men assaulted while sleeping on benches

Jul. 20th: Two homeless men, Arthur Rich and "James," were sleeping at the Garden on the Bridge Park, when they were assaulted by teenage suspects. The assailants had baseball bats and "reportedly tried to throw Rich over the side of the bridge, but he escaped with only a black eye." The suspects have not been arrested.

**Memphis, Tennessee**

Homeless man assaulted with a paintball gun

Aug. 8th: As a homeless man was sleeping at Popular Avenue, he was shot at with a paintball gun by six people including two adults and four teenagers. The victim had bruises on his face and neck. He was taken to a medical facility to recover from his injuries. The six suspects face charges of aggravated assault including a 17-year-old, an 18-year-old, and a 21-year-old. Most suspects have been required to serve their punishments, however, prosecutors claim that a video taken by suspects has gone missing. It is a crucial piece of evidence linking the suspected perpetrators to the crime.

**Rome, Georgia**

Homeless man assaulted by two sisters

Aug. 15th: A 21-year-old homeless man was attacked by sisters Kahdijah S. Poole, 19, and Lashundrika S. Poole, 22. The women got into an argument with the victim and as a result, the homeless man hit one of the women in the face and ran off. In retaliation, the sisters obtained a drill and knife and chased after the suspect. "Police and jail reports didn't provide any information about the alleged victim's injuries. Both Kahdijah and Lashundrika Poole were charged with felony aggravated assault."





**Hampton Bays, New York****Homeless man stabbed after verbal altercation**

Aug. 25th: A 40-year-old homeless man got into an argument with 46-year-old Christopher Parker. The altercation escalated when, "Parker began to stab the man with a large knife several times in his torso and neck." After the attack, the victim contacted police to get medical treatment. Parker and Donna Depetris, 53, gave misleading information to the police when they arrived at the scene. Parker was charged with second-degree assault, third-degree criminal possession of a weapon, and first-degree reckless endangerment. Parker and Depetris also face charges for misleading the police when they were questioned.

**Brockton, Massachusetts****Homeless man stabbed near sidewalk**

Sept. 14th: A 53-year-old homeless man was sitting on the sidewalk at Perkins Park when the suspect, believed to be in his 20s, asked if he had a cigarette. The homeless man replied that he did not have any. The assailant then stabbed him and he was sent to the hospital with serious injuries. Police continue to investigate the attack.

**Fresno, California****Two homeless men assaulted by six teenagers**

Sept. 20th: Two homeless men were sleeping at the Fulton Mall, when they were attacked by six teenagers between 13- and 18-years-old. "One of them had a stab wound; the other had been shot in the face with a pellet gun." The homeless men went down to the police station to report the attack. Each of their injuries were not serious. "The 16-year-old suspect is being charged with three counts of assault with a deadly weapon."

**Kenmore, Washington****20-year-old homeless man struck with baseball bat**

Oct. 1st: A 20-year-old homeless man was retrieving some belongings from a fire truck he slept in when he was struck in the face by an unknown man. The victim suffered a potential broken jaw and was transported to Harborview Medical Center. The suspect is described between the ages of, "18- to 22-years-old, approximately 5-foot, 10-inches, tall, 140 to 160 pounds." The police continue to investigate the attack.

**"One of the men walked up to the victim and said, 'you're homeless; I'm going to beat your [expletive].'"**

**Redway, California****Homeless people chased with clubs**

Oct. 1st: Several homeless people were chased with clubs by teenagers in front of a liquor store. One victim was struck in the head with a bat. He was taken to Jerold Phelps Community Hospital to recover. The homeless individuals did not want to be identified or make a report to police personnel. However, one woman witnessed the attack and called police. The attack drew a crowd until police arrived. "The sheriff's office said that due to the circumstances involved they may be unable to identify a suspect or press charges."

**West Palm Beach, Florida****Suspect shoots homeless man near St. Ann Place**

Oct. 15th: Miguel Angelo Hernandez, a 38-year-old homeless man was shot by 48-year-old Horatio McKenley near North Dixie Highway. In video surveillance, "the victim is seen punching McKenley, who brandishes a handgun retrieved from his waistband, police said. The victim is allegedly chased by McKenley, who points the handgun toward the victim." The homeless man was taken to Saint Ann Place, where the police were called for assistance. The victim recovered in St. Mary's Medical Center. McKenley faces attempted murder charges.

**Orlando, Florida****Homeless man shot around midnight**

Nov. 1st: A 50-year-old homeless man was walking to the Coalition for the Homeless on West Central Boulevard when someone told him, 'come with me.' The homeless man refused and while he walked the other way, he was shot in the neck. The victim made his way to the Juvenile Assessment Center for help. Police were called and he was taken to the hospital to recuperate from his injuries. The suspect has not been caught, but he has been described as, "20-years-old, with a mustache and short haircut, wearing shorts and a T-shirt."

**Seattle, Washington****Homeless man struck with a stick**

Nov. 1st: A homeless man was sleeping by University Way Northeast while three men were nearby. "One of the men walked up to the victim and said, 'you're homeless; I'm going to beat your [expletive].'" The suspect then broke a bottle on the ground and grabbed a stick and began striking the victim with it. The two other men had to remove the suspect off of the homeless man. After the attack, the men drove off. The suspects have not been apprehended.

**Cincinnati, Ohio**

Homeless man assaulted after talking with suspects

Dec. 2nd: Robert Warden, a 48-year-old homeless man living at a homeless camp in Cincinnati was approached by two young men. They sat and talked with him before striking him in the head with a calf prod. "He hit me eight more times. I was blocking with my arms and kicking him and stuff." A fellow homeless man took out his phone, which caused the two students from the University of Cincinnati to flee. The homeless men did not seek treatment at the hospital or file a report with police.

**Tarpon Springs, Florida**

Homeless man stabbed by two teens

Dec. 5th: Robert Deegan, a 48-year-old homeless man, was near 311 S Pinellas Avenue when a 13-year-old and a 16-year-old confronted him. The 16-year-old boy, stabbed him in the torso and while trying to escape, the 13-year-old boy threw a piece of concrete at him. The victim suffered injuries and recovered at Bayfront Health St. Petersburg. The 13-year-old was arrested with aggravated assault. While the older suspect has not been apprehended, he faces aggravated battery charges.

**Venice, California**

Homeless man beaten over "alleged dispute"

Dec. 13th: A homeless man was sleeping on a sidewalk when two men started beating him with plastic tubing and a metal chair. Allegedly, the altercation began with an argument with one of the suspects who the victim knew. Nevertheless, one suspect fled the scene; however the other suspect, "wacked him 22 times with the metal part of the chair." James Karhu, a resident of the nearby apartment block was able to capture the attack on video. The victim suffered injuries to his arm and head and was taken to the hospital to recover. Suspect Apolinar Celestino Lopez, 30, was arrested and faced charges of assault and a deadly weapon, but pleaded not guilty and was released on \$130,000 bail.

**v. Beatings - Total: 22****Canton, Ohio**

Homeless man assaulted

Jan. 13th: Jason P. Doty, 34, was found lying in the roadway with a visual wound on his head by Canton city police officers. The local hospital caught video surveillance footage of the attack and of the assailants running away. Doty had been punched several times and hit his head on the ground. He was transported to the nearest medical center. Officers believe

he may have been assaulted by two males. Investigators have no further leads.

**Kansas City, Missouri**

Teens attack homeless man in plaza

Jan. 21st: A 35-year-old homeless man was attacked by 15 teenagers under the age of 16 on the steps of the Country Club Plaza. The homeless man was kicked and verbally assaulted. The attack was unprovoked. No one has been charged.

**Miami, Florida**

A homeless man was beaten outside a gas station

Mar. 6th: A homeless man was near a gas station have, at first, a conversation with 30 year-old Yoandri Alba. The conversation evolved into a beating. In the process, a homeless man's cane was broken and the he was kicked numerous times until he fell unconscious. The assailant, who is not homeless, has been arrested. The victim was taken to a local hospital in critical condition.

**Newark, Ohio**

Gang members beat up homeless man

Apr. 8th, 16th, & 26th: A 47-year-old homeless man was beaten multiple times by gang members under the Route 16 overpass. Members of the Ohio Boyz gang planned these attacks. The victim suffered severe injuries including several broken bones. Dustin Nelson, 25, one of the perpetrators, faces 8 years in prison for assault and participation in a gang that commits criminal activities.

**Hartford, Connecticut**

Homeless man assaulted for 40 dollars

May 10th: A homeless man was beaten and robbed of \$40 by two men at Bushnell Park. The victim broke several bones. After suspect descriptions were drawn up, one perpetrator was arrested. Daquan Hackett, 22, faced 3 criminal charges and bail of \$350,000. The other attacker has not been apprehended.

**Oildale, California**

Sleeping homeless assaulted by group of teenagers

May 14th: Homeless man, Zachary Mains, was resting at Oildale Park when nearly a dozen people began to beat, kick, and assault him with skateboards. The assailants were between 15- and 20-years-old. Mains' brother believed that his brother was merely an easy target. The teenagers left Mains for dead, but he received medical attention at the nearest hospital and is now stable. No arrests have been made.



### Hanford, California

Homeless man assaulted at a homeless camp

Jun. 7th: Noe Villareal, a 54-year-old homeless man, was at a homeless camp behind the Sequoias college campus when he was attacked by 24-year-old Richard Lee and 36-year-old Jeffrey Wheeler. Villareal suffered major head trauma and was taken to the hospital where he remained in stable condition. The suspects claimed that the assault was motivated by a comment Villareal had made. They also hoped to rob him. Both suspects face charges of "suspicion of battery with serious bodily injury, robbery and conspiring to commit a crime. Their bail has been set at \$150,000 each."

### Providence, Rhode Island

Homeless man attacked outside of a club

Jun. 22nd: John Gallagher, 20, beat a homeless man outside of a night club. The victim was punched several times and police indicated that he did not appear to fight back. Police officers came to the scene of the incident and caught Gallagher as he ran off. The homeless man decided not to file charges but the city is charging Gallagher with disorderly conduct.

### Redding, California

Homeless man brutally beaten by two men and a 13 year-old

Jun. 24th: Christopher S. Avery, a 48-year-old homeless man, was brutally beaten behind a building by Redding City Hall. Jeffrey Lee Fecht, 19, Brandon Eudean Sposito, 26, and a 13-year-old boy attacked the victim by kicking, punching, and head-butting him. Avery was also stripped naked and thrown into a garbage receptacle. The two older perpetrators face 10 years in prison, while the 13-year-old boy may serve time in a Juvenile Detention Center.

### Eunice, Louisiana

Homeless man beaten by two firefighters

Jul. 10th: A homeless man was beaten by two firefighters after they thought he broke into their car and stole a purse. Garret Daville, 26, and his brother Ryan Daville, 27, began beating the victim until he was unresponsive. They punched the victim in the face, kicked him, and allegedly aimed a pistol at him. They then called the police who found no indication that Frank had broken into the truck or stolen the purse. Both men face second-degree battery charges as well as other offenses.

### Ocean Beach, California

Gang members assault several homeless people

Jul. 14th: On Newport Avenue, multiple gang members of the 'OB Rats' beat several homeless people. One victim was kicked in the face and had his backpack stolen. He suffered severe nose injuries. The victims said they knew where the attackers live, but the police have yet to make arrests.

### Smyrna, Delaware

ACLU sues Town of Smyrna, police officer after 2013 arrest of resident

August: A group of teenage boys attacked a homeless man in an alley. Ronald Miles decided to step in to defend the homeless man. The teenagers proceeded to attack Miles. He suffered a broken wrist, a shoulder injury, and various cuts. When the police arrived, he suggested that they pursue the group of teenagers and this prompted the police to book Miles for disorderly conduct. The charges were recently dropped but Miles and the ACLU have filed suit against the Smyrna Police. No arrests were made for the beating of the homeless man.

### Springfield, Massachusetts

Homeless man beaten and robbed by two teenage boys

Aug. 28th: A 33-year-old homeless man was at Riverfront Park when two 17-year old boys, Anthony Rivera and Jonathan Cotto, came up to him and punched him. One of the suspects pulled out a knife and demanded he give them his belongings. The suspects fled and the victim called the police. When the victim left the area, he was assaulted again by the suspects and they warned him not to call the police, but the victim called the police once again and the suspects were found at a nearby gas station. Both perpetrators were charged with, armed robbery, two-counts of assault and battery, intimidating a witness, and shoplifting.

He was also stripped naked and thrown into a garbage receptacle.

One of the suspects pulled out a knife and demanded he give them his belongings. The suspects fled and the victim called the police. When the victim left the area, he was assaulted again by the suspects and they warned him not to call the police.

He claims he hit her because, "he was annoyed by the scent in the area."

### Chicago, Illinois

Homeless man beaten and video posted to YouTube

Sept. 22nd: A homeless man was struck by two young men while sleeping. The perpetrators were in a CTA subway station when they struck the homeless man and fled the scene to avoid surveillance cameras. The suspects have not been apprehended but the attack was captured on video and posted on YouTube.

### Little Rock, Arkansas

Homeless man jumps from balcony to escape attackers

Oct. 2nd: A 23-year-old homeless man was approached by two men, between 25- and 30-years-old, and asked if he needed a place to stay. After following them to an apartment, he was attacked and robbed of his belongings. To escape, the victim jumped off the apartment's balcony, causing him to injure his foot. He was taken to the hospital for treatment. The police have descriptions of both suspects but no arrests have been made.

### Hamtramck, Michigan

Homeless man beat for a gang initiation

Oct. 12th: Nick Veselenak, a 60-year-old homeless man, was beaten by teenagers De'Vane Howard, 14, and Martell Dewberry, 13. "Howard said he hit Veselenak in the face once and Dewberry punched and kicked the man a couple of times. Investigators believe the attack on Veselenak was a 'thrill' beating or a gang initiation." The victim was taken to a rehabilitation center for treatment. The suspects would have been charged as adults with one-count of assault with intent to commit murder, however, the suspect Howard made a bargain to plead guilty to assault with intent to do great bodily harm.

### Berwyn, Illinois

Homeless man beaten in an alley

Oct. 23rd: A 42-year-old homeless man was asked by four men to buy a LG T-Mobile cellular phone for \$75. He complied with their deal and stepped into the alley, when the four men, "knocked him to the ground and stole \$800 out of his pocket. They then began

stomping and kicking him in the face and body." The victim suffered facial injuries. The suspects fled the scene. No arrests have been made.

### San Francisco, California

Homeless woman stomped on

Nov. 6th: Elizabeth Murray, a homeless woman, was sleeping when she had her head stomped on by 28-year-old suspect Timothy Chase. He claims he hit her because, "he was annoyed by the scent in the area." Murray was kicked 7 times, which caused her to have memory problems. The attack was captured by video surveillance. Chase was arrested and faces two-counts of felony assault for the incident.

### vi. Harassment - Total: 3

### Portland, Oregon

Homeless man stomped on by NBA player

Jul. 31st: Daniel John Kellerher, a 46-year-old homeless man, awoke to 21-year-old NBA Rockets player, Terrence Jones, yelling at him to wake up and then stomping on his leg. Kellerher was not badly injured. Jones was arrested and faced possible harassment charges, but he "pleaded not guilty to a single charge of harassment." Criminal charges were dropped as a civil court ruling ordered Jones to pay \$10,000 to a charity that benefits the homeless.

### Berkeley, California

Water thrown on sleeping homeless man

Oct. 7th: As a homeless man was sleeping in People's Park, water was thrown on him by an unknown assailant. The building manager claims that it was one of his apartment tenants. No other information was made available.

### Seattle, Washington

Eggs thrown at homeless man

Dec. 18th: A homeless man was sleeping by a church, when two unidentified men drove by in a BMW and threw eggs at him. An eyewitness contacted police to report the incident. "The victim showed them where an egg broke his jacket." The suspects have not been found, but were described to be in their 20s.

**vii. Multimedia Exploitation - Total: 2****Bradenton, Florida**

Beating of homeless man posted on Facebook

Nov. 5th: A 22-year-old disabled homeless man was beaten at a skate park by Devin Wilson, 19. “In five minutes, the victim was punched 53 times, kicked 15 times, spit on, and threatened.” Chris Lovell, 20, and Rubier Zaldivar, 20, recorded the attack and posted it on Facebook. Bradenton Police investigator, John Morningstar, helped to crack this case that enraged the public. The BPD was emailed an anonymous video that depicted the beating. This video led Morningstar to the victim and eventually the suspects. All suspects were arrested and face jail time.

**Henrico, Virginia**

Homeless man slapped on the neck

Dec. 28th: James Franklin, a 40-year-old homeless man, was sleeping near a McDonalds, when two teenagers approached him and “slapped him in the face.” Another suspect allegedly videotaped the incident. After the attack, the suspects fled. The police believed that the perpetrators were playing the “Knock-out Game,” however, they said it also could have been a random attack. The victim was transported to the local hospital to be treated for his injuries. Rashaan Bates, 19, and a 17-year-old boy were charged with assault by mob.

**viii. Abduction - Total: 5****Fallston, Maryland**

Homeless woman forced into a vehicle

Jun. 11th: As a homeless woman was walking down Wilkins Avenue at 9:00 am, she was “forced into a vehicle unknown to her, tied up, and assaulted.” Her leg was stabbed and she was robbed of her wallet and cell phone. The victim was taken to GBMC to be treated of her injuries. No leads have been made about her captors.

**Houston, Texas**

Four homeless men held captive in Texas home

Jul. 19th: Four homeless men were found in a Texas home, after a neighbor called police expressing concern. Each man was held captive against his will. The victims were, “lured by promises of food and cigarettes so that their captor could cash their public-assistance checks.” The homeless men were confined to the house garage with only one chair. As a result, three of the men lacked proper nutrition and were transported to the hospital. One suspect was detained, but never charged because they are not a resident of the house.

**MULTI MEDIA EXPLOITATION: AN EXPLANATION**

Multimedia exploitation of the homeless population is a severe growing problem. When videos involving the victimization of people experiencing homelessness have been posted to popular websites, it has often led others to mimic what they have seen. Many incidents are thus repeated against other innocent homeless victims.

About a decade ago, NCH mounted a campaign against a group 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 a NCH Speaker, and others, who participated and were compensated with a few dollars or a six pack of beer, suffered severe injuries as a result of the videos. These videos continue to degrade and stigmatize homeless persons by perpetuating the stereotype that people living in a state of homelessness are “bums” and that they have no other worth than to provide entertainment to the rest of society by causing themselves or others bodily harm. “Bum Fights,” has now been viewed more than 7.7 million times, garnering about 6,490 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 that population. These videos are foul, hateful, and unbecoming of a modern progressive society.

The 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 15.8 million times.

## Victims Vulnerable to Violence

According to a 2010 survey designed and administered by the National Consumer Advisory Board (NCAB) of the National Health Care for the Homeless Council<sup>4</sup>, 516 individuals experiencing homelessness over the age of 18, located in Detroit, Fort Lauderdale, Nashville, Houston, and Worcester, experienced violence 25 times more frequently than the general U.S. population. While 49 percent of homeless individuals report being victims of violence, only 2 percent of the general population does the same.<sup>5</sup> Homeless individuals over the age of 43 and those who had been homeless for more than two years, were more vulnerable to becoming victims of violence.

According to the survey, 49 percent of the homeless individuals who reported being victims of violence reported being robbed during their attack. Items commonly stolen were money (75%), personal identification documents (28%), medication (21%), and clothing (21%). Of those individuals who reported seeking assistance from the emergency room, police, family and friends, or a clinic, 82 percent said that they were able to receive the assistance they desired. Unfortunately, 68 percent of individuals who sought medical assistance after being attacked were unable to pay their medical bills.

**68 %** of the homeless victims of violence, who sought and received help, were **UNABLE** to pay the associated medical bills.

<sup>4</sup>Meinbresse M, Brinkley-Rubinstein L, Grassetto A, Benson J, Hall C, Hamilton R, Malott M, Jenkins D. (2014). Exploring the Experiences of Violence Among Individuals Who Are Homeless Using a Consumer-Led Approach. *Violence and Victims* 29(1):122-136.

<sup>5</sup>Truman, J.L. (2011). National Crime Victimization Survey: Criminal Victimization, 2010. Bureau of Justice Statistics Bulletin. Retrieved from the U.S. Department of Justice, Office of Justice Programs. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv10.pdf>

## Legislation

**“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**

### PROPOSED FEDERAL LAW

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 legislation on hate crimes against the homeless has a long history and continues to be fought for today:

#### **Federal Legislation Proposed in '13/'14 - 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 obligated to acquire data from law enforcement agencies across the country on crimes committed against people experiencing homelessness. 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 whomever, “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 Act**<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup>

**The Violent Crime Control and Law Enforcement Act of 1994**<sup>9</sup>, 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 three offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes.” Under guidelines issued under this statute, a “hate crime” is defined as a “crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.”<sup>10</sup>

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,

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> Hate Crime Data Collection Guidelines, supra note 2, at 4.

<sup>9</sup> Pub. L. No. 103-322, 280003, Sept. 13, 1994, 108 Stat. 2096.

<sup>10</sup> United States Sentencing Guidelines Manual 3A1.1(a) (2006). Note, however, that the Sentencing Guidelines only apply in federal court, where the defendant has committed a federal crime, a crime on federal land (including on Indian reservations), or is otherwise subject to penalties under federal law.



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.<sup>11</sup> 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 elaborates on the 1969 Federal Civil Rights “Hate Crime” Law to include crimes motivated by a

bias towards 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 that are too complex for local authorities. Additionally, the bill mandates that the FBI track hate crimes committed against transgender individuals.

## CURRENT STATE AND CITY LAWS

Numerous jurisdictions across the country have passed Homeless 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.

### 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. Much like Maine (pg. 27), homelessness is not categorized un-

<sup>11</sup> 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).

der 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 contributes as a factor in the crime.

### Analysis

This law is similar to that of the Maine law (pg. 27) 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. Furthermore, it does not required that the state collect data on the frequency of occurrence.

### CALIFORNIA

Senate Bill 1234, which was introduced in February of 2004 by State Senator Kuehl, became public law in September of the same year and went into effect in July of 2005. It is now California Penal Code 13519.64.



Photo by Bryan Dozier (2014)

California Penal Code 13519.64 :

*(a) The Legislature finds and declares that research, including "Special Report to the Legislature on Senate Resolution 18: Crimes Committed Against Homeless Persons" by the Department of Justice and "Hate, Violence, and Death: A Report on Hate Crimes Against People Experiencing Homelessness from 1999-2002" by the National Coalition for the Homeless demonstrate that California has had serious and unaddressed problems of crime against homeless persons, including homeless persons with disabilities.*

*(b) (1) By July 1, 2005, the Commission on Peace Officer Standards and Training, using available funding, shall develop a two-hour telecourse to be made available to all law enforcement agencies in California on crimes against homeless persons and on how to deal effectively and humanely with homeless persons, including homeless persons with disabilities. The telecourse shall include information on multimission criminal extremism, as defined in Section 13519.6. In developing the telecourse, the commission shall consult subject-matter experts including, but not limited to, homeless and formerly homeless persons in California, service providers and advocates for homeless persons in California, experts on the disabilities that homeless persons commonly suffer, the California Council of Churches, the National Coalition for the Homeless, the Senate Office of Research, and the Criminal Justice Statistics Center of the Department of Justice.*

*(2) Every state law enforcement agency, and every local law enforcement agency, to the extent that this requirement does not create a state-mandated local program cost, shall provide the telecourse to its peace officers.*

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.

### *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.<sup>12</sup>

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

### *Analysis*

As with Maryland’s law (pg. 28), this law utilizes the older definition of homelessness, includes homelessness as a hate crime, and enacts criminal sanc-

tions. It does not, however, 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.”**

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

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

### *Analysis*

Maine paved the way for states like Maryland and Florida to add the homeless status to hate crimes legislation. Maine, unlike other states, does not require punishment for the commission of a hate crime. It

<sup>12</sup>Yaroslavsky and Knabe. Motion By Yaroslavsky and Knabe. Homelessness and Human Relations Committee. AGN. NO. 11. March 24, 2009.

merely grants judges the discretion to impose stronger sentences for a hate crime. It 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 or real property. If a crime is 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.

In **OHIO**, Cleveland passed a city ordinance in August 2008 dictating that repercussions would be elevated one degree higher than the offense for "intimidating" or harassing a homeless person due to his or her housing status.<sup>13</sup>

### *Analysis*

Cleveland's law highlights another type of criminal sanction. Unlike laws that explicitly state sanctions for criminal behavior, this law incrementally increas-

es fines and prison sentences based on the degree of the 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.<sup>14</sup> A section of this law emphasizes the fact that people experiencing homelessness 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.<sup>15</sup> 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. It also adjusted the definition of hate crimes to include that these act may be "motivated

<sup>13</sup> FindLaw. City of Cleveland Codified Ordinance No. 830-08

<sup>14</sup> Law 130. Concilio Multisectorial en Apoyo a la Poblacion sin Hogar. Approved September 27, 2007.

<sup>15</sup> *Ibid.*

by prejudice against a person who is homeless or perceived to be homeless.

### *Analysis*

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

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 threat against a person, or destruction/damage of 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 measures to educate the public on safety for the homeless population.

In **WASHINGTON, D.C.** legislation, passed by the City Council in 2009, clearly defines homeless individuals as a protected class from "bias-related crime."<sup>16</sup> 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, annually publish a summary of the data, transmit the summary, and make recom-

<sup>16</sup> DC CODE 22-3703: Bias-Related Crime

mendations to the Council. The statute also states that the summaries may not contain information that reveals the 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.

## **PROPOSED AND/OR DEFEATED STATE LAWS**

### **A.) Current Legislation**

**HAWAII** S.B. 2395, a bill entitled, Relating to the Homeless, was introduced on January 17, 2014 by Senator Suzanne Chun Oakland in the Hawaiian State Legislature. If enacted, the bill would include enhanced penalties for felonies and serious injuries committed against homeless individuals. Imprison-

ment could vary depending on the severity of the crime ranging from one year and eight months for a class C felony to 15 years for second-degree murder. Currently, the bill has been referred to the Committee on Judiciary and Labor after it passed its second reading.

**NEW YORK** S. 1148/A. 8275 amends the New York Penal Law to add crimes intentionally committed based on a belief or perception regarding the homelessness of a person to the hate crimes statute. The Homeless Protection Act was first introduced in both the New York State Assembly and Senate beginning in 2009 and 2010, respectively. The bills have been committed to the Committee on Codes.

**SOUTH CAROLINA** H.B. 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 does not currently 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. Currently, the bill has been referred to the Committee on the Judiciary.

### **B.) Defeated legislation since 2005**

**CALIFORNIA** On August 5, 2011, Governor Jerry Brown 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 by 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 housing 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*

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 edu-

cate and refute false information 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 the 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 have expanded 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 2014.

#### *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** HB6572, An Act Concerning Intimi-

dation Based on Bigotry or Bias against a Homeless Person, was introduced in 2013. If passed, it would have added 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 may be reintroduced 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** introduced a Homeless Bill of Rights which has a hate crimes provision. Democratic Senator Scott Sifton drafted a bill, SB428 that demands the homeless have equal right to treatment, emergency health care, process of job seeking, and 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. 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 other 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 Homeless 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, 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. This form of the bill has recently died in committee.

**NEVADA** A.B. 83 was sponsored by Assemblymen James Ohrenschall in 2007 during the 74th Session of the Nevada State Legislature. This bill would have

added enhanced penalties to perpetrators who committed crimes against homeless people, “Motivated by the victim’s actual or perceived status as a homeless person.”<sup>17</sup> Additionally, the homeless individual could file for punitive damages and if successful, the presiding court would mandate the perpetrator to pay the victim for their costs and legal fees.<sup>18</sup> This bill was referred to the Judiciary Committee, but was left to die during the legislative session.

**NEW JERSEY** AB4563 was sponsored by Assemblymen Joseph Cryan and Gordon Johnson and introduced December 16, 2013. This bill would have classified an attack made during the “knockout game” as a second-degree aggravated assault, which can result in a prison sentence of five to ten years. SB3123 was sponsored by Senator Kevin O’Toole and introduced on January 6, 2014; partaking in the “knockout game” would have constituted a third-degree assault and if convicted, one could have faced three to five years in prison. Lastly, SB3126, sponsored by Assemblymen Jon Bramnick and Ronald Dancer and also introduced on January 6, 2014, would have amended AB4563 to include individuals who encourage others to “cause bodily injury to a victim, by filming, photographing, or otherwise recording the injury-causing act for circulation, publication, or distribution.” The “knockout game” is often committed against homeless individuals and the perpetra-

<sup>17</sup> Nevada Bill A.B. 83, Summary, 2007

<sup>18</sup> Nevada Bill A.B. 83, Sec. 4 (1), 2007

tors videotape punching the vulnerable victim as a form of entertainment. While all three bills have died, AB4563 is expected to be reintroduced during the current 2014-2015 legislative session.

**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.

**MASSACHUSETTS** HB2509 was sponsored by Representative Barry R. Feingold. This bill would have expanded the definition of "Hate Crimes" to include homeless individuals as a protected class in the Massachusetts Hate Crimes Statute. However, the bill was left to die in the Judiciary Committee in 2007.

*"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*

**OHIO** legislation was introduced in May 12, 2010 by Representatives Dennis Murray and Mike Foley. HB509 would have created the offense of intimidation of a homeless person. Any offender that com-

mits 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, HB509 died and has not been reintroduced.

**TEXAS** SB228 was sponsored by State Representative Royce West in 2009. Entitled "Relating to an offense committed against a homeless person because of bias or prejudice," if this bill had passed it would have added homelessness to a law that prosecutes individuals who committed offenses against certain groups because of a bias or prejudice.

**VIRGINIA** HB844 was introduced on January 13, 2010 by Delegate Patrick A. Hope. The bill would have amended legislation to include status as a homeless person as a protected class. The bill (1) included harsher punishments for offenders who choose their targets based upon a person's homeless status; (2) allowed homeless people to seek injunctive relief or file an action for damages for harassment; and (3) would have required 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.

## Resource Guide

### ENACTING EFFECTIVE HATE CRIME LEGISLATION IN YOUR COMMUNITY

#### i. Goals to Achieve

Hate crime legislation serves many purposes. Primarily, it seeks to punish and deter individuals from committing bias-motivated crimes. In the naming a vulnerable group, hate crime 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 and protect homeless individuals in hate crimes legislation, cities and states across the country differ in their approaches towards accomplishing this goal. 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 individuals experiencing homelessness.

#### ii. Recommendations 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 for proposing hate crimes legislation to protect the homeless. NCH also believes however, that the homeless population is 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 would qualify as violation of the law.<sup>19</sup>
2. Use of a definition of homelessness in line with 42 USC § 11302 (2012) as revised by the HEARTH Act.
3. Inclusion of both committed hate crimes and attempts or conspiracies to commit a hate crime against a person or their property.

<sup>19</sup> 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.

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 violations of hate crime laws.
5. Development of procedures that facilitate the data collection by law enforcement and local organizations and the distribution of the data to governing bodies while maintaining the privacy of the victims. This data should be used to create strong, supported recommendations to present to lawmakers.
6. Requirement of law enforcement to complete trainings on how to interact effectively and respectfully 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 and other young people about homelessness.

### **iii. Main Arguments against Hate Crimes Legislation**

Hate crimes are motivated by a bias against a given group. The goal of hate crime legislation is to protect the individuals in such targeted groups. As a result, inclusion within hate crimes legislation sends a message to society that these groups are worth protecting. Unfortunately, society has developed several arguments, with and without merit, for why people experiencing homelessness may not fit within this type of legislation.

#### **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 execute this crime without consequence. The motivation for attacking a homeless person is not one of opportunism, as is the case with vulnerable persons statutes, but rather, because homeless people are not perceived 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 A CHANGEABLE 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.<sup>20</sup> Hate crime 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 for 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.

## 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 crime legislation targets.<sup>21</sup>

Demand will vary from state to state and across jurisdictions. For example, California is the state with the most documented homeless hate crimes with 291 over the past 15 years. This averages to about 19 incidents per year. Considering there are 58 counties in the state, distribution of processing these crimes can hardly be considered an undue burden.

<sup>20</sup> 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.

<sup>21</sup> Interview with Richard Wierzbicki, Captain, Broward County Sheriff's Department, July 1 2012

## 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.<sup>22</sup>

## THERE IS NO EVIDENCE THAT THERE IS A PROBLEM THAT WARRANTS A SOLUTION

Data collected by NCH indicates that the homeless face a rate of victimization that far exceeds that of traditionally 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 hate 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.

<sup>22</sup> Interview with Richard Wierzbicki, Captain, Broward County Sheriff's Department, July 17, 2012

## COMMUNITY POLICY AND EDUCATION RECOMMENDATIONS

The National Coalition for the Homeless advocates for the following:

1. “Homeless status” to 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 to include “homeless status” within their current hate crimes framework.

3. The U.S. Department of Justice to 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 to issue guidelines for law enforcement agencies on how to investigate and prosecute bias-motivated crimes against people experiencing homelessness.

5. Law enforcement agencies to 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 to provide opportunities for people who have experienced homelessness and survived bias-motivated violence to tell their stories. The Faces of Homelessness Speakers’ Bureaus (composed 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 to 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](mailto:info@nationalhomeless.org).

Whereas, hate crimes and violence against homeless persons has become a nationwide trend, 1,437 reported cases of violence against homeless people over the past 15 years (1999-2013), resulting in 375 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 –
- (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 per-

sons. 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 in 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 Speakers' Bureaus along the East Coast. These programs connect people with others who have experienced homelessness, to share stories and break down common misconceptions that contribute to bias against the homeless population.

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>

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### 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>

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### HOMELESS BILL OF RIGHTS

Years of research and advocacy around the 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 who are homeless. 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 Homeless 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:

<b>CALIFORNIA</b>	<b>COLORADO</b>	<b>CONNECTICUT</b>	<b>DELAWARE</b>	<b>FLORIDA</b>	<b>HAWAII</b>	<b>ILLINOIS</b>
<b>MASSACHUSETTS</b>	<b>MISSOURI</b>	<b>OREGON</b>	<b>PUERTO RICO</b>	<b>RHODE ISLAND</b>	<b>TENNESSEE</b>	<b>VERMONT</b>
<b>BALTIMORE, MD</b>	<b>DISTRICT OF COLUMBIA</b>	<b>DULUTH, MN</b>	<b>MADISON, WI</b>			

## Conclusion

Over the past 15 years the National Coalition for the Homeless has documented over 1,400 crimes committed against homeless people by housed individuals. These violent attacks have cost 375 homeless people their lives.

In this 2013 report, NCH has documented 109 violent attacks against homeless individuals. 18 of these incidents resulted in death. This is the same number of deaths as in 2012. 17 percent of attacks against the homeless resulted in death in 2013 compared to 20 percent in 2012. This may signal a slight decrease in the brutality of crimes, but there were 30 percent more recorded non-lethal attacks, as well as a nearly 24 percent increase in the total number of attacks reported.

Perpetrators are continuing to commit these heinous crimes at young ages. This year, 85 percent of perpetrators were under the age of 30. Most commonly, teenage boys lead the attacks. Teenage boys are often caught due to the fact they document their attacks or do not take measures to eradicate evidence that would lead back to them. In most states, a teenager will be tried as an adult if the homeless person is in serious condition or murdered. 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 person experiencing homelessness 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.

VULNERABLE TO HATE: A Survey of Hate Crimes Committed against Homeless People in 2013 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.

# APPENDICES

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## **APPENDIX A: SOURCES**

**Lethal Case Descriptions**

**Non-Lethal Case Descriptions**

**i. Rape/Forced Prostitution**

**ii. Attacks Involving Fire**

**iii. Police Brutality**

**iv. Assaults with Deadly Weapons**

**v. Beatings**

**vi. Harrassment**

**vii. Multimedia Exploitation**

**viii. Abduction**

**Appendix B: Index of Case Location**

**Appendix C: House Resolution 1136**

**Appendix D: S.1765**

## Appendix A: Sources

### LETHAL CASE DESCRIPTIONS

January 20: Newport News, Virginia

- Christine Bethea. "Overnight shooting kills homeless man." Wavy. 21 Jan. 2013. Web. 20 March 2014.
- Holly Henry. "Police identify homeless man shot to death in Newport News trailer park." WTKR. 21 Jan. 21 2013. Web. 20 March 2014
- Robert McCabe. Police identify man shot to death in Newport News, Pilot Online. 21 Jan. 2014. Web. 20 March 2014.
- Ashley Kelly. "Hampton, Newsport News police tackle hot spot areas in wake of homicides." The Daily Press. 30 Jan. 2013. Web. 20 March 2014.

April 19: Houston, Texas

- "Delivery van driver deliberately runs over, kills homeless man in north Houston." ABC. 20 Apr. 2013. Web. 20 March 2014.

May 11: Las Vegas, Nevada

- Molly Waldron. "Homeless man stabbed to death on West Owens Avenue." KTNV , ABC Channel 13. 12 May 2013. Web. 20 March 2014
- Joyce Lupiani. "Coroner identifies homeless man killed on West Owens Avenue." ABC 13 Actions News. 13 May 2013. Web. 20 March 2014
- Rochel Leah Goldblatt. "Homeless stabbing victim identified." The Las Vegas Review-Journal, 13 May 2013. Web. 20 March 2014.

June 2: Springfield, Illinois

- "Parolee arrested in connection to Springfield homicide." The State Journal-Register. 03 June 2013. Web. 20 March 2014.

June 26: New Port Richey, Florida

- Cait McVey. "Two teens arrested in brutal attack on homeless man." Bay News 9. 28 June 2013. Web. 20 March 2014.
- "Pasco teen charged with murder in beating death of homeless man." The Tampa Tribune. 17 Sept. 2013. Web. 20 March 2014.

July 3: Doylestown, Pennsylvania

- Catherine Hawley. "Dale Wakefield charged with stabbing George Mohr near Doylestown train station." WFMZ. 4 July 2013. Web. 20 March 2014.
- Martha Oodall. "Doylestown man charged with stabbing homeless man." Philly.com. 06 July 2013. Web. 20 March 2014
- Marion Callahan. "Doylestown man headed to trial for allegedly murdering homeless man." Phillyburbs. 10 Sept. 2013. Web. 20 March 2014.
- Laurie Mason Schroeder. "Death penalty sought in homeless man's Doylestown slaying." The Intelligencer 19 Feb. 2014. Web. 20 March 2014.

July 5: Fresno, California

- "Shooting in homeless camp leaves 1 dead, 1 injure." The Fresno Bee. 05 July 2013. Web. 20 March 2014.
- Elizabeth Warmerdam. "Two suspects arrested at homeless camp." Crime Voice. 17 July 2013. Web. 20 March 2014.

July 30: Flint, Michigan

- David Harris. "Police: Flint homeless man was stomped to death because alleged attacker felt 'disrespected.'" Mlive. 05 Aug. 2013. Web. 20 March 2014.
- Gary Ridley. "Torture charges dismissed in Flint homeless man's beating death." Mlive. 22 Oct. 2013. Web. 20 March 2014.

July 30: Santa Ana, California

- "Eyewitness records Santa Ana officer shoot, kill unarmed homeless man." CBS Los Angeles. 01 Aug. 2013. Web. 20 March 2014.

August 5: Tarpon Springs, Florida

- Laura C. Morel. "One dead, one hurt in Tarpon Springs shooting of homeless men." The Tampa Bay Times. 05 Aug. 2013. Web. 20 March 2014.
- Alex Hobson. "One dead, one in critical condition after shooting in Tarpon Springs." ABC Action News. 07 Aug. 2013. Web. 20 March 2014.
- "Man charged in Tarpon Springs homeless shootings." WFLA. 20 Sept. 2013. Web. 20 March 2014.
- Jared Leone. "Clearwater man arrested in Tarpon Springs homeless men shooting." Clearwater Patch. 20 Sept. 2013. Web. 20 March 2014.

August 12: Las Vegas, Nevada

- Tom Ragan. "Homeless man's homicide leaves questions." The Las Vegas Review-Journal. 14 Aug. 2013. Web. 20 March 2014.
- Bethany Barnes. "Grand jury returns indictments against trio accused in torture, slaying of homeless man." 02 Oct. 2013. Web. 20 March 2014.
- Mile Blasky. "Two arrested after homeless man's body found in dumpster." The Las Vegas Review-Journal. 05 Sept. 2013. Web. 20 March 2014.

September 10: Hoboken, New Jersey

- Charles Hack. "Homeless Hoboken man whose body was found on fence is recalled as 'very humble,' 'childlike.'" The New Jersey Journal. 11 Sept. 2013. Web. 20 March 2014.
- Joe Kemp. "Three teens charged with killing Hoboken man in violent game of 'knockout,' authorities say." The New York Daily News. 12 Sept. 2013. Web. 20 March 2014.
- "3 Jersey teens charged with murder of Ralph Santiago after playing 'knockout' game." The Hinterland Gazette. 17 Nov. 2013. Web. 20 March 2014.

September 16: Santa Barbara, California

- Lyz Hoffman, "Three arrested for homeless man's murder." The Santa Barbara Independent. 11 Nov. 2013. Web. 20 March 2014.
- Alicia Banks. "Three men arrested in beating death of homeless man." The Los Angeles Times. 12 Nov. 2013. Web. 20 March 2014.

September 16: Clearwater, Florida

- Josh Boatwright. "Suspect in shooting of 3 homeless men held." The Tampa Tribune. Sept. 21. 2013. pg. 1. Print.
- "Gunman faces new murder charges." The Tampa Bay Times. 26 Sept. 2013. pg. 3B. Print

October 10: Dayton, Ohio

- "Grand Jury indicts suspect in stabbing of homeless man." WHIO. 18 Oct. 2013. Web. 20 March 2014.
- Curtis R. Gray. "Man indicted in homeless murder." WDTN, 18 Oct. 2013. Web. 20 March 2014.
- "Suspect indicted in fatal stabbing of Dayton homeless man." The Columbus Dispatch. 19 Oct. 2013. Web. 20 March 2014.

December 4: Honolulu, Hawaii

- "Police arrest 18-year-old accused of fatally beating elderly homeless man." Hawaii News. 10 Dec. 2013. Web. 20 March 2014.
- "Teen charged with murder in assault of 83-year-old man." The Honolulu Star-Advertiser, 12 Dec. 2013. Web. 20 March 2014.

December 27: Honolulu, Hawaii

- Rick Daysog. "Homeless man dies following assault on King Street." Hawaii News Now. 27 Dec. 2013. Web. 20 March 2014.
- "Early morning assault is now a murder investigation." The Honolulu Star-Advertiser. 27 Dec. 2013. Web. 20 March 2014.
- "Police arrest teenager in McCully beating death." The Honolulu Star-Advertiser. 30 Dec. 2013. Web. 20 March 2014.
- "911 Report." The Honolulu Star Advertiser. 31 Dec. 2013. Web. 20 March 2014.
- "Teen charged with beating homeless man to death." 6 AM KPUA News. 02 January 2014. Web. 20 March 2014.

December 28: Dania Beach, Florida

- Email from Sean Cononie. Executive Director. COSAC Foundation. Hollywood, Florida (Dec. 28, 2013) (on file with the National Coalition for the Homeless)
- Ihosvani Rodriguez. "Cellphone track leads to trucker accused of killing woman." The Sun Sentinel. 30 Dec. 2013. Web. 20 March 2014.
- Mike Clary. "Truck driver charged with murder of woman found along S.R. in Dania Beach." The Sun Sentinel. 29 Dec. 2013. Web. 20 March 2014.

NON-LETHAL CASE DESCRIPTIONS

i. RAPE/ FORCED PROSTITUTION

January 28: Austin, Texas

- "Homeless man sexually assaulted in vacant South Austin apartment." Time Warner Cable News. 01 Feb. 2013. Web. 20 March 2014.
- "Man charged after sexual assault of a homeless man." My Fox Austin. 08 Mar. 2013. Web. 20 March 2014.

June 18t: Portland, Oregon

- "Homeless women attacked in Southeast Portland." The Oregonian. 01 Aug. 2013. Web. 20 March 2014.
- "Police: Men sexually assaulted two homeless women within an hour." Fox 12 Oregon. 29 Aug. 2013. Web. 20 March 2014.

June 21: Dania Beach, Florida

- Erika Pesantes. "Man beat homeless woman forced into prostitution, authorities say." The Sun Sentinel. 28 June 2013. Web. 20 March 2014.

August 28t: Chicago, Illinois

- Steve Mills. "Man charged in sexual assault linked to homicide." The Chicago Tribune. 04 Sept. 2013. Web. 20 March 2014.
- Josh McGhee, Erin Meyer. "Convicted Rapist allegedly sexually assaults homeless man in downtown park." DNAinfo Chicago. 30 Aug. 2013. Web. 20 March 2014.

ii. ATTACKS INVOLVING FIRE

July 1: Nashville, Tennessee

- Anne McCloy. "Woman injured trying to burn homeless man's tent, say police." CBS 5 AZ. 02 July 2013. Web. 20 March 2014.

September 29: Los Angeles, California

- E-mail from Rebecca Prine, Director, Recycled Resources for the Homeless. Los Angeles, California. to Hope Making Change (Oct. 8, 2013) (on file with the National Coalition for the Homeless)
- "LAPD investigate burning of homeless man." EGP News. 10 Oct. 2013. Web. 20 March 2014.
- Craig Clough. "Case of homeless man's report of being lit on fire by 3 men is 'inactive,' det. Says." Eagle Rock. 11 Oct. 2013. Web. 20 March 2014.
- Rebecca Prine. "Update on homeless hate crime." Eagle Rock. 12 Oct. 2013. Web. 20 March 2014.

iii. POLICE BRUTALITY

February 9: Knoxville, Tennessee

- "3 ex-officers found guilty in beating." Jackson Sun. 10 June 2013. Web. 20 March 2014.
- Jamie Satterfield. "Ex-KPD officers face Aug. 8, hearing, potential probation in homeless man's beating." Knox News. 10 June 2013. Web. 20 March 2014.
- "Ex-KPD cops get probation in beating of hogtied, handcuffed homeless man." Knoxville News-Sentinel. 08 Aug.



2013. Web. 20 March 2014.

- "Knoxville to pay beaten homeless man \$200,000." WMC-TV. 23 Jan. 2013. Web. 20 March 2014.

February 11: Columbia, South Carolina

- Kelly Davis. "2 more Richland County jail employees arrested in beating investigation." The State. 22 March 2013.
- Tim Flach. "Former Richland jail guards plead guilty to beating homeless man." The State. 18 Dec. 2013. Web. 20 March 2014.

April 21: Santa Barbara, California

- John Palminteri. "Homeless man hit by police Taser talks about controversial arrest." KEYT News Channel 3. 25 Apr. 2013. Web. 20 March 2014.

June 25: Branson, Missouri

- Stephen Herzog. "Business owners believe homeless Branson man was assaulted during arrest." News-Leader. 28 June 2013. Web. 20 March 2014.

October 5: Tampa, Florida

- Doug Smith. "Video shows TPD officer dragging homeless woman." My Fox Tampa Bay. 30 Jan. 2013. Web. 20 March 2014.
- Jessica Vander Velde. "Video shows Tampa police officer dragging bound inmate." Tampa Bay Times. 30 Jan. 2014. Web. 20 March 2014.

#### iv. ASSAULTS WITH DEADLY WEAPONS

January 2: Puerto Rico

- Lus Avila. La Fondita. Telephone Interview. 26 Feb. 2014.

January 17: Murfreesboro, Tennessee

- "Third homeless person attacked in past 3-months in Murfreesboro." WGNS. 17 Jan 2013. Web. 20 March 2014.

January 26: Paterson, New Jersey

- Denisa Superville. "Homeless man beaten with pipe and robbed in Paterson, police say." North Jersey. 28 Jan. 2013. Web. 20 March 2014.

February 5: Knoxville, Tennessee

- Don Jacobs. "Homeless man stable after knife attack." Knoxville 05 Feb. 2013. Web. 20 March 2014.

March 12: Flagstaff, Arizona

- Eric Betz. "Woman assaulted homeless men with whiskey bottle." AZ Daily Sun. 12 Mar. 2013. Web. 20 March 2014.

March 25: Weott, California

- "Transient hospitalized with multiple stab wounds." The Times-Standard. 26 Mar. 2013. Web. 20 March 2014.

April 12t: Camden County, New Jersey

- "Shot homeless woman was to testify." Philly. 07 May 2013. Web. 20 March 2014.
- David Chang. "Police arrest fugitive accused of shooting homeless woman." ABC 10. 28 Oct. 2013. Web. 20 March

2014.

- "Camden police arrest third suspect in shooting of homeless woman." The South Jersey Times. 18 Nov. 2013. Web. 20 March 2014.

April 20 & 22: Fresno, California

- "Teens busted shooting homeless with paintball guns." CBS47 News. 23 Apr. 2013. Web. 20 March 2014.

May 5: Maui, Hawaii

- Wendy Osher. "Homeless assaulted at little beach investigated." Maui News. 06 May 2013. Web. 20 March 2014.
- "Maui men, teens arrested for allegedly beating homeless man." Honolulu Star-Advertiser. 06 May 2013. Web. 20 March 2014.

May 6: San Diego, California

- Steve Fiorina. "Midtown man pleads not guilty to shooting enraged homeless man after market." ABC 10 News. 14 May 2013. Web. 20 March 2014.

May 10: Corpus Christi, Texas

- "Homeless man shot by 3 teenagers." KIIITV. 17 May 2013. Web. 20 March 2014.

June 5t: Glendale, California

- Veronica Rocha. "Two Glendale men charged in assaulting homeless man." Glendale News Press. 07 June 2013. Web. 20 March 2014.
- Veronica Rocha. "2 men repeatedly attacked sleeping homeless man, police say." The Los Angeles Times. 09 June 2013. Web. 20 March 2014.

June 25: Pensacola, Florida

- "Homeless man stabbed at Liberty Church identified." Wear ABC 3. 27 June 2013. Web. 20 March 2014.
- Lieutenant Gilmore. Escambia County Sheriff's Department. Telephone Interview. 19 Feb. 2014.
- "Two teens arrested for stabbing, robbing transient outside church." North Escambia. 05 July 2013. Web. 20 March 2014.

July 5: Fresno, California

- "Shooting in homeless camp leaves 1 dead, 1 injure." The Fresno Bee. 05 July 2013. Web. 20 March 2014.
- Elizabeth Warmerdam. "Two suspects arrested at homeless camp." Crime Voice. 07 July 2013. Web. 20 March 2014.

July 5: Little Rock, Arkansas

- Susanne Brunner. "Homeless man attacked and robbed." Arkansas Matters. 08 July 2013. Web. 20 March 2014.
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July 19: Houston, Texas

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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:

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## 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)

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