

## Hate Crimes and Violence against People Experiencing Homelessness

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### **History of Violence**

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

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

### **What is a Hate Crime?**

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

Federal bias crime laws enacted subsequently have provided additional coverage. The Hate Crimes Statistics Act of 1990 (HCSA) authorized the Justice Department to collect data from law enforcement agencies about crimes that "manifest evidence of prejudice based upon race, religion, sexual orientation, or ethnicity."<sup>2</sup> The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement Act of 1994, defines hate crimes as "a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual

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<sup>1</sup> Source: Anti-Defamation League, [http://www.adl.org/legislative\\_action/hatecrimes\\_briefing.html](http://www.adl.org/legislative_action/hatecrimes_briefing.html)

<sup>2</sup> Source: Leadership Conference on Civil Rights, [www.civilrights.org](http://www.civilrights.org)

orientation of any person.” This measure only applies to attacks and vandalism that occur in national parks and on federal property.<sup>3</sup>

### **Who commits hate crimes and violence against the homeless?**

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

#### **In 2010:**

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

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

Total Number of Lethal Attacks: **24**

#### **Breakdown of 2010 Non-Lethal Attacks:**

Beatings: **50%**

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

Shootings: **5%**

Rapes/Sexual Assaults: **3%**

Multimedia Exploitation: **2%**

Harassment: **2%**

Setting Victim on Fire: **1%**

### **POSITIVE ACTIONS TAKEN AGAINST HATE CRIMES**

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

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

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<sup>3</sup> Source: Anti-Defamation League, [http://www.adl.org/legislative\\_action/hatecrimes\\_briefing.html](http://www.adl.org/legislative_action/hatecrimes_briefing.html)

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

## RECOMMENDATIONS FOR ACTION

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

## RESOURCES

National Coalition for the Homeless. “Hate Crimes Against the Homeless: Violence Hidden in Plain View.” 2012, available at [www.nationalhomeless.org/publications](http://www.nationalhomeless.org/publications)

