

June 10, 2010

NCH Public Policy Recommendations **Homeless Hate Crimes Legislation**

RECOMMENDATIONS

Reduce violent crime against homeless people by including them as a protected class under federal hate crimes statutes.

U.S. Representatives – Co-sponsor the Hate Crimes Against the Homeless Statistics Act (H.R. 3419). Contact Judiciary Committee Chairman John Conyers (D-MI) and request a hearing on violence against people experiencing homelessness.

U.S. Senators – Co-sponsor the Hate Crimes Against the Homeless Statistics Act (S. 1765).

ISSUE STATUS

Representatives Eddie Bernice Johnson (D-TX), Robert Wexler (D-FL) and twelve other U.S. Representatives introduced the Hate Crimes Against the Homeless Statistics Act (H.R. 3419) on July 30th, 2009. Senators Benjamin L. Cardin (D-MD) and Susan M. Collins (R-ME) introduced the Hate Crimes Against the Homeless Statistics Act (S. 1765) on October 8, 2009. The Hate Crimes in the Homeless Statistics Act will add homeless people to the federal hate crimes statistics statute.

The next procedural step in the process is to have Senate and House Judiciary Committees hold hearings on the legislation.

Over 150 national, state, and local organizations endorsed last year's version of the bill, H.R. 2216, including the National Law Center on Homelessness & Poverty, NAACP, National Council of La Raza, National Gay and Lesbian Task Force Action Fund, United Methodist Church General Board on Church and Society, and the International Union of Police Associations.

WHY THIS MATTERS

- Hate crime and violence against people experiencing homelessness has become widespread. In 2006 alone, the number of attacks against homeless people rose by 65 percent over the prior year.
- Between 1999 and 2008, almost 900 violent acts against homeless individuals were documented by advocacy organizations (despite the absence of uniform law enforcement reporting).
- These attacks range from beatings with golf clubs to the setting a man on fire while sleeping. Victims have included men and women, veterans, children as young as four, youth, and elders.
- Between 1999 and 2007, more fatal attacks have been documented against homeless individuals than in all legally-recognized hate crime categories combined. There were 85 homicides classified as legally-defined hate crimes. Over that same period there were 217 deaths as a result of violent acts directed at homeless individuals.
- Current hate crimes laws were passed before the phenomenon of homeless-victim hate crimes was well-documented. Now it is time to improve the tracking and enforcement systems already in place.

- Homeless status should be added to hate crimes reporting and enforcement statutes so that law enforcement agencies would uniformly and consistently report hate crimes against homeless people and so that preventive and corrective actions could be taken accordingly.

BACKGROUND

Hate crimes demand a priority response because of their special emotional and psychological impact on the victim and the victim's community. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable and unprotected by the law.

In 1968 the United States Congress enacted the first modern law aimed at punishing some offenses now known as "hate crimes." The statute, 18 U.S.C. § 245, made it a federal offense to target people on the basis of race, color and national origin because of their exercise of particular activities such as voting, public school attendance, or jury service. Subsequently, federal bias crime laws enacted have provided additional coverage.

The Hate Crimes Statistics Act of 1990 (HCSA) mandates 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." The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement Act of 1994, defines 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 the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person." This measure only applies to inter alia, attacks and vandalism that occur in national parks and on federal property.

The Hate Crimes Against the Homeless Statistics Act would amend the Hate Crimes Statistics Act of 1990 (HCSA) to include homeless persons as a protected class. HCSA requires the U.S. Department of Justice to monitor and record data from law enforcement agencies on any crime classified as a hate crime in addition to publishing an annual report summarizing their findings. Maine and Maryland are leading the way as the first two states to add homeless status to their hate crimes statutes. The District of Columbia has also recently added homeless status to its hate crimes statute.

Each year since 1999, NCH and the National Law Center on Homelessness & Poverty (NLCHP) have issued a report on hate crimes and homelessness. To read the most recent hate crimes report, *Hate, Violence and Death on Main Street U.S.A.*, visit www.nationalhomeless.org.

For further information on the public policy recommendations of the National Coalition for the Homeless, contact the NCH public policy staff at info@nationalhomeless.org or 202.462.4822, or visit www.nationalhomeless.org.