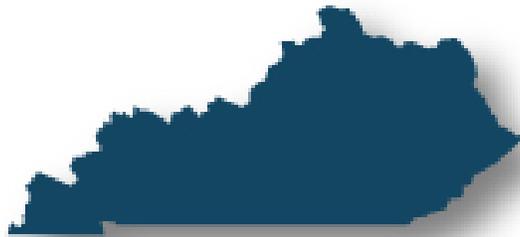


Hate Crime and Hate Incidents in the Commonwealth



2008



**Prepared by the
Kentucky Statistical Analysis Center**



Foreword

Dear Policymaker:

On behalf of the Kentucky Justice and Public Safety Cabinet, I am pleased to present our seventh report on the scope of hate crime and hate incidents in the Commonwealth of Kentucky. The Kentucky Justice and Public Safety Cabinet is charged in KRS 15A.040 with disseminating information on criminal justice issues and crime trends. This report reflects the Cabinet's effort to provide policymakers, state officials, and the citizens of the Commonwealth with a collection of statewide hate crime data in order to document the scope of this type of crime across the Commonwealth.

Hate Crime and Hate Incidents in the Commonwealth, 2008, incorporates both official statistics from law enforcement and anecdotal evidence provided by state and national human rights organizations. Because official data may be a better indicator of how well we are reporting hate crime rather than its actual incidence, the anecdotal evidence is used to provide a more complete picture of statewide hate activity.

We would like to express our appreciation to the organizations contributing data to this report. Without their assistance, this publication would not have been possible. We look forward to continued efforts to broaden our understanding of the scope and implications of hate crime in the Commonwealth and encourage you to contact the Kentucky Justice and Public Safety Cabinet at (502)564-3251 if you have any questions regarding this report.

Sincerely,

J. Michael Brown, Secretary
Kentucky Justice and Public Safety Cabinet



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I. Introduction

The Kentucky Justice and Public Safety Cabinet is charged in KRS 15A.040 with studying and making recommendations on a wide range of criminal justice issues. This report reflects the Cabinet's effort to provide policymakers, state officials, and citizens of the Commonwealth with both official and anecdotal information on hate crime and hate incidents in order to document the scope of hate activity across Kentucky and the nation.

Hate crime reported through official channels does not reflect the full scope of hate activity in the Commonwealth. It is generally believed that official law enforcement data is a better measure of how well crime is being reported rather than a measure of its actual incidence. The reason for this is twofold. Hate crimes tend to be underreported by victims. The reasons for this are discussed further in this report. Compounding the issue of underreporting is the fact that even when the crime is reported, it is often difficult for law enforcement to determine whether the crime can be classified as a hate crime.

In an attempt to improve the documentation of hate activity in the Commonwealth, this report combines official federal law enforcement data reported by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program and official state law enforcement data reported by the Kentucky State Police with anecdotal evidence gathered from local newspapers and human rights organizations (e.g., Kentucky Commission on Human Rights, Southern Poverty Law Center, and Anti-Defamation League). Human rights organizations across the nation collect data on bias-motivated offenses. Such organizations work to raise awareness and educate the public about ways to reduce the incidence of hate crime in today's society. The information provided by these organizations can be used in conjunction with law enforcement data to provide a comprehensive picture of hate activity in the Commonwealth. It is anticipated that this report will serve to inform public policy as it relates to the incidence and prevalence of hate crime and hate incidents.



II. The Nature of Hate Crime

Based on the federal definition used by the FBI, a hate crime, also called a bias crime, is, “a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against race, religion, disability, sexual orientation, or ethnicity/national origin.” While a person’s biases may compel them to pronounce their dislike for a particular group, as in the case of hate groups, this alone does not meet the definition of a hate crime. A hate crime must involve a criminal offense. Once it has been concluded that a criminal offense has been committed, determining whether the act is a hate crime is an especially arduous task given the inherent difficulty in determining a perpetrator’s motivation for committing a crime. As a result, the identification and prosecution of hate crimes is a challenge.

The FBI’s UCR program emphasizes a list of fourteen characteristics that should be considered when determining whether or not an offense is a hate crime.

1. The offender and victim are of a different race, religion, disability, ethnicity/national origin, and/or sexual orientation (hereafter “group”).
2. Bias-related oral comments, written statement, or gestures were made by the offender which indicated his/her bias.
3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene.
4. Certain objects, items, or things which indicate bias was used.
5. The victim is a member of a group which is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and where the incident took place.
6. The victim was visiting a neighborhood where previous hate crimes were committed against other members of his/her group and where tensions remained high against his/her group.
7. Several incidents have occurred in the same locality, at or about the same time, and the victims were all of the same group.
8. A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.
9. The victim was engaged in activities promoting his/her group.
10. The incident coincided with a holiday or a date of particular significance to the victim’s group.
11. The offender was previously involved in a similar hate crime or is a member of a hate group.
12. There are indications that a hate group was involved.
13. A historically established animosity exists between the victim’s and offender’s groups.
14. The victim, although not a member of the targeted group, was a member of an advocacy group supporting the precepts of the victim group.

Source: U.S. Department of Justice, 1999

Data from the National Crime Victimization Survey (NCVS), collected between July 2000 and December 2003, revealed that 44% of hate victimizations were reported to police (Harlow, 2005). The underreporting of hate crime is fueled by a number of factors. Victims may decide



not to report a crime because of fear of retribution by the offender, fear of the police, fear that the report will not be taken seriously, fear of revictimization by the system, or fear of the resulting public response or stigma. In the case of homosexual, bisexual, or transgender victims, such individuals may be reluctant to come forward for fear that their privacy will be compromised, particularly to those to whom their sexual orientation is unknown. Cultural and language barriers may also discourage victims from reporting a hate crime. This is especially true for illegal immigrants who fear deportation if they contact the authorities. Many of the aforementioned victims may also fear retaliation and re-victimization by perpetrators sharing a similar bias for which they were previously targeted. Drawing attention to their situation may single them out as a potential target for a future hate crime. Finally, for most victims, the crime is a humiliating and emotionally devastating event, and it is difficult to recount the event to others (Bureau of Justice Assistance, 1997).

According to victim reports, hate crimes tend to be more violent than other crimes. The NCVS data analyzed from the period between July 2000 and December 2003 revealed that 84% of hate crimes reported in the NCVS were violent offenses such as sexual assault, robbery, or aggravated assault. In comparison, the NCVS reports that just 23% of non-hate crimes involved violent offenses (Harlow, 2005).

According to the NCVS, of the 44% of hate victimizations reported to police, only 19% were actually validated by the police and determined to be bias-related (Harlow, 2005). The reasons for this are not defined in the study. However, based on what is known about the nature of this crime, it is likely that in many instances, law enforcement is unable to determine an offender's motivation for committing a crime. Additional barriers to law enforcement reporting may include lack of training or supervision, lack of clear departmental or official policy, individual officer perceptions of minority communities, and varying interpretations of what constitutes a hate crime (Balboni & McDevitt, 2001).

In spite of these obstacles, the law enforcement community has made significant strides in identifying and reporting hate crimes. An increase in training efforts has played a key role in improving law enforcement's response to hate crimes. The International Association of Directors of Law Enforcement Standards and Training (IADLEST) established the Hate Crime Law Enforcement Resource Center to provide information about hate crime training to law enforcement professionals. The Center's website, www.HateCrimeTraining.net, provides numerous links to training information published by the federal government, state governments, and non-profit and private organizations. The National Center for State and Local Law Enforcement Training, the Anti-Defamation League (ADL), the Southern Poverty Law Center (SPLC), Partners Against Hate, and the Federal Law Enforcement Training Center (FLETC), are just some of the many entities providing hate crime training. The efforts that have been made by law enforcement in addressing hate crime are evidenced by the volume of training materials on the subject. Section V of this report provides additional information on hate crime reporting in Kentucky and surrounding states.



III. Hate Group Activity in 2008

Throughout history, people have formed hate groups, united in their hatred of those of different races, religions, sexual orientations, and ethnicities/national origins. Organized hate groups are defined by federal authorities as groups whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, gender, disability, sexual orientation, or ethnicity group which differs from that of the members of the organization. These groups range from loosely organized and informal organizations to highly structured international organizations.

Despite popular belief, most hate crimes are not committed by members of an organized hate group, but rather by individuals acting upon racial or other stereotypes. In fact, according to the NCVS data collected between 2000 and 2003, hate crime victims reported that their offenders generally acted alone and were strangers (Harlow, 2005). Hate crimes tend to be unplanned and impulsive and are frequently facilitated by the use of alcohol or drugs. These acts are committed by a diverse set of offenders such as groups of teenagers intent on thrill-seeking, individuals who are reacting to a perceived threat to their way of life, or individuals suffering from mental disorders (Levin & McDevitt, 1993).

Although hate crimes are not typically committed by organized hate groups, hate groups often commit some of the most brutal hate crimes (Lawson & Henderson, 2004). For this reason, it is necessary to study hate groups, monitor their activity, and document what fuels increases or decreases in membership. Hate group activity may also serve as a measure of the climate of hate in society.

The Southern Poverty Law Center's (SPLC) Intelligence Project is one of the nation's most comprehensive sources of information on hate groups. Established in 1971 as a civil rights law firm, this non-profit organization has been tracking hate activity since 1981. It is the primary source used to compile the information presented in this discussion of hate groups. The SPLC data and information presented in this report is publically available on the Center's website, www.splcenter.com.

According to the SPLC, the number of hate groups operating in the United States rose to 926 in 2008, a 4% increase over the number in 2007 (888) and a 10% increase over the number in 2006 (844). Since 2000, the number of hate groups in the U.S. has risen more than 50% (Holthouse, 2009). Across the nation, neo-Nazis, nativists, Ku Klux Klansmen, racist skinheads, neo-Confederates, and white nationalists continue to spread their messages of hate.

While a number of factors may contribute to creating a climate of hate, such as fear, alienation, economic prejudice, negative stereotypes, and increasing cultural diversity, a single incident may exacerbate existing tensions in a community and trigger the potential for a series of hate crimes and escalating violence. The SPLC identified three primary issues responsible for fueling the increase in hate groups, hate crime, and hate incidents in 2008: immigration, the economic



recession, and Barack Obama's campaign and subsequent election as the nation's first black president (Holthouse, 2009).

Hate crimes against Hispanics and those perceived to be illegal immigrants continue to rise across the nation. Extremist groups opposing immigration reform are using the tactics of hate groups and spreading dehumanizing, racist stereotypes about Hispanics. The economic recession has also contributed to the rise in hate groups and hate activity. Scapegoating, or blaming others for one's own problems or frustrations, often occurs in times of economic distress (USDOJ, 1996). The economic recession has led some individuals to direct their hostility outwards and blame others for their own economic frustrations. Racist extremists blame non-whites for the recession and believe that jobs are being lost to illegal immigrants.

Compounding these issues in 2008 was the election of the nation's first black President. Numerous racially charged incidents followed the election of President Obama. Graffiti, vandalism, intimidation, arson and violence ensued. Several white supremacists were arrested for threatening to assassinate President Obama. Don Black, a notorious former Ku Klux Klan Grand Wizard, reported that his website received so many hits after the election results were announced that it crashed (Chen, 2009). His website, Stormfront, is one the most well-known hate sites on the Internet. The site, which has over 100,000 members, added more than 2,000 new members the day after the election. Kentucky experienced racially charged post-election incidents as well, including the hanging of an effigy of President Obama from a tree on the campus of the University of Kentucky.

The SPLC tracks active hate groups and maintains a state-by-state directory of where such groups have been established. While not exhaustive, the list identifies known groups based on information from hate groups' publications, citizens' reports, law enforcement agencies, field sources, news reports, and the Internet. The SPLC identified 11 active hate groups in Kentucky in 2008, down from 13 groups identified in 2007 (Table 1). Although the number of hate groups decreased between 2007 and 2008, Kentucky actually experienced a 16%¹ increase in the total number of hate crimes perpetrated in the state during this same period (Kentucky State Police, 2009). Figure 1 depicts the trend in the number of active hate groups in Kentucky, as identified by the SPLC, between 2002 and 2008.

¹ Calculated using Kentucky State Police data which reported 56 incidents in 2007 and 65 incidents in 2008.

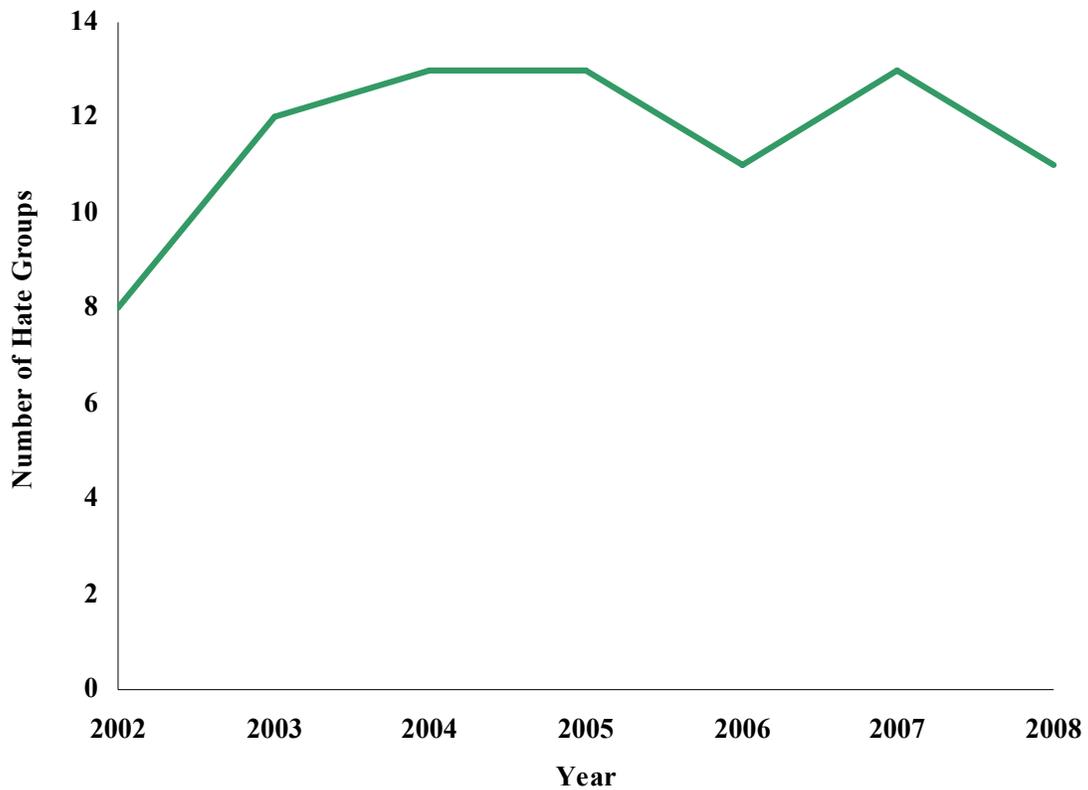


Table 1: Number of Hate Groups in Kentucky, 2002-2008

	2002	2003	2004	2005	2006	2007	2008
Hate Groups	8	12	13	13	11	13	11

Source:
Southern Poverty Law Center.

Figure 1: Number of Hate Groups in Kentucky, 2002-2008



Source:
Southern Poverty Law Center.



The three most active hate groups in the U.S. continue to be Ku Klux Klan (KKK) groups, Neo-Nazis, and racist skinheads. Table 2 presents a list of the hate groups active in Kentucky in 2008.

Table 2: Hate Groups in Kentucky, 2008

Chapter	Group	City
Fellowship of God’s Covenant People	Christian Identity	Burlington
Brotherhood of Klans Knights of the KKK	Ku Klux Klan	
The Knights Order of Klans	Ku Klux Klan	
United Northern and Southern Knights of the KKK	Ku Klux Klan	
Imperial Klans of America	Ku Klux Klan	Dawson Springs
Appalachian Knights of the KKK	Ku Klux Klan	Pikeville
North American White Knights of the KKK	Ku Klux Klan	Tollesboro
League of the South	Neo-Confederate	Lexington
American National Socialist Workers’ Party	Neo-Nazi	Baxter
American National Socialist Workers’ Party	Neo-Nazi	Louisville
Supreme White Alliance	Racist Skinhead	

Source:
Southern Poverty Law Center.

Nationwide, the number of KKK groups increased significantly in 2008, from 155 chapters to 186 chapters, reversing a declining trend that had lasted for the past seven years (Holthouse, 2009). Despite the increase in chapters nationwide, the number of chapters in Kentucky declined from eight in 2007 to six in 2008. Based in the cities of Dawson Springs, Pikeville, and Tollesboro and three other unidentified locations, the KKK is the most active hate group in the state of Kentucky.

Once the largest Klan group, the Kentucky-based Imperial Klans of America (IKA) continued to lose chapters in 2008. Nationwide, the total number of chapters declined from 16 in 2007 to just 6 chapters in 2008 (Holthouse, 2009). This may, in part, have resulted from the civil lawsuit filed in 2007 by the SPLC against IKA Chief Ron Edwards and five of its members for the brutal attack on a 16-year old boy of Panamanian descent at a county fair at the Meade County Fairgrounds in Brandenburg, Kentucky. In November 2008, a jury awarded the victim \$2.5 million in compensatory and punitive damages. The jury found that Edwards had recklessly supervised the Klansmen who attacked the teenager and encouraged their violence. The two IKA members responsible for the attack were sentenced in 2007 to three years in prison (Kenning, 2007).



The largest Klan organization in the U.S. is the Brotherhood of Klans Knights of the Ku Klux Klan, which has a chapter in Kentucky, although the city location is unknown. Also active in Kentucky, the United Northern and Southern Knights of the Ku Klux Klan more than doubled its number of chapters in 2008.

Neo-Nazi group chapters decreased from 207 in 2007 to 194 in 2008. The SPLC attributed this to the dissolution of National Vanguard after its leader was convicted in January 2008 on child pornography charges (Holthouse, 2009). With 67 chapters, the National Socialist Movement (NSM) was the largest neo-Nazi organization in the country in 2008. The second largest neo-Nazi group in the country, the American National Socialist Workers Party (ANSWP), grew from 30 chapters in 26 states to 35 chapters in 28 states (Holthouse, 2009). ANSWP has chapters in two Kentucky cities, Baxter and Louisville. The Anti-Defamation League reports that in April of 2008, ANSWP hosted an event in Louisville (see Table 3).

The third most common hate groups are racist skinhead organizations. In 2008, a new racist skinhead group emerged, the Supreme White Alliance (SWA). The group was co-founded in 2007 by Steven Edwards of Kentucky, the son of IKA leader Ron Edwards. In just a short time, the Supreme Alliance had established eight groups in eight different states. The SWA describes itself as an organization that brings together unaffiliated racist skinheads, neo-Nazis, neo-Confederates, and other white supremacists under one organization (ADL, 2008). Most members are only in their 20s but have a long history of white supremacy having belonged to other white supremacist groups.

As part of its mission to gather, analyze, and disseminate intelligence on extremism and hate activity, the Anti-Defamation League (ADL) documents extremist events that are held in each state across the U.S. Table 3 provides a list of extremist events that took place in Kentucky in 2008 as documented by the ADL. The information from the ADL presented in this report is publically available on its website, www.adl.org.



Table 3: Extremist Events in Kentucky, 2008

Date	Location	Event	Description
3/29/2008 - 3/30/2008	Dawson Springs	IKA Spring Gathering	Gathering organized by Imperial Klans of America (IKA).
4/6/2008	Louisville	ANSWP Unity Cookout	Gathering organized by neo-Nazi American National Socialist Workers Party (ANSWP).
4/11/2008 - 4/13/2008	Pineville	Aryan Bash 2008	First annual Aryan Bash organized by Appalachian Knights of the Ku Klux Klan with expected attendance by half a dozen other white supremacist groups.
5/9/2008 - 5/11/2008	Golden Pond	Militia training	Paramilitary training organized by the Kentucky State Militia.
5/23/2008 - 5/26/2008	Dawson Springs	Nordic Fest 2008	Annual white power rally and music festival with bands, speakers, vendors, as well as cross and swastika lighting, organized by the Imperial Klans of America (IKA).
8/3/2008	Louisville	Speech by David Irving	Speech by British Holocaust denier David Irving.
9/26/2008 - 9/28/2008	Dawson Springs	IKA Fall Gathering	Weekend gathering organized by International Klans of America, Knights of the Ku Klux Klan, with open invitation to members and supporters nationwide.

Source:
Anti-Defamation League.

In addition to holding meetings and hosting events, many hate groups rely on the Internet to gather their members together in cyberspace. The Internet has given extremists access to a potential audience of millions, including the vulnerable population of impressionable youth (Kaplan & Moss, 2003). These groups are actively using the Internet to share their message, recruit new members, and improve the coordination and communication among current members. In 2008, the SPLC reported that there were 630 U.S.-based hate sites on the Internet, down from 643 in 2007 (Holthouse, 2009). The following websites for Kentucky hate groups were identified by SPLC in 2008:

- Imperial Klans of America, Knights of the KKK- <http://www.kkkk.net/>
- Appalachian Knights of the KKK- <http://www.appalachiankkk.blogspot.com>
- American National Socialist Workers Party's Kentucky blog- <http://michaelburks.wordpress.com>
- Supreme White Alliance- <http://www.swa43.com> and <http://www.supreme-white-alliance.net>, <http://supremewhitealliance.ning.com>

IV. Hate Crime Legislation

In order to combat hate in our communities, the existing hate crime laws are leveraged to prosecute offenders and protect victims of hate crime. Since the civil rights era, policymakers have worked to pass legislation that allows the judicial system to seek justice for bias-motivated crimes. Hate crime legislation continues to evolve as the scope and breadth of victim protection widens. The following section details both federal and Kentucky hate crime legislation currently in place.

A. Federal Legislation

Federal law defines a hate crime as any criminal offense against either a person or property in which the offender intentionally selects the victim because of his or her actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation (Krouse, 2007). Under current federal law, a hate crime is not a separate and distinct offense. Instead, it is a traditional crime, such as burglary, arson, robbery, or assault, which is committed by an individual motivated to commit the crime by one or more biases.

The law that serves as the primary mechanism for prosecuting hate crimes at the federal level is 18 United States Code (U.S.C.) § 245, Federally Protected Activities. Enacted in 1968, this law grants federal officers the authority to investigate and prosecute crimes motivated by race, color, religion, or national origin. It stipulates that the victim must be engaging in a federally protected activity (e.g., attending public school or voting) in order for the law to apply.

There are several other federal statutes that may be applied to a bias-motivated crime. These historic pieces of legislation were originally enacted to provide legal intervention and recourse for victims of discrimination. Therefore, although not created specifically as hate crimes statutes, these statutes are still important to consider as part of the existing hate crime legislation.

Two federal statutes, Conspiracy Against Rights (18 U.S.C. § 241) and Deprivation of Rights Under Color of Law (18 U.S.C. § 242), were established in 1948 in response to incidents of racial and ethnic violence. These statutes were created to punish individuals and government officials who deprived, or threatened to deprive, citizens from exercising their constitutional rights. Conspiracy Against Rights (18 U.S.C. § 241) makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States.

It is a federal crime for anyone acting under “color of law” to deprive a person of a right protected under the Constitution or U.S. law (18 U.S.C. § 242). If someone is acting under “color of law,” it means that the person is using authority given to him or her by a state, local, or federal government agency. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.



Enacted in 1968, Criminal Interference with Right to Fair Housing (42 U.S.C. § 3631) makes it unlawful for any individual to use force or threaten to use force to injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any person's housing rights because of that person's race, color, religion, sex, handicap, familial status or national origin. Among those housing rights enumerated in the statute are (1) the sale, purchase, or renting of a dwelling; (2) the occupation of a dwelling; (3) the financing of a dwelling; (4) contracting or negotiating for any of the rights enumerated above; (5) applying for or participating in any service, organization, or facility relating to the sale or rental of dwellings. This statute also makes it unlawful, by the use of force or threatened use of force, to injure, intimidate, or interfere with any person who is assisting an individual or class of persons in the exercise of their housing rights.

On April 23, 1990, as a result of heightened public awareness regarding the incidence of hate crime, Congress passed the Hate Crime Statistics Act, requiring the collection of data on crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity (28 U.S.C. § 534). The Hate Crime Statistics Act was subsequently amended in 1994 to include crimes motivated by bias against persons with mental and/or physical disabilities and again in 1996 to permanently extend the data collection mandate. While there is variation across states regarding the offenses covered under hate crime legislation, the offenses covered by the Hate Crimes Statistics Act include homicide, non-negligent manslaughter, forcible rape, assault, intimidation, arson, and destruction, damage, or vandalism of property.

The responsibility for collecting and managing hate crime data is delegated to the FBI's Uniform Crime Reporting (UCR) Program. Upon enactment of the Hate Crime Statistics Act, the collection of hate crime statistics was attached to the already established UCR data collection procedures in order to avoid increasing the burden on law enforcement. The UCR Program captures information on the types of biases that motivate crimes, the nature of the offenses, and profiles of both the victims and offenders.

As a part of the Violent Crime Control and Law Enforcement Act of 1994, the Hate Crimes Sentencing Enhancement Act (28 U.S.C. § 994) was established to provide for longer sentences for offenses determined to be hate crimes. As a result of this Act, the United States Sentencing Commission was required to increase the penalties for crimes in which the victim was selected because of his or her actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation. This Act is limited to criminal offenses which interfere with an individual's right to engage in a federally-protected activity.

Enacted in 1996, the Church Arson Prevention Act (18 U.S.C. § 247) prohibits (1) intentional defacement, damage, or destruction of any religious real property, because of the religious, racial, or ethnic characteristics of that property, or (2) intentional obstruction by force or threat of force, or attempts to obstruct any person in the enjoyment of that person's free exercise of religious beliefs. If the intent of the crime is motivated for reasons of religious animosity, it must be proven that the religious real property has a sufficient connection with interstate or foreign commerce. However, if the intent of the crime is racially motivated, there is no requirement to satisfy the interstate or foreign commerce clause. The Act also created the National Church



Arson Task Force (NCATF) to oversee the investigation and prosecution of arson at houses of worship around the country. In addition to establishing the NCATF, the law allowed for a broader federal criminal jurisdiction to aid criminal prosecutions, and established a loan guarantee recovery fund for rebuilding of damaged properties.

The Freedom of Access to Clinic Entrances Act (18 U.S.C. § 248), passed in 1994, prohibits the use of intimidation or physical force to prevent or discourage persons from (1) gaining access to a reproductive health care facility; or (2) exercising freedom to worship at a religious facility. The law also creates specific penalties for the destruction of, or damage to, a reproductive health care facility or place of religious worship.

On August 14, 2008, the President signed The Higher Education Reauthorization and Opportunity Act (HEA) into law. The Act makes a number of changes to programs authorized under Higher Education Act of 1965, authorizes new programs, and enhances hate crime data collection procedures. The Higher Education Act of 1965 requires colleges and universities to report campus incidents, including violent, bias-motivated crimes, to the Office of Postsecondary Education (OPE). Before the Reauthorization and Opportunity Act was enacted, however, reporting requirements were less rigorous than those of the FBI and resulted in inconsistencies between FBI and OPE hate crime statistics. With the passage of this bill, the U.S. Congress mandated that the hate crimes data reported by campus security personnel must conform to the same standards as that reported by state and local authorities to the FBI.

B. Kentucky Legislation

During the 1980s, states began to enact their own hate crime legislation. By 2007, the majority of states had enacted some form of legislation that addresses hate crime. Only Wyoming is without a specific hate crime law. The laws vary significantly from state to state. For example, while most states specify race, religion, or ethnicity as protected classifications under their hate crime laws, the laws vary in terms of inclusion of classifications such as gender, sexual orientation, and disability. A state by state comparison of state hate crime statutory provisions, prepared by the Anti-Defamation League, is provided in Appendix A.

In 1992, following the enactment of federal hate crime legislation, Kentucky passed KRS 17.1523, legislation requiring the collection of data on bias-motivated crime on the uniform offense report. Based on the statute, “all law enforcement officers, when completing a uniform offense report, shall note thereon whether or not the offense appears to be caused as a result of or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.” The legislation also requires the Justice and Public Safety Cabinet through the Kentucky State Police to incorporate data on hate crimes in its annual report of statewide crime statistics.

The crime of Desecration of Venerated Objects in the Second Degree (KRS 525.110), pertaining to public monuments or objects, places of worship, and the national or state flag or religious symbol, was originally enacted in 1988 in response to concerns regarding gravesite robberies.



However in 1992, a separate offense of violating graves was established and the word burial was removed from the desecration statute.

In 1998, as part of comprehensive criminal justice legislation known as the Governor's Crime Bill (HB455), three additional provisions pertaining to hate crimes were enacted. These reforms included the following:

- Creation of a new section (KRS 532.031) which allows the sentencing judge to make a finding that hate in response to the victim's race, color, religion, sexual orientation, or national origin, was the primary motivation in the commission of a crime. The sentencing judge can then use that finding as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in the decision to delay or deny parole.
- Creation of the offense of Institutional Vandalism (KRS 525.113) as a class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects defined in KRS 525.110.
- Amendment of KRS Chapter 346 to allow a victim who suffers personal injury resulting from a hate crime to be eligible for awards under the Kentucky Victims Compensation Board.

In June of 2005, KRS 15.331 was repealed and replaced by KRS 15.334. The new legislation requires mandatory training courses for law enforcement students and certified peace officers for a range of subjects including the "identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin." The statute also sets forth a requirement regarding the total number of courses that must be taken within an eight year period.

Although Kentucky is considered to be among the states which have enacted specific penalties for hate crime by virtue of the offenses established for institutional vandalism and desecration of objects, the state's primary hate crime statute (KRS 532.031) does not contain a penalty provision. Although KRS 532.031 does permit the judge to limit sentencing options and the Parole Board to delay or deny parole, these actions already fall within their respective powers of discretion. The statute did, however, allow for the identification of the offender as having committed a hate or bias-motivated crime, which represents an important first step.

V. Data Collection Statistics

A. Hate Crime Reporting

In accordance with the *Hate Crimes Statistics Act of 1990* (Public Law 102-275) the FBI's UCR program collects data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder and non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage, or vandalism of property." The UCR program relies on the voluntary participation of state and local law enforcement agencies across the country; therefore, the data compiled through the program may be a better reflection of how well hate crime is being reported rather than its actual incidence.

When the UCR program issued its first report on hate crimes in 1993, fewer than one in five of the nation's law enforcement agencies were providing data on such crimes. Participation has since increased and in 2008, over 17,000 city, county, tribal, state, and federal law enforcement agencies participated in the national UCR Program. Representing 88.6% of the nation's population, 13,690 of these agencies participated in the UCR's hate crime reporting program, the largest number of participants in the 18-year history of the Hate Crime Statistics Act of 1990. Of the agencies participating in the program, 16% reported incidents of hate crime (see Table 4). In total, 7,783 incidents were reported in the U.S. According to the UCR data, Kentucky reported a total of 64 hate crime incidents in 2008, up from 48 incidents in 2007, but the same number of incidents reported in 2006. Of the 315 agencies who participated in the reporting program, 23, or 7%, reported a documented hate crime.

Although an agency may participate in the UCR program, this does not necessarily mean that bias-related incidents are being accurately identified and reported. It is evident that some agencies are underreporting hate crime. For example, in 2008, Alabama reported 11 bias-related incidents and Georgia reported 9 bias-related incidents. This is significantly fewer incidents than were reported by surrounding states. For example, the neighboring state of Tennessee reported 255 bias-related incidents in 2008. This wide disparity between states suggests that hate crime is not being consistently reported by state officials to the UCR program. This is important to note because it emphasizes the caution that must be used in comparing the number of hate crimes from one state to another.

According to UCR data presented in Table 4, both Indiana (61) and West Virginia (43) reported fewer hate crimes than Kentucky (64) in 2008. States reporting more hate crimes included Missouri (99), Illinois (120), Tennessee (255), Virginia (263), and Ohio (345). With respect to the type of agency reporting hate crime incidents, Kentucky is similar to surrounding states in that the majority of incidents are reported by agencies at the city-level.



Table 4: Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2008

State	Total Number of Incidents Reported	Agencies Submitting Incident Reports	Number of Participating Agencies	Population Covered	Percent of Population Covered
Ohio	345	106	545	9,071,197	78.98%
Virginia	263	75	407	7,767,843	99.98%
Tennessee	255	81	461	6,214,418	99.99%
Illinois	120	44	308	8,048,213	62.38%
Missouri	99	32	630	5,904,517	99.88%
Kentucky	64	23	315	3,821,826	89.52%
Indiana	61	17	131	3,062,775	48.03%
West Virginia	43	23	294	1,636,800	90.21%
U.S.	7,783	2,145	13,690	269,382,053	88.60%

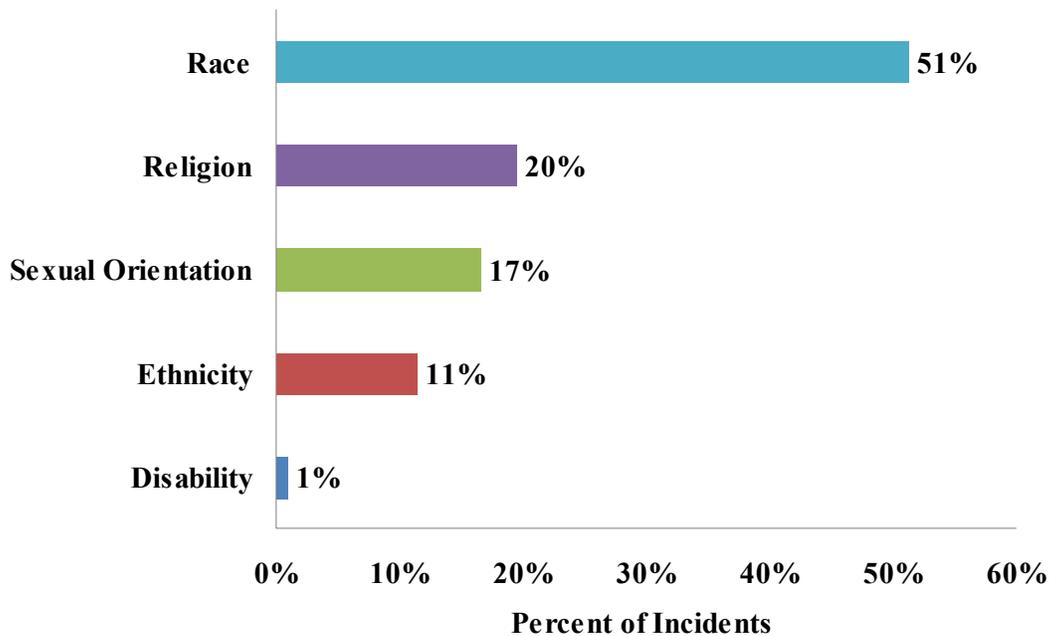
Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.



B. Federal Law Enforcement Data

The figures and tables that follow present official national law enforcement data as published by the FBI's UCR program. The UCR program reports that in 2008, 51% of all hate crime incidents in the U.S. were racially motivated while 20% were motivated by religion (see Figure 2). Of the racially motivated incidents, over two-thirds were anti-black. Of the religious motivated incidents, over two-thirds were anti-Jewish (see Table 5). In the U.S., nearly half of all hate crimes occurred either at a residence/home or a highway/road/alley/street (see Table 6). The majority of hate crimes involved the offenses of destruction, damage, or vandalism (38%). Intimidation (28%) and simple assault (19%) were the next most common offenses (see Table 7). In the U.S., 64% of known hate crime offenders were white (see Table 8). In terms of the type of victim, the majority (77%) were individuals (see Table 9).

Figure 2: Distribution of Hate Crime in the U.S. by Bias Motivation, 2008



Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.



Table 5: Hate Crime in the U.S. by Bias Motivation, 2008

Targeted Group	Incidents	Offenses	Victims ¹	Known Offenders ²
Single-Bias Incidents	7,780	9,160	9,683	6,921
Race	3,992	4,704	4,934	3,723
Anti-White	716	812	829	811
Anti-Black	2,876	3,413	3,596	2,596
Anti-American Indian/Alaskan Native	54	59	63	61
Anti-Asian/Pacific Islander	137	162	170	140
Anti-Multiple Races, Group	209	258	276	115
Religion	1,519	1,606	1,732	632
Anti-Jewish	1,013	1,055	1,145	353
Anti-Catholic	75	75	89	35
Anti-Protestant	56	60	62	34
Anti-Islamic	105	123	130	85
Anti-Other Religion	191	212	222	90
Anti-Multiple Religions, Group	65	67	70	33
Anti-Atheism/Agnosticism/etc.	14	14	14	2
Sexual Orientation	1,297	1,617	1,706	1,460
Anti-Male Homosexual	776	948	981	921
Anti-Female Homosexual	154	194	198	156
Anti-Homosexual	307	415	466	336
Anti-Heterosexual	33	33	34	25
Anti-Bisexual	27	27	27	22
Ethnicity/National Origin	894	1,148	1,226	1,034
Anti-Hispanic	561	735	792	711
Anti-Other Ethnicity/National Origin	333	413	434	323
Disability	78	85	85	72
Anti-Physical Disability	22	28	28	26
Anti-Mental Disability	56	57	57	46
Multiple-Bias Incidents³	3	8	8	6
Total	7,783	9,168	9,691	6,927

¹ The term “victim” may refer to a person, business, institution, or society as a whole.

² The term “known offender” does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

³ In a multiple-bias incident two conditions must be met: 1) more than one offense type must occur in the incident and 2) at least two offense types must be motivated by different biases.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.



Table 6: Location of Hate Crime Incidents in the U.S., 2008

Location	Number of Incidents	Percent of Total
Residence/Home	2,480	32%
Highway/Road/Alley/Street	1,354	17
Other/Unknown	927	12
School/College	907	12
Parking Lot/Garages	473	6
Church/Synagogue/Temple	326	4
Restaurant	168	2
Bar/Nightclub	142	2
Government/Public Building	130	2
Commercial Office Building	129	2
Convenience Store	100	1
Field/Woods	97	1
Air/Bus/Train Terminal	74	1
Department/Discount Store	72	1
Service/Gas Station	68	1
Jail/Prison	61	1
Drug Store/Dr.'s Office/Hospital	58	1
Specialty Store	57	1
Grocery/Supermarket	50	1
Hotel/Motel	44	1
Bank/Savings and Loan	18	0
Construction Site	16	0
Liquor Store	10	0
Lake/Waterway	8	0
Multiple Locations	7	0
Rental Storage Facility	7	0
Total	7,783	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.



Table 7: Hate Crime Incidents in the U.S. by Offense Type, 2008

Offense Type	Number of Incidents ¹	Percent of Incidents
Crimes against persons:	4,490	58%
Murder and Nonnegligent manslaughter	7	0
Forcible Rape	11	0
Aggravated Assault	774	10
Simple Assault	1,503	19
Intimidation	2,178	28
Other ²	17	0
Crimes against property:	3,608	46%
Robbery	145	2
Burglary	158	2
Larceny-Theft	224	3
Motor Vehicle Theft	26	0
Arson	53	1
Destruction/Damage/Vandalism	2,970	38
Other ²	32	0
Crimes against society³	18	0%

Note: Due to rounding, percentages may not equal 100.

¹ The actual number of incidents is 7,783. However, this column's figures will not add to the total because incidents may include more than one offense type, and these are counted in each appropriate offense type category.

² The law enforcement agencies that participate in the UCR Program via the National Incident-Based Reporting System (NIBRS) collect data about additional offenses for crimes against persons and crimes against property, classified here as "Other."

³ The law enforcement agencies that participate in the UCR Program via NIBRS also collect hate crime data for the category "Crimes against society," which includes drug or narcotic offenses, gambling offenses, prostitution offenses, and weapon law violations.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.



Table 8: Hate Crime Offenders in the U.S. by Race, 2008

Know Offender's Race¹	Number of Offenders	Percent of Total
White	3,752	64%
Black	1,092	19
Unknown	694	12
Multiple Races, Group ²	215	4
Asian/Pacific Islander	72	1
American Indian/Alaskan Native	33	1
Total	5,858	100%

Note: Due to rounding, percentages may not equal 100.

¹ The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender. There were 3,310 unknown offenders in 2008.

²The term multiple races, group, is used to describe a group of offenders of varying races.

Source:

Federal Bureau of Investigation. *Hate Crime Statistics, 2008*.

Table 9: Hate Crime Incidents in the U.S. by Victim Type, 2008

Victim Type	Number of Incidents	Percent of Total
Individual	6,017	77%
Other/Unknown/Multiple	775	10
Business/Financial Institution	435	6
Government	315	4
Religious Organization	231	3
Society/Public	10	0
Total	7,783	100%

Note: Due to rounding, percentages may not equal 100.

Source:

Federal Bureau of Investigation. *Hate Crime Statistics, 20078*.



C. State Law Enforcement Data

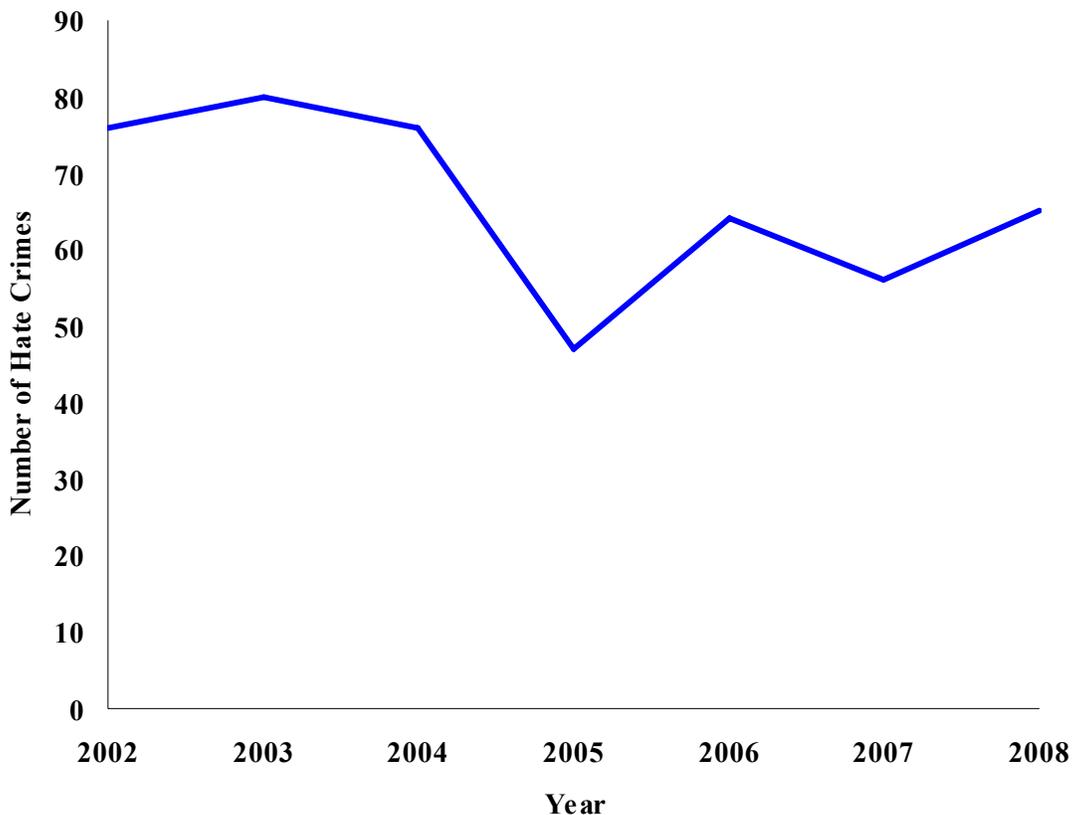
The figures and tables that follow present official state law enforcement data as published by the Kentucky State Police. Although the FBI’s UCR Program reported 64 hate crime incidents in Kentucky in 2008, the state police reported 65 incidents. The reason for this discrepancy is unknown. Between 2007 and 2008, the number of hate crimes increased 16%, from 56 incidents to 65 incidents. Table 10 and Figure 3 present the number of hate crimes that occurred between 2002 and 2008. During this seven year period, the total number of incidents peaked in 2003 at 80 incidents and fell to a low of 47 incidents in 2005.

Table 10: Number of Hate Crimes in Kentucky, 2002-2008

	2002	2003	2004	2005	2006	2007	2008
Hate Crimes	76	80	76	47	64	56	65

Source:
Kentucky State Police

Figure 3: Number of Hate Crimes in Kentucky, 2002-2008

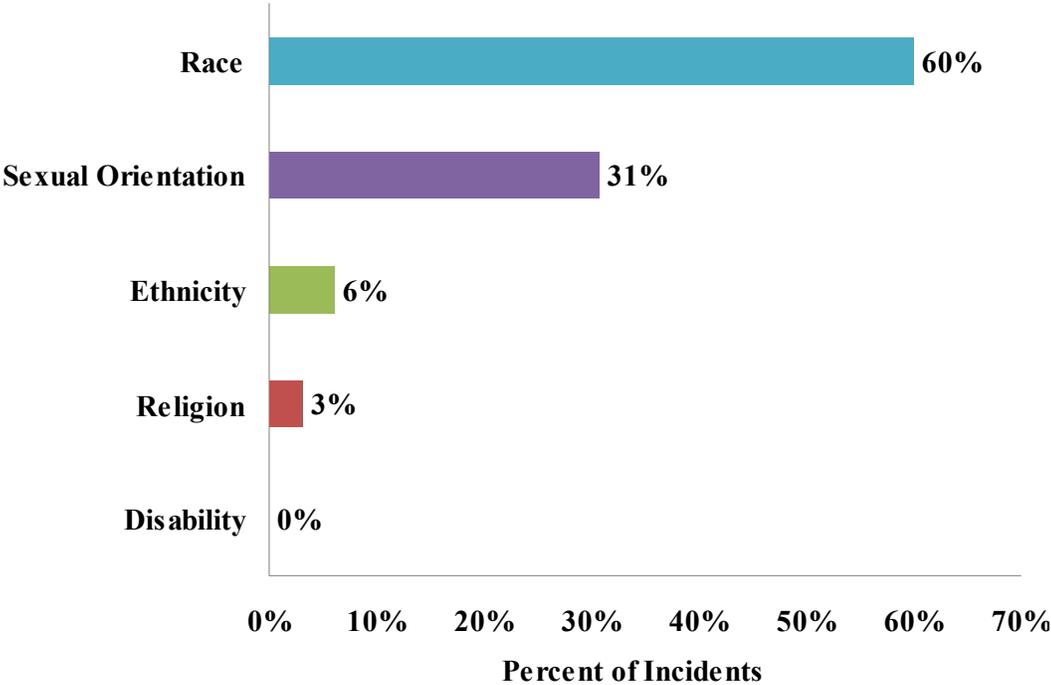


Source:
Kentucky State Police



Figure 4 depicts the distribution of hate crime in Kentucky by bias motivation. In 2008, race was the most common motivation for hate crimes in Kentucky (60%). Of those incidents, 95% were anti-black (see Table 10). The second most common hate crime motivation was sexual orientation, representing 31% of incidents. Of those incidents, 70% were anti-male homosexual and 10% were anti-female homosexual (see Table 11). In 2008, 43% of all hate crimes in Kentucky occurred in a residence/home, 14% occurred in a highway/road/alley/street, 8% occurred in a parking lot/garage, and 8% occurred in a school/college (see Table 12). Of all hate crimes reported in Kentucky, 42% involved the offense of intimidation and 37% involved the offenses of destruction/damage/vandalism (see Table 13). The race of 44% of suspected offenders was unknown (see Table 14). The majority of hate crime victims in 2007 in Kentucky were individuals (84%) (see Table 15).

Figure 4: Distribution of Hate Crime in Kentucky by Bias Motivation, 2008



Source:
Kentucky State Police. *Crime in Kentucky, 2008*.



Table 11: Hate Crime Incidents in Kentucky by Bias Motivation, 2008

Targeted Group	Number of Incidents	Percent of Sub-Group	Percent of Total
Race	39	100%	60%
Anti-White	1	3	2
Anti-Black	37	95	57
Anti-American Indian/Alaskan Native	0	0	0
Anti-Asian/Pacific Islander	1	3	2
Anti-Multi-Racial Group	0	0	0
Ethnicity	4	100	6
Anti-Arab	0	0	0
Anti-Hispanic	2	50	3
Anti-Other Ethnicity/National Origin	2	50	3
Sexual Orientation	20	100	31
Anti-Male Homosexual	14	70	22
Anti-Female Homosexual	2	10	3
Anti-Homosexual	4	20	6
Anti-Heterosexual	0	0	0
Anti-Bisexual	0	0	0
Religion	2	100	3
Anti-Jewish	1	50	2
Anti-Catholic	1	50	2
Anti-Protestant	0	0	0
Anti-Islamic	0	0	0
Anti-Other Religion	0	0	0
Disability	0	0	0
Anti-Physical Disability	0	0	0
Anti-Mental Disability	0	0	0
Total	65	100%	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2008*.



Table 12: Location of Hate Crime Incidents in Kentucky, 2008

Location	Number of Incidents	Percent of Total
Residence/Home	28	43%
Highway/Road/Alley/Street	9	14
Parking Lot/Garages	5	8
School/College	5	8
Bar/Nightclub	4	6
Convenience Store	3	5
Department/Discount Store	2	3
Drug Store/Dr Office/Hospital	2	3
Government/Public Building	2	3
Other Unknown	2	3
Church/Synagogue/Temple	1	2
Grocery/Supermarket	1	2
Specialty Store	1	2
Air/Bus/Train Terminal	0	0
Bank/Savings and Loan	0	0
Commercial/Office Building	0	0
Construction Site	0	0
Field/Woods	0	0
Hotel/Motel	0	0
Jail/Prison	0	0
Lake/Waterway	0	0
Liquor Store	0	0
Rental Storage Facility	0	0
Restaurant	0	0
Service/Gas Station	0	0
Total	65	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2008*.



Table 13: Hate Crime Incidents in Kentucky by Offense Type, 2008

Offense	Number of Incidents	Percent of Total
Intimidation	27	42%
Destruction/Damage/Vandalism	24	37
Aggravated Assault	6	9
Simple Assault	2	3
Robbery	2	3
Arson	2	3
Murder	1	2
Motor Vehicle Theft	1	2
Burglary	0	0
Larceny/Theft	0	0
Rape	0	0
Total	65	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2008*.

Table 14: Hate Crime Offenders in Kentucky by Race, 2008

Suspected Offender's Race ¹	Number of Offenders	Percent of Total
Unknown	41	44%
White	39	41
Black	14	15
Asian/Pacific Islander	0	0
American Indian/Alaskan Native	0	0
Multi-Racial Group	0	0
Total	94	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2008*.



Table 15: Hate Crime Incidents in Kentucky by Victim Type, 2008

Victim Type	Number of Incidents	Percent of Total
Individual	56	86%
Business	3	5
Government	2	3
Religious Organization	2	3
Society/Public	1	2
Unknown	1	2
Other	0	0
Financial Institution	0	0
Total	65	100%

Note: Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2008*.



VI. Anecdotal Evidence of Hate Activity

Since the release of the first federal hate crime report, there has continued to be a wide disparity between the data provided by law enforcement agencies and information compiled by human rights organizations. As such, in addition to federal and state crime statistics, it is valuable to consider the anecdotal information that can be gathered from alternative sources. This information can be used to garner a more holistic picture of hate activity in the Commonwealth. This section presents information gathered from local newspapers throughout the state as well as provides additional evidence of bias-related activity as reported by the Kentucky Commission on Human Rights.

A. Hate Incidents Reported by Kentucky Newspapers in 2008

The information gathered for this section is collected through a comprehensive search of the media using Newsbank, a Web-based research database. This section includes examples of both potential hate crimes as well as hate incidents. Hate incidents involve behaviors that are motivated by bias against a victim's race, religion, ethnic/national origin, gender, age, disability, sexual orientation, but are not criminal acts (Turner, 2001). Hostile or hateful speech or other disrespectful/discriminatory behavior may be motivated by bias but is not illegal. Hate incidents become crimes only when they directly incite perpetrators to commit violence against a person or property or if they place a potential victim in reasonable fear of physical injury. Any incident in which hate is involved is considered for inclusion. It is important to identify hate incidents because they can escalate into criminal acts and may provide an indication of community unrest. For many of these incidents that did involve a criminal offense, law enforcement later determined that the motivation for the crime was not hate. However, for informational purposes, all relevant incidents are included.

January (Louisville): During a dispute between a gas station clerk and a patron, the clerk yelled racial slurs at the patron, threatened to kill him, and pushed him down causing scrapes to his knee and elbow. (*The Courier-Journal*)

February (Lexington): The victim of an assault outside a Lexington gay nightclub reported that two men shouted an anti-gay slur before attacking him, punching him in the face multiple times. (*Lexington Herald-Leader*)

February (Ft. Thomas): Several incidents of graffiti in the Ft. Thomas area escalated into hate speech. Vandals spray painted swastikas, Nazi slogans, anti-Semitic graffiti, and anti-police messages on the wall of a church. A 15-year-old boy was arrested and more arrests were expected. (*The Kentucky Enquirer*)

July (Oldham): KKK literature was distributed with some editions of the Oldham Era, a local newspaper. The fliers stated, "If you are reading this you are in Klan Country. Join and support the Ku Klux Klan. Join the KKK and fight for race and nation." (*The Courier-Journal*)



July (Owensboro): Stereo and computer equipment and a cash box were stolen from a storage building. The storage building owner's dog was found tied up and dead from strangulation. Racially charged graffiti was spray-painted on the walls, a van, and two motorbikes. (*Owensboro Messenger-Inquirer*)

October (Highland Heights): Racial and anti-Semitic graffiti was found on park benches at Northern Kentucky University. (*The Kentucky Enquirer*)

October (Lexington): An effigy of then Democratic presidential nominee Barack Obama was found hanging from a tree on the University of Kentucky campus. (*Lexington Herald-Leader*)

November (Fort Mitchell): A vehicle was broken into and items were stolen belonging to a Democratic political activist and contributor. The thieves left a note on the windshield with a racial epithet scrawled in big black letters. (*The Kentucky Enquirer*)

November (Muhlenburg): Students at Muhlenburg North High School were rumored to be planning violence against black students after the election of Barack Obama as U.S. President. More than 25 officers from six different police agencies assisted throughout the day after the election to ensure that no violence occurred. (*Owensboro Messenger-Inquirer*)



B. Kentucky Commission on Human Rights²

The Kentucky General Assembly created the Kentucky Commission on Human Rights (KCHR) in 1960 and expanded its role in 1966 with the passage of the Kentucky Civil Rights Act (KRS 344). The Kentucky Civil Rights Act makes it illegal to discriminate against anyone because of race, sex, age (people who are 40-years and older), disability, color, religion, national origin, familial status (applies only to housing), and tobacco smoker or non-smoker status. Discrimination is defined in the Kentucky Civil Rights Act as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law. People in Kentucky are protected from these types of discrimination in housing, employment, public accommodations, financial transactions, and retaliation. Businesses that supply goods or services to the general public, or solicit and accept the patronage of the public, and entities supported by government funds are considered public accommodations.

Headquartered in Louisville and the Northern Kentucky office in Covington, KCHR's primary purpose is to act as a guardian of people's civil rights. The mission of KCHR is to eradicate discrimination in the Commonwealth through enforcement of the Kentucky Civil Rights Act (KRS 344). KCHR is made up of an 11-member board of commissioners appointed by the Governor of Kentucky, the executive director, and 29 staff members. The commissioners have agency oversight and act as a judicial body in discrimination cases filed with the agency by members of the public. In FY 2008, the board of commissioners met monthly to hear and rule on discrimination complaints.

The KCHR receives, initiates, investigates, conciliates, and rules upon jurisdictional complaints alleging violations of the Kentucky Civil Rights Act. The Commission also enforces the policies set forth in the U.S. Civil Rights Act, the U.S. Fair Housing Act, the U.S. Americans with Disabilities Act and other federal civil rights laws. The commission works daily to encourage fair treatment, discourage discrimination, and foster mutual understanding and respect among all people. Through education, outreach, partnerships, and public affairs events, KCHR strives to ensure that people in Kentucky are knowledgeable about their civil rights. In 2008, KCHR's Education and Outreach Unit conducted 58 civil rights workshops, participated in 78 community meetings, and held 3 citizen advocacy hearings.

According to KCHR's 2008 Annual Report, in FY 2008, the agency processed 2,843 intakes from potential victims of discrimination in Kentucky and commission investigators processed 797 cases. A total of 421 complaints alleging illegal discrimination were filed in FY 2008 by the KCHR. This was a slight decrease from the number of complaints in 2007 (423). The most common bases for discrimination complaints were race and color, disability, and sex (see Table 16).

² All data within this section was compiled from KCHR's website, <http://kchr.ky.gov/>. Data is reported for the fiscal year.



Table 16: Kentucky Commission on Human Rights: Basis of Cases Filed, FY 2008

Basis	Employment	Housing	Public	Financial	Total
			Accommodations	Transactions	
Race & Color	129	15	14	0	158
Disability	52	19	28	0	99
Sex	88	2	3	0	93
Retaliation	34	5	0	0	39
Age (40+)	38	0	0	0	38
National Origin	9	3	1	0	13
Religion	9	0	0	0	9
Familial Status	0	9	0	0	9
Smoker or Non-Smoker Status	0	0	0	0	0
Totals	359	53	46	0	458

Note: Some complaints alleged more than one basis of discrimination. Therefore, the total number of complaints filed (421) does not equal the total number of basis for complaints filed (458).

Source:
Kentucky Commission on Human Rights.

The total number of complaints closed in FY 2008 was 376, down from 423 in 2007. The KCHR’s 2008 Annual Report attributes this decrease to the shortage of enforcement staff in FY 2008. The majority of complaints closed were found to have no probable cause; the next most common outcome was withdrawal with right to sue (see Table 17). In FY 2008, KCHR staff negotiated a total of 27 conciliation agreements, down from 31 in FY 2007. Sixteen of the conciliation agreements were reached after the commission determined that there was probable cause to believe that discrimination had occurred and the parties decided to conciliate for settlement rather than continue with litigation. The total compensation for all 27 agreements was \$78,550.

Table 17: Kentucky Commission on Human Rights: Outcomes of Complaints Closed, FY 2007-FY 2008

Complaint Outcome	2007		2008	
	Number	Percent	Number	Percent
No Probable Cause	300	71%	263	70%
Withdrawal with Right to Sue	65	15%	60	16%
Withdrawal with Settlement	26	6%	22	6%
PC Conciliation	25	6%	16	4%
Conciliation	6	1%	11	3%
Finding of Discrimination	1	0%	4	1%
Total	423	100%	376	100%

Source:
Kentucky Commission on Human Rights.



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Appendix A: State Hate Crime Statutory Provisions



Comparison of Hate Crime Statutory Provisions, Kentucky and Nationally, 2008

Statutory Provision	Kentucky	National Count
Bias-Motivated Violence and Intimidation- Criminal Penalty¹	√	46
Civil Action		32
Race, Religion, Ethnicity	√	45
Sexual Orientation	√	31
Gender		27
Disability		31
Other²		20
Institutional Vandalism	√	43
Data Collection³	√	28
Training for Law Enforcement Personnel⁴	√	14

Note: National count represents the number of states that have the indicated statutory provision. Includes Kentucky and the District of Columbia.

¹ The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

² “Other” includes political affiliation (CA, DC, IA, LA, WV), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT), and transgender/gender identity (CA, CO, CT, DC, HI, MD, MC, MO, NJ, NM, OR, VT).

³ States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX, and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

⁴ Some other states have administrative regulations mandating such training.

Source:
Anti-Defamation League.



Comparison of Hate Crime Statutory Provisions, Kentucky and Surrounding States, 2008

Statutory Provision	KY	IL	IN	MO	OH	TN	VA	WV
Bias-Motivated Violence and Intimidation- Criminal Penalty¹	√	√		√	√	√	√	√
Civil Action		√		√	√	√	√	
Race, Religion, Ethnicity	√	√		√	√	√	√	√
Sexual Orientation	√	√		√		√		
Gender		√		√		√		√
Disability		√		√		√		
Other²				√				√
Institutional Vandalism	√	√	√	√	√	√	√	
Data Collection³	√	√					√	
Training for Law Enforcement Personnel⁴	√	√						

¹ The following states also have statutes criminalizing interference with religious worship: MO, TN, VA, WV.

² “Other” includes political affiliation (WV) and age.

³ None of the states included in this table have data collection statutes which include sexual orientation or gender.

⁴ Some other states have administrative regulations mandating such training.

Source:
Anti-Defamation League.



State Hate Crime Statutory Provisions, 2008

Statutory Provision	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	
Bias-Motivated Violence and Intimidation-Criminal Penalty¹	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√	√
Civil Action				√	√	√	√	√		√	√		√	√		√			√	√		
Race, Religion, Ethnicity	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√	√
Sexual Orientation			√		√	√	√	√	√	√		√		√		√	√	√	√	√	√	√
Gender		√	√		√		√	√				√		√		√			√	√		
Disability	√	√	√		√	√	√	√	√	√		√		√		√	√		√	√		
Other²					√	√	√	√		√		√				√	√		√	√	√	√
Institutional Vandalism	√		√	√	√	√	√	√	√	√	√	√	√	√	√		√	√	√	√	√	√
Data Collection³			√		√		√	√		√		√	√	√		√		√	√	√	√	√
Training for Law Enforcement Personnel⁴			√		√		√							√		√		√	√			



State Hate Crime Statutory Provisions, 2008, cont.

Statutory Provision	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC
Bias-Motivated Violence and Intimidation -- Criminal Penalty¹	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Civil Action	√	√	√		√		√	√		√			√		√	√	√	√	√	
Race, Religion, Ethnicity	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Sexual Orientation	√		√		√		√	√	√	√	√	√					√		√	
Gender		√	√	√	√		√		√	√	√	√	√	√					√	
Disability	√		√		√		√	√	√	√	√	√				√			√	
Other²			√		√		√			√	√	√					√			
Institutional Vandalism	√	√	√	√	√	√	√	√		√	√	√	√		√	√	√	√	√	√
Data Collection³	√	√	√				√	√		√	√					√	√	√	√	
Training for Law Enforcement Personnel⁴	√		√							√	√						√		√	



State Hate Crime Statutory Provisions, 2008, cont.

Statutory Provision	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation -- Criminal Penalty¹	√	√	√	√ ⁵	√	√	√	√	√	
Civil Action	√	√	√		√	√	√		√	
Race, Religion, Ethnicity	√	√	√		√	√	√	√	√	
Sexual Orientation		√	√		√		√		√	
Gender		√	√		√		√	√		
Disability		√	√		√		√		√	
Other²					√			√		
Institutional Vandalism	√	√	√			√	√		√	
Data Collection³			√			√	√	√		
Training for Law Enforcement Personnel⁴							√			

¹ The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

² “Other” includes political affiliation (CA, DC, IA, LA, WV), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT), and transgender/gender identity (CA, CO, CT, DC, HI, MD, MC, MO, NJ, NM, OR, VT).

³ States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX, and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

⁵ The Utah statute ties penalties for hate crimes to violations of the victim’s constitutional or civil rights.

Source:
Anti-Defamation League.



This project was supported by Grant No. 2008-BJ-CX-K036, awarded by the Bureau of Justice Statistics, U. S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Bureau of Justice Statistics, U. S. Department of Justice, or the Kentucky Justice and Public Safety Cabinet.