

Hate Crime and Hate Incidents in the Commonwealth of Kentucky



2004



**Compiled by the Justice & Safety Center at
Eastern Kentucky University
on behalf of the
Kentucky Justice & Public Safety Cabinet**



Foreword

Dear Policymaker:

On behalf of the Kentucky Justice and Public Safety Cabinet, we are pleased to publish our second report on the scope of hate crime and hate incidents in the Commonwealth of Kentucky. Charged by statute, the Kentucky Justice and Public Safety Cabinet has collected and analyzed data on hate crime to inform state policy.

This report incorporates both official statistics from law enforcement as well as anecdotal data provided by state and national human rights organizations. With knowledge that official data is a better indicator of how well we are reporting rather than the actual incidence of hate crime, the anecdotal data is used to provide a more complete picture of statewide hate crime and hate incidents.

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,

B.G. Norman E. Arflack, Secretary
Kentucky Justice and Public Safety Cabinet



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Executive Summary

As part of its role in statewide criminal justice planning and policy development, 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 efforts to provide state officials with a collection of statewide hate crime data – both official and anecdotal – in order to document the scope of this type of crime across Kentucky and the nation.

It is apparent that the number of hate incidents being reported through official channels does not reflect the full scope of hate crime and hate incidents within the Commonwealth. Due to questions raised regarding law enforcement reporting and underreporting by victims, it is generally believed that the data is a better reflection of how well crime is being reported than providing any estimate of its actual incidence.

In an attempt to better document the incidence of hate crime, this report includes official federal data reported in the Uniform Crime Reports and state level data reported to the Kentucky State Police. It also includes anecdotal information compiled from local newspapers across the state, reports received by the Kentucky Commission on Human Rights, and data collected by the Southern Poverty Law Center and the Anti-Defamation League.

By incorporating combined sources of data, it is the goal of the Cabinet to provide a comprehensive picture of hate crime in the Commonwealth. It is anticipated that this report will serve to inform both public and state policy as it relates to the incidence and prevalence of bias-motivated crime.

Statewide Crime Trends and Information Highlights

- National reports show that in 2004, 52.9% of all hate-bias offenses were racially motivated and 18.0% were motivated by religion (Figure 4.a). According to the Kentucky State Police, 59.2% of all hate-bias offenses in the Commonwealth were racially motivated, while 11.8% were motivated by religion (see Figure 4.b). The second largest percentage was sexual orientation, representing 15.8% of hate crime incidents.
- In the United States, 50% of all hate crime incidents occurred at a residence/home or a highway/road/alley/street (Table 4.2). Nearly half of all bias-motivated crimes in Kentucky occurred in a residence/home (48.7%); the second most common location for bias-motivated crimes in Kentucky was a parking lot or garage (14.5%) (Table 4.5).
- Approximately 85% of all hate incidents in the United States in 2004 involved the offenses of intimidation, destruction/damage/vandalism, or simple assault (Table 4.3). Almost two-thirds (63.2%) of bias-motivated crimes were reported to the Kentucky State Police were for intimidation and destruction/damage/vandalism (Table 4.6).
- Anecdotal evidence of the prevalence and frequency of hate crime is provided through articles published by local newspapers from across the state including the *Louisville Courier-Journal* and *Lexington Herald-Leader*.



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- The Kentucky Commission on Human Rights followed up on a total of 561 complaints, the majority of which were based on racial discrimination.
- The Southern Poverty Law Center reported a total of three hate incidents in 2003 and five hate incidents in 2004 in Kentucky.
- The Anti-Defamation League reported a total of six extremist events each year from 2002 through 2004 in Kentucky.
- Currently, 48 states have enacted laws with penalties similar to or based on the Anti-Defamation League model hate crime statute (Appendix B).



I. The Nature of Hate Crime

On April 23, 1990, Congress passed the Hate Crime Statistics Act, requiring the collection of data about crimes that “manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.” The responsibility for collecting and managing hate crime data was delegated to the FBI’s Uniform Crime Reporting (UCR) Program. The UCR Program sought to capture information on the types of biases that motivate crimes, the nature of the offenses, and profiles of both the victims and offenders. In order to avoid increasing the burden on law enforcement, the collection of hate crime statistics was attached to the already established UCR data collection procedures. In 2004, over 17,000 city, county, tribal, state, and federal law enforcement agencies participated in the national UCR Program representing 86.6% of the nation’s population.

The collection and publication of nationwide hate crime statistics results in an increased awareness and a greater understanding of the devastating number of crimes motivated by hate or bias. As background for a review of statewide data on hate crime and hate incidents, it is first important to begin with a discussion of the nature of hate crime. Based on the federal definition used by the Federal Bureau of Investigations, a hate crime or bias crime is defined as “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.” In order to protect an individual’s civil liberties, however, hate itself cannot be considered a crime. This, coupled with the fact that it is often difficult to pinpoint the motivation behind a crime, makes the identification and prosecution of hate crimes a challenging task.

It has proven especially difficult to improve law enforcement response to hate crime because of the unique nature of the crime and its victim. Victims of hate crime have many reasons to be hesitant to report the crimes. In the case of homosexual, bisexual, or transgender victims, such individuals may be reluctant to come forward for fear of they will be “outed” to friends, family, co-workers, and others to whom their sexual orientation is unknown. Cultural and language barriers discourage some victims from reporting hate crime. This is especially true for illegal immigrants who fear a risk of deportation if they contact authorities (Leadership Conference on Civil Rights Education Fund, 2004). Many of the aforementioned victims may also fear retaliation from perpetrators sharing a similar bias for which they were targeted previously. Drawing attention to their situation may single them out as a potential target for future hate crime. Finally, for most victims, the crime is an extremely humiliating and emotionally devastating event, and it is difficult to recount the event to others (Bureau of Justice Assistance, 1997).

Hate crime tends to generate a degree and type of fear that is significantly different from other types of crime. The potential for serious, long-term emotional damage is great. The FBI’s *Training Guide for Hate Crime Data Collection* explains that victims of hate crime have experienced a violation of the Constitutional protections guaranteed to all Americans for no reason other than, “the color of their skin, the religion they profess, the heritage of their parents, the disability they possess, or their sexual orientation” (1996, p. 4). Such violations prove to be extremely unsettling to the victim because there is nothing that can be done to change the



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identity for which they are being persecuted. It should also be noted that bias crime is more likely to involve the element of physical assault and tends to result in more serious injuries than non-bias crimes. Overall, about 11% of all crimes involve assaults against persons, with the rest directed at property. For bias crimes, assaults consistently average more than 30% of the total cases reported (Levin, 1992).

Hate crime incidents not only victimize the individual, but also victimize the community of people who share the characteristic for which the individual was targeted. Even an isolated incident may fester and result in widespread tension and an underlying current of hostility and anger (Leadership Conference on Civil Rights Education Fund, 2004). In this manner, hate crimes are crimes that send a message of fear and terror throughout entire communities. A *Policymaker's Guide to Hate Crimes* reveals the following concerning the impact of bias-motivated offenses:

“A hate crime victimizes not only the immediate target but every member of the group that the immediate target represents. A bias-motivated offense can cause a broad ripple of discomfiture among members of a targeted group, and a violent hate crime can act like a virus, quickly spreading feelings of terror and loathing across an entire community. Apart from their psychological impacts, violent hate crimes can create tides of retaliation and counter-retaliation. Therefore, criminal acts motivated by bias may carry far more weight than other types of criminal acts.” (Bureau of Justice Assistance, 1997, p. x).

Perpetrators of Hate Crime

The majority of perpetrators of hate crimes are young; 33% are under the age of 18 years old and 29% are between 18 and 24 years old. Unfortunately, many victims of hate crime are young as well, often suffering at the hands of their peers. In fact, 30% of all victims of bias-motivated aggravated assaults and 34% of all victims of bias-motivated simple assault are under 18 (Partners Against Hate, 2002). According to the fifth edition of *Indicators of School Crime and Safety: 2003*, a joint effort by the Bureau of Justice Statistics and the National Center for Education Statistics, one in eight students between the ages of 12 and 18 reported that they had been subjects of hate-related insults at school during the six months prior to the 2001 survey. The study also reported that in both 1999 and 2001, 36% of students had seen hate-related graffiti at school.



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It can be difficult to identify whether bullying among youth is motivated by prejudice. However, *Peer Leadership: Helping Youth Become Change Agents in Their Schools and Communities*, a Partners Against Hate publication, suggests that schoolyard bullying may be a predecessor to future acts of hate crime.

“Both bullying and prejudice arise from patterns of thinking where others are judged on the basis of perceived differences. When these patterns of thinking and behaving are unchallenged, they can become ingrained, guiding one’s interactions over time. What began as bullying a peer who seemed smaller and weaker may play a role in the development of intolerant ways of thinking about others based on differences in gender, sexual orientation, ethnicity, or race.” (2002, p. 15)

Responding effectively to these types of behavior among youth can play a key role in the prevention of future hate crime. Hate crime among youth must be acknowledged and addressed in order to prevent offenders from carrying these biases into adulthood.

Criminal acts motivated by bias can be easily confused with forms of expression that are constitutionally protected. 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. In fact, contrary to popular belief, most hate crimes are not committed by members of an organized hate group but by individual citizens acting upon racial or other stereotypes. These acts tend to be spur-of-the-moment and are frequently facilitated by the use of alcohol or drugs. Hate crimes may be committed by 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 illness who believe they have been given a mission. While a number of factors may contribute to creating a climate of hate including 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.

Although hate crimes are not typically committed by organized hate groups, hate groups often commit some of the most brutal hate crimes. Throughout history, people have united in their hatred for those of different races, religions, sexual orientations, and ethnicities/national origins to form hate groups. Organized hate groups are generally defined by federal authorities as groups whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, gender, handicap, sexual orientation, or ethnicity group which differs from that of the members of the organization.

The Southern Poverty Law Center’s (SPLC) Intelligence Project tracks active hate and patriot groups across the nation 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 or patriot groups’ publications, citizens’ reports, law enforcement agencies, field sources, news reports, and the Internet (see Appendix C). These groups range from loosely organized and informal organizations to highly structured international groups.



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According to the SPLC, the number of hate groups operating in the United States rose slightly from 751 in 2003 to 762 in 2004 (Potok, 2005). Street-level activism characterized much of the hate group activity in 2004. In 2004, the white supremacist movement and the radical right as a whole remained remarkably steady in spite of the fact that some of the best known hate groups seemed to fall on hard times. After losing its founder in 2002, the National Alliance, one of the nation's leading neo-Nazi groups, continued a downward spiral marked by a loss of members and infighting. The Aryan Nations suffered a similar fate after losing its own founder in September of 2004. The Creativity Movement, formerly known as the World Church of the Creator, struggled to recover after its leader was convicted of soliciting the murder of a federal judge. The SPLC predicts an unusually high threat of criminal violence at the hands of white supremacists and other extremists now that such large numbers of group members are operating essentially without their leaders.

Advances in communications technology have been accompanied by the proliferation of hate sites on the Internet. The Stormfront Forum, part of a popular hate website run by Don Black, former leader of the Ku Klux Klan, reported as many as 46,300 members at the end of 2004. The Internet has given extremists access to a potential audience of millions, including the vulnerable population of impressionable youth (Kaplan & Moss, 2003, p. 5). Hate on the Internet has been particularly hard to address because of the First Amendment's protection of individual speech and expression. Hate speech that contains a direct, credible threat, however, does cross the line into criminal conduct. Even so, as a result of these unique circumstances, very few criminal cases concerning hate speech on the Internet have been prosecuted (Kaplan & Moss, 2003, p. 5).



II. Kentucky's Current Hate Crime Law

Kentucky's first laws specifically addressing hate crimes were enacted in 1992 following the enactment of federal hate crime legislation. The laws established the requirement that basic law enforcement training include training on bias-related crime (KRS 15.331) and that information on bias-related crime be collected by law enforcement agencies as part of the uniform offense report (KRS 17.1523).

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 (see Appendix A).

In 1998, as part of comprehensive criminal justice legislation known as the Governor's Crime Bill (HB455), three additional provisions pertaining to hate crime 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 was the primary motivation in the commission of an offense and to use that finding as the sole factor for denial of probation, shock probation, conditional discharge, or other form of non-imposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in delaying or denying 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 object defined in KRS 525.110 (see above).
- 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.

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 (Appendix A). 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.

Currently, 48 states have enacted specific penalty enhancement provisions for offenses motivated by hate. These laws are based on a model statute proposed by the Anti-Defamation League (ADL) which allows a defendant's sentence to be enhanced if he intentionally selects his victim



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based upon his perception of the victim's race, religion, national origin, sexual orientation or gender. For additional information on state statutory provisions regarding hate crime, see Appendix B.



III. History/Limitations of Hate Crime Data Collection

National Perspective

As a result of heightened public awareness regarding the incidence of hate crime, Congress enacted the Hate Crime Statistics Act of 1990 on April 23, 1990. Following its enactment, the Attorney General directed the Federal Bureau of Investigation to expand its Uniform Crime Reporting (UCR) Program to incorporate information “about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity (U.S.C., Section 534).” The Hate Crime Statistics Act was subsequently amended in 1994 to include crime motivated by bias against persons with mental and/or physical disabilities and again in 1996, to permanently extend the data collection mandate.

By 1993, fewer than half of the states had adopted the federal definition, although a number of states opted to enact their own definitions and to expand the list of factors in the federal definition to include color, creed, ancestry, and gender. While there is variation across states in regard to 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 (see Appendix A).

With knowledge that information in the UCR Program is based on the voluntary participation of over 17,000 state and local law enforcement agencies across the country, it has frequently been noted that the data compiled through the federal program is a better reflection of how well hate crime is being reported rather than providing any estimate of 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 these crimes. During 2004, 72.6 percent of the 12,711 agencies participating in the UCR Program reported incidents of hate crime. In all, 7,649 incidents were reported involving 9,035 offenses. In 2004, the UCR Program reported a total of 71 hate crime incidents in Kentucky, down from 80 in 2003. It is important to note the Kentucky State Police reports a total of 76 hate crime incidents in 2004. The reason for this discrepancy is unknown.

Since the release of the first federal hate crime report, there has continued to be wide disparity between data provided by law enforcement agencies and information compiled by human rights and private organizations. According to a monograph published by the Bureau of Justice Assistance (1997), the national statistics remain suspect since a number of police agencies do not submit hate crime data or have not recorded hate crime incidents. It was further noted that “even if all states were reporting these incidents, it would be difficult to gauge the level of the hate crime problem in this country because bias-motivated crimes are typically underreported by both law enforcement agencies and victims” (1997, p. xii).

The underreporting of hate crime is fueled by a number of factors. Victims may decide not to report based on fear of the police, fear of retribution by the offender, fear that the report will not be taken seriously, fear of revictimization by the system, or fear of the resulting public response



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or stigma. 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.

Data Collection in Kentucky

Following the enactment of federal hate crime legislation, Kentucky enacted legislation in 1992 (KRS 17.1523) requiring the collection of data on bias-motivated crime on the uniform offense report (see Appendix A). 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.

With respect to the type of agency reporting hate crime incidents, Kentucky differs from surrounding states particularly in the high number of incidents reported by the state police (Table 3.1). According to UCR data, in 2004, the number of hate crime incidents in Kentucky represented the median among surrounding states. West Virginia reported the lowest number of hate crime incidents (31), Indiana reported the second lowest (63) and Missouri and Kentucky reported the same number of hate crimes (71). Surrounding states with higher numbers of incidents included Illinois (187), Ohio (353), Tennessee (136), and Virginia (307) (Table 3.3).



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Table 3.1: Number and Percentage of Hate Crime Incidents by Agency Type, Kentucky and Surrounding States, 2004

Reporting Agency	KY	IL	IN	MO	OH	TN	VA	WV
Cities	48 68%	170 91%	53 84%	51 72%	311 88%	88 65%	179 58%	18 58%
Metropolitan Counties	6 8%	14 7%	3 5%	13 18%	19 5%	34 25%	95 31%	2 6%
Nonmetropolitan Counties	0 0%	0 0%	0 0%	3 4%	6 2%	7 5%	12 4%	7 23%
Universities/Colleges	2 3%	3 2%	7 11%	4 6%	14 4%	6 4%	20 7%	4 13%
State Police	14 20%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%
Other Agencies	1 1%	0 0%	0 0%	0 0%	3 1%	1 1%	1 1%	0 0%
Total	71	187	63	71	353	136	307	31

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.

Table 3.2: Number of Hate Incidents by Reporting Agency and Motivation, Kentucky, 2004

Reporting Agency	Race	Religion	Sexual Orientation	Ethnicity	Disability
Cities	26	6	10	6	0
Metropolitan Counties	4	0	1	1	0
Nonmetropolitan Counties	0	0	0	0	0
Universities/Colleges	2	0	0	0	0
State Police	11	3	0	0	0
Other Agencies	1	0	0	0	0
Total	44	9	11	7	0
Percentage of Total	62%	13%	15%	10%	0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.



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Table 3.3: Participation of Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2004

State	Number of Participating Agencies	Population Covered	Agencies Submitting Incident Reports	Total Number of Incidents Reported	Percent of Agencies Reporting a Documented Hate Crime
Kentucky	326	3,709,354	32	71	10%
Illinois	63	5,088,478	48	187	76%
Indiana	137	3,017,102	13	63	9%
Missouri	259	3,534,443	29	71	11%
Ohio	410	8,991,851	74	353	18%
Tennessee	987	22,466,217	84	309	9%
Virginia	395	7,399,760	68	307	17%
West Virginia	431	1,815,354	12	31	3%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.

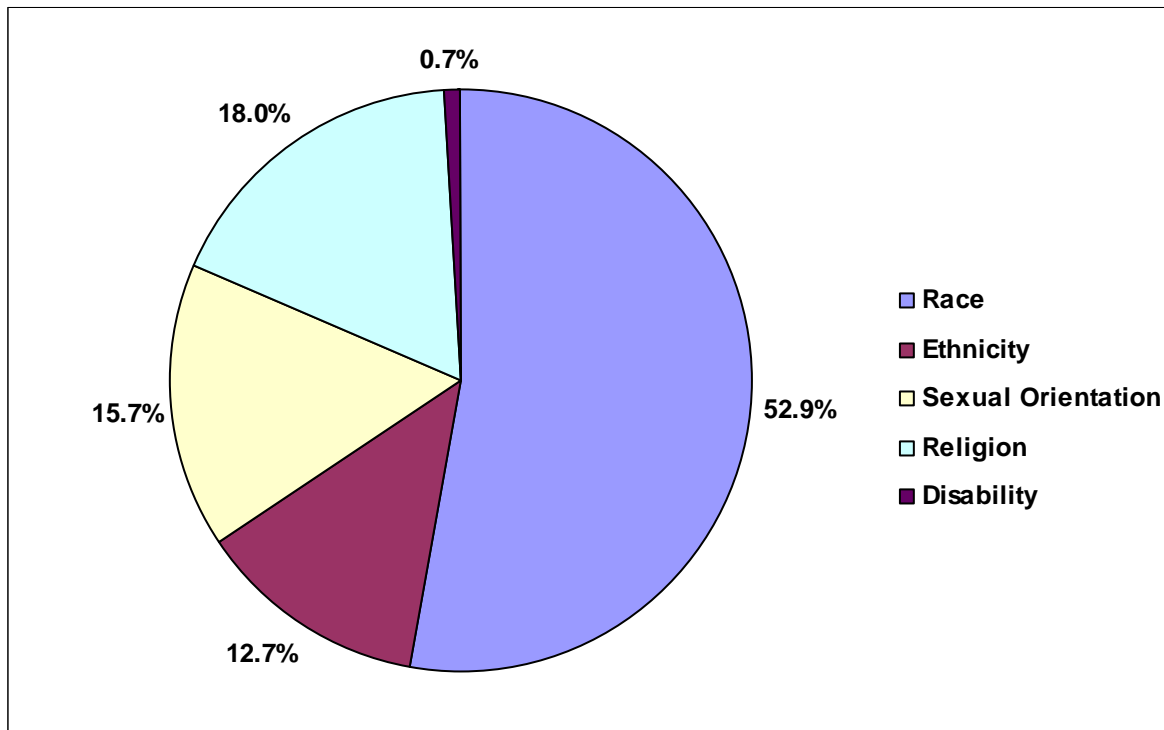


IV. Official Law Enforcement Data

A. Federal Reports

The figures and tables in the following section represent official law enforcement data as published by the Federal Bureau of Investigation's Uniform Crime Report. National reports show that in 2004, 52.9% of all hate-bias offenses were racially motivated while 18.0% were motivated by religion (Figure 4.a). In the United States, 50% of all hate crime incidents occurred at a residence/home or a highway/road/alley/street (Table 4.2). Approximately 85% of all hate incidents in the United States in 2004 involved the offenses of intimidation, destruction/damage/vandalism, or simple assault (Table 4.3).

Figure 4.a: Percent Distribution of Bias-Motivated Offenses in the U.S., 2004



Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.



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Table 4.1: Hate Bias Incidents, Offenses, Victims, and Known Offenders in the U.S. by Bias Motivation, 2004

Targeted Group	Incidents	Offenses	Victims ¹	Known Offenders ²
Single-Bias Incidents	7,642	9,021	9,514	7,136
Motivated by Race	4,042	4,863	5,119	4,173
Whites	829	998	1,027	1,085
African Americans	2,731	3,281	3,475	2,694
American Indian/Alaskan Native	83	97	100	97
Asian, Pacific Islanders	217	252	266	188
Multiple Races, Group	182	235	251	109
Motivated by Religion	1,374	1,480	1,586	604
Jewish	954	1,003	1,076	330
Catholics	57	57	68	37
Protestants	38	43	48	28
Islamic (Muslims)	156	193	201	124
Other Religion	128	140	147	68
Multiple Religions, Group	35	37	39	14
Atheism/Agnosticism/etc.	6	7	7	3
Motivated by Sexual Orientation	1,197	1,406	1,482	1,258
Male Homosexuals	738	855	902	832
Female Homosexuals	164	201	212	163
Homosexuals (Male & Female)	245	297	314	224
Heterosexuals	33	35	36	22
Bisexuals	17	18	18	17
Motivated by Ethnicity	972	1,201	1,254	1,047
Hispanics	475	611	646	585
Other Ethnic/National Origin	497	590	608	462
Motivated by Disability	57	71	73	54
Physical Disability	23	23	24	16
Mental Disability	34	48	49	38
Multiple-Bias Incidents³	7	14	14	9
Total	7,649	9,035	9,528	7,145

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

²The 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.

³In 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, 2004*.



Table 4.2: Location of Hate Crime Incidents in the U.S., 2004

Location	Number of Incidents	Percent of Total
Air/Bus/Train Terminal	72	0.9%
Bank/Savings and Loan	20	0.3%
Bar/Nightclub	140	1.8%
Church/Synagogue/Temple	315	4.1%
Commercial/Office Building	169	2.2%
Construction Site	23	0.3%
Convenience Store	98	1.3%
Department/Discount Store	63	0.8%
Drug Store/Dr.'s Office/Hospital	59	0.8%
Field/Woods	70	0.9%
Government/Public Building	110	1.4%
Grocery/Supermarket	49	0.6%
Highway/Road/Alley/Street	1,402	18.3%
Hotel/Motel	42	0.5%
Jail/Prison	54	0.7%
Lake/Waterway	13	0.2%
Liquor Store	9	0.1%
Parking Lot/Garages	426	5.6%
Rental Storage Facility	12	0.2%
Residence/Home	2,424	31.7%
Restaurant	147	1.9%
School/College	898	11.7%
Service/Gas Station	77	1.0%
Specialty Store	109	1.4%
Other Unknown	840	11.0%
Multiple Locations	8	0.1%
TOTAL	7,649	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.



Table 4.3: Hate Crime Incidents by Offense Type in the U.S., 2004

Offense type	Number of Incidents
Crimes against persons:	4,503
Murder and nonnegligent manslaughter	5
Forcible Rape	4
Aggravated Assault	765
Simple Assault	1,448
Intimidation	2,267
Other ¹	14
Crimes against property:	3,333
Robbery	112
Burglary	146
Larceny-Theft	169
Motor Vehicle Theft	15
Arson	44
Destruction/Damage/Vandalism	2,812
Other ¹	35
Crimes against society²	60
TOTAL³	7,649

¹ 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.”

² 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.

³ The actual number of incidents is 7,649. However, the column 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.

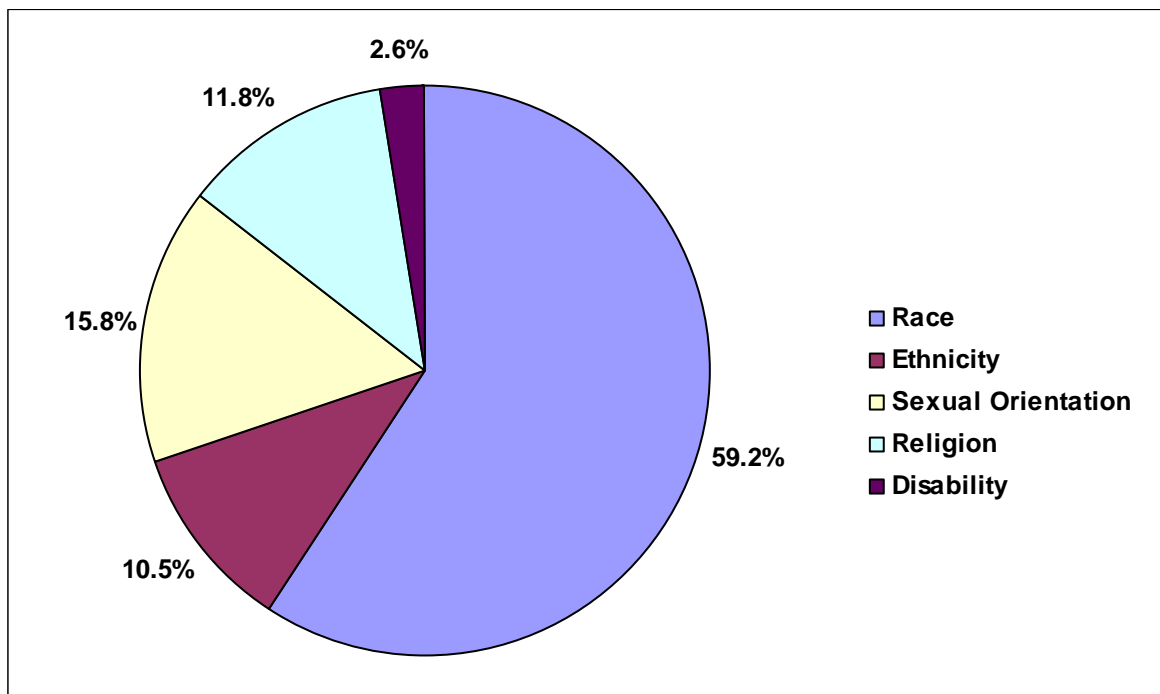
Source: Federal Bureau of Investigation. *Hate Crime Statistics, 2004*.



B. Kentucky State Police Reports

The figures and tables in the following section represent official state level law enforcement data as published by the Kentucky State Police. In 2004, the most commonly reported bias motivation reported to the Kentucky State Police was race (59.2%) (Figure 4.b). The second largest percentage was sexual orientation, representing 15.8% of hate crime incidents. Nearly half of all bias-motivated crimes in Kentucky occurred in a residence/home (48.7%) (Table 4.5). Almost two-thirds (63.2%) of bias-motivated crimes reported to the Kentucky State Police were for intimidation and destruction/damage/vandalism (Table 4.6).

Figure 4.b.: Percent Distribution of Bias-Motivated Offenses in Kentucky, 2004



Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Kentucky State Police. *Crime in Kentucky, 2004*.



Table 4.4: Bias Motivation for Hate Crimes in Kentucky, 2004

Targeted Group	Incidents	Percent of Sub-Group	Percent of Total
Motivated by Race	45	100.0%	59.2%
Whites	4	8.9%	5.3%
African Americans	40	88.9%	52.6%
American Indian/Alaskan Native	0	0.0%	0.0%
Asian, Pacific Islanders	1	2.2%	1.3%
Multi-Racial Group	0	0.0%	0.0%
Motivated by Ethnicity	8	100.0%	10.5%
Hispanics	3	37.5%	3.9%
Arabs	1	12.5%	1.3%
Other Ethnic/National Origin	4	50.0%	5.3%
Motivated by Sexual Orientation	12	100.0%	15.8%
Male Homosexuals	10	83.3%	13.2%
Female Homosexuals	0	0.0%	0.0%
Homosexuals (Male & Female)	2	16.7%	2.6%
Heterosexuals	0	0.0%	0.0%
Bisexuals	0	0.0%	0.0%
Motivated by Religion	9	100.0%	11.8%
Jewish	1	11.1%	1.3%
Catholics	2	22.2%	2.6%
Protestants	0	0.0%	0.0%
Islamic (Muslims)	3	33.3%	3.9%
Other Religion	3	33.3%	3.9%
Motivated by Disability	2	100.0%	2.6%
Physical Disability	1	50.0%	1.3%
Mental Disability	1	50.0%	1.3%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Kentucky State Police. *Crime in Kentucky, 2004*.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

Table 4.5: Location of Hate Crime Incidents in Kentucky, 2004

Location	Incidents	Percent of Total
Air/Bus/Train Terminal	1	1.3%
Bank/Savings and Loan	0	0.0%
Bar/Nightclub	2	2.6%
Church/Synagogue/Temple	3	3.9%
Commercial/Office Building	1	1.3%
Construction Site	0	0.0%
Convenience Store	1	1.3%
Department/Discount Store	0	0.0%
Drug Store/Dr Office/Hospital	0	0.0%
Field/Woods	0	0.0%
Government/Public Building	1	1.3%
Grocery/Supermarket	0	0.0%
Highway/Road/Alley/Street	8	10.5%
Hotel/Motel	1	1.3%
Jail/Prison	0	0.0%
Lake/Waterway	0	0.0%
Liquor Store	0	0.0%
Parking Lot/Garages	11	14.5%
Rental Storage Facility	0	0.0%
Residence/Home	37	48.7%
Restaurant	1	1.3%
School/College	7	9.2%
Service/Gas Station	0	0.0%
Specialty Store	1	1.3%
Other Unknown	1	1.3%
TOTAL	76	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Kentucky State Police. *Crime in Kentucky, 2004*.



Table 4.6: Hate Crime Incidents by Offense Type in Kentucky, 2004

Offense	Incidents	Percent of Total
Murder	0	0.0%
Rape	1	1.3%
Robbery	1	1.3%
Aggravated Assault	12	15.8%
Burglary	1	1.3%
Larceny/Theft	3	3.9%
Motor Vehicle Theft	0	0.0%
Arson	3	3.9%
Simple Assault	7	9.2%
Intimidation	24	31.6%
Destruction/Damage/Vandalism	24	31.6%
TOTAL	76	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Kentucky State Police. *Crime in Kentucky, 2004*.



V. Anecdotal Evidence of Hate Crime

A. Hate Incidents Reported by Kentucky Newspapers

2002

February (Danville): The receptionist of a Muslim doctor in Danville received a threatening phone call demanding, "Tell the Muslims to go home or you will be hurt bad." (*The Advocate Messenger*)

February (Taylor Mill): NAACP intervened after black students endured frequent racial slurs, intimidation, threats and other forms of harassment at Scott High School. (*The Kentucky Post*)

March (Owensboro): The SS Knights of the Ku Klux Klan held a rally in front of the Daviess County Courthouse, the first in the county since 1924. Police estimated that a crowd of 500 people gathered to watch the rally. (*Owensboro Messenger-Inquirer*)

April (Owensboro): Members of a conservative Baptist church stood outside New Hope Church, a congregation that welcomes and affirms homosexuals, holding signs reading, "Fags Burn in Hell," "God Hates Fags," "Fags Doom Nations" and "This Way to Hell." (*Owensboro Messenger-Inquirer*)

May (Bowling Green): A swastika, German cross, the words "kike" and "bastard," and a message telling members of the congregation to go back to Israel were spray-painted on the doors of Resurrection Church, the meeting place for Beth Sar Shalom, a local Messianic Jewish congregation. (*Daily News*)

July (Lexington): After reporting that a waitress called him a "nigger" and told him to get his "black ass" in the kitchen, a black kitchen worker at the Campbell House Inn was told by the owner that since blacks call whites "honky" and "whitey," whites should not be reprimanded for using similar insults. A Fayette County jury awarded the victim \$55,001 in actual and punitive damages. (*Lexington Herald-Leader*)

August (Beaver Dam): A white woman married to a black man is awarded \$2,500 following an allegation of racial discrimination against her employer McDonald's Restaurant. A manager trainee referred to her and her four bi-racial children by a racial slur which embarrassed and humiliated the woman. (*Owensboro Messenger-Inquirer*)

August (Bowling Green): Ku Klux Klan members gathered to rally in the parking lot of the Warren County Justice Center. A 24 year-old black woman standing peacefully amidst the Klan supporters endured racial slurs and shouts of protest. Klan members ended the rally 40 minutes earlier than planned. (*Daily News, Lexington Herald-Leader*)



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

September (London): Two men forced their way into an apartment and assaulted its residents, a gay couple. The punches, kicks, and slaps with a shoe caused one of the victims to lose consciousness. The assailants targeted the victims because of their sexual orientation. (*The Kentucky Post*)

November (Lexington): Ten members of a Kansas anti-homosexual group led by controversial minister Fred Phelps picketed outside six Lexington churches in response to the local baptism of a gay couple's set of quadruplets. (*Lexington Herald-Leader*)

December (Covington): A black man was beaten and stabbed during a break-in at his girlfriend's apartment. A white Covington man and two white teenagers attacked the victim while shouting racial slurs at him. (*The Kentucky Post*)

2003

January (Louisville): A credit card marketer offered University of Louisville students a racially and sexually offensive T-shirt in exchange for applying for a Bank One credit card. (*The Courier-Journal*)

January (Louisville): Vandals spray-painted a swastika and "White Power" on the side of a new restroom facility at a public park. Swastikas were also found spray-painted on several other surfaces in the vicinity. (*The Courier-Journal*)

June (Louisville): A gay man was found unconscious and bloody on a sidewalk in downtown Louisville. Several witnesses heard people shouting anti-gay epithets at the time of the attack. (*The Courier-Journal*)

June (Rineyville): The body of a gay Rineyville man was found in a suitcase floating in Rough River Lake. Relatives of the man charged with the murder report that he admitted to killing the victim because he dislikes homosexuals. (*The Courier-Journal*)

June (Lexington): Four teenage boys were suspected of spray-painting swastikas and racist language on buildings and mailboxes in a Lexington neighborhood. Police believe the suspects are responsible for vandalism at a public library and 15 to 20 homes and businesses. (*Lexington Herald-Leader*)

July (Covington): A black single mother and her two teenage children were physically and verbally harassed by a white man, his mother, and two of his friends for over a year. Attacks included a physical assault on the teenage son, smashing out the family's windows and lights, multiple threats, and constant racial slurs. The four suspects were sentenced in a federal court on charges of conspiring to intimidate the family. (*The Kentucky Post*)



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

October (Maysville): A member of the Army National Guard was attacked at a hotel in Maysville by four white men; the victim was black. The suspects cursed and threatened to kill the victim and one of the men used a racial slur. The suspects were charged with second-degree assault. (*The Kentucky Post*)

September (Eddyville): Sixty Klansmen and their supporters marched around the city courthouse in protest of what they believe is the unlawful profiling of Klan members and its followers by local police. (*The Courier-Journal*)

December (Newport): A swastika-emblazoned letter filled with death threats was sent to a well-known gay Newport bar owner. (*The Kentucky Post*)

2004

February (Louisville): Several incidents of leafleting by the Ku Klux Klan, a visit by the National Alliance, and a racial epithet directed at African Americans painted on a concrete kiosk occurred on the campus of University of Louisville. (*The Courier-Journal*)

February (Paducah): Two adults and three juveniles were arrested for spray-painting anti-Semitic graffiti on a synagogue. (*The Courier-Journal*)

February, March (Paintsville): Four teenage boys were arrested in connection with three church burnings and an incident where satanic symbols were spray-painted on the floor of the Ramey Branch Church. (*Lexington Herald-Leader*)

March (Silver Grove): Vandals slashed the tires of at least 20 cars, spray-painted a swastika on one vehicle, and spray-painted "God hates you," on the Silver Grove Baptist Church. (*The Kentucky Post*)

June (Newport): As a 19 year-old man attempted to defend a man being harassed outside a local gay bar, he was attacked by the 38 year-old offender who beat him with a metal baseball bat while shouting anti-gay epithets. The victim suffered potentially life threatening conditions including a fractured skull, cranial bleeding, and a blood clot on his brain. (*The Kentucky Post*)

July (Burlington): Two men and one juvenile were charged with federal civil-rights violations after burning a cross near the home of a black family. The three also shouted racial epithets at the family the next day while throwing bricks through the window of the family's vehicle. (*The Kentucky Post*)

October (Lexington): In an incident of vandalism at Henry Clay High School, the school's sign was torched and swastikas, racial slurs, and other hate language were spray-painted on the school's buildings and windows. (*Lexington Herald-Leader*)



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December (Owensboro): Three teenagers were arrested after investigators said they left a phone message filled with racist and sexually suggestive comments for a popular local gospel singer and head of a charitable foundation. (*Owensboro Messenger-Inquirer*)

December (Louisville): Residents of several Louisville neighborhoods found fliers for the Ku Klux Klan wrapped in various newspapers in their driveways. The newspapers included *The Courier-Journal*, *Velocity*, the *Southeast Outlook* and the *Highland Commerce Guild Bardstown Road Festival Guide*. (*The Courier-Journal*)



B. Kentucky Commission on Human Rights

The Kentucky Commission on Human Rights (KCHR) is the branch of state government created to ensure equality in Kentucky. Headquartered in Louisville, the agency's primary purpose is to act as a guardian of people's civil rights. The KCHR mission is to eradicate discrimination in the Commonwealth through enforcement of the Kentucky Civil Rights Act (KRS 344). The commission works to encourage fair treatment, discourage discrimination, and foster mutual understanding and respect among all people.

KCHR investigates and litigates unlawful discrimination complaints. The Commission body rules on complaints, determines damages, and enforces the Civil Rights Act with all the authority of a court of law. The agency works diligently to inform the public about the right to equal and fair treatment, and equal opportunity in the Commonwealth. Through education, outreach, partnerships, and public affairs events, KCHR strives to ensure that people in Kentucky are knowledgeable about their civil rights.

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), smoker or non-smoker status, and retaliation (included to protect the person who has filed the complaint). 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.

KCHR is made up of 11 commissioners, the executive director and staff. Four department units carry out the day-to-day business of the agency- Administration, Enforcement, Research and Information, and Legal. The Kentucky Governor appoints the commissioners who have agency oversight and act as a judicial body in discrimination cases filed with the agency by members of the public. The executive director oversees daily operations of KCHR. The executive director and commissioners also act as public affairs representatives, along with staff, in the important KCHR education and public outreach programs.

KCHR received over 7,000 intakes (e.g., calls, emails, or faxes reporting a claim of discrimination) in 2004. In the past decade, the number of discrimination complaints followed up on by KCHR has approximately tripled, peaking at 561 in 2004 (Table 5.1). The majority of complaints closed are found to have no probable cause; the next most common outcome is a conciliation agreement (Table 5.2). The amount of time it takes to resolve a case has decreased significantly; the average case resolution time for housing complaints fell by 270 days and for employment complaints, by 22 days.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

Listed below is anecdotal information compiled by KCHR from direct contact with individuals who have reported hate crimes directly to the Kentucky Commission on Human Rights or to local Human Rights Commissions:

Table 5.1: Human Rights Commission: Basis of New Complaints, 2004

Basis	Employment	Housing	Public Accommodations	Financial Transactions	Totals
Race	110	18	13	0	141
Sex	95	3	0	0	98
Age (40+)	26	0	0	0	26
Color	110	18	13	0	141
Religion	6	0	1	0	7
Disability	39	6	16	0	61
National Origin	18	1	1	0	20
Retaliation	54	1	0	0	55
Familial Status	0	11	0	0	11
Smoking	1	0	0	0	1
Totals	459	58	44	0	561

Source: Kentucky Commission on Human Rights

Table 5.2: Human Rights Commission: Outcome of Complaints Closed, 2003-2004

Complaint Outcome	2003		2004	
	Number	%	Number	%
No Probable Cause	294	78.4%	263	76.0%
Conciliation	52	13.9%	40	11.6%
Withdrawal	17	4.5%	27	7.8%
Withdrawal/Settlement	11	2.9%	15	4.3%
Finding of Discrimination	1	0.3%	1	0.3%
Total	375	100.0%	346	100.0%

Source: Kentucky Commission on Human Rights



C. Other Human Rights Organizations

National human rights organizations collecting data on hate-bias offenses include the Southern Poverty Law Center (SPLC) and the Anti-Defamation League (ADL).

Southern Poverty Law Center

The Southern Poverty Law Center (SPLC) is a non-profit organization that combats hate and discrimination. It was established in 1971 as a civil rights law firm and is known internationally for its tolerance education program and for tracking hate groups and crimes throughout the country. The following data is available to the public on the Center's website, www.splcenter.com.

Hate Incidents Reported by the Southern Poverty Law Center by Area

2003

Eddyville, KY

- Members of the Imperial Klans of America rallied. (9/27/03)

Hardinsburg, KY

- A 22-year old man was charged with murder, robbery, tampering with physical evidence and being a persistent felon after allegedly murdering a gay man. (6/27/03)

Ft. Thomas, KY

- Racist flyers from the Neo-Nazi National Alliance were distributed throughout the neighborhood. (9/11/03)

2004

Burlington, KY

- Two men were charged and plead guilty to federal civil rights violations stemming from a July cross burning that drove a black family from their home. (7/2/04)

Louisville, KY

- Two Ku Klux Klan members allegedly posted Klan fliers on the University of Louisville campus. (4/28/04)
- Literature from the Invisible Empire of the Ku Klux Klan was distributed on the University of Louisville campus. (9/7/04)
- Racist flyers from the Knights Party, a Klan group, were put on the doorsteps of residences throughout several neighborhoods. (7/17/04)



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

Paducah, KY

- Two 18-year old men plead guilty to criminal mischief for defacing a temple with anti-Semitic epithets. They were sentenced to 90 days in jail, were ordered to serve 80 hours each of community service, and were ordered to complete educational sessions on tolerance provided by the Jewish Federation. (7/9/04)

Pewee Valley, KY

- Pamphlets from the International Keystone Knights of the Ku Klux Klan were distributed throughout the city. (6/19/04)

St. Matthews, KY

- Racist fliers were left in yards. (7/30/04)

Taylor Mill, KY

- Racist literature from the neo-Nazi National Alliance was distributed throughout a neighborhood. (11/9/04)



Anti-Defamation League

The Anti-Defamation League (ADL) was founded in 1913 “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, the nation’s premier civil rights/human relations agency fights anti-Semitism and all forms of bigotry. In recent years, the ADL has expanded its expertise and capabilities in the law enforcement arena to strengthen its fight against hatred, extremism, and terrorism. Priorities include gathering, analyzing, and disseminating intelligence on extremism and hate activity, systemically monitoring hate sites on the Internet, enhancing law enforcement’s ability to combat serious threats, implementing strategies to promote security awareness, and providing training on extremist ideologies. Investigation of hate crimes, bias incidents, extremism, anti-Semitic activity and hatred on the Internet is a vital part of ADL’s mission. The following information is available to the public on the ADL’s website, www.adl.org:

Table 5.3: Extremist Events in Kentucky, 2002

Date	Location	Event	Description
3/9/2002	Greenville	Klan meeting	Descriptioned by the Imperial Klans of America (IKA)
3/25/2002-3/26/2002	Paducah	Fellowship meeting of Unregistered Baptist Church members	Local meeting of members who belong to a movement of small religious groups that believe that no church should have to follow any laws or regulations, from income tax withholding to building and fire codes
5/18/2002	Lexington	Spring Liberty Conference	Conference sponsored by The Constitution Party of Kentucky, a fringe party popular with the extreme right
5/24/2002-5/27/2002	Powderly	Nordic Fest 2002	White power music festival Descriptioned by the Imperial Klans of America (IKA) and its leader, Ron Edwards
8/30/2002-9/2/2002	Powderly	Fall Fest	White supremacist gathering sponsored by the Imperial Klans of America
10/20/2002	Danville	Militia meeting	Sponsored by the Kentucky State Militia

Source: Anti-Defamation League



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Table 5.4: Extremist Events in Kentucky, 2003

Date	Location	Event	Description
4/11/2003-4/13/2003	West Point	Knob Creek Machine Gun Shoot	Machine gun festival that is accompanied by a militia encampment
5/23/2003-5/26/2003	Greenville	Nordic Fest	Annual white power music festival sponsored by the Imperial Klans of America (IKA)
7/1/2003	Lexington	Patriotic Rally	Sponsored by the Kentucky State Militia
9/14/2003-9/16/2003	Greenville	Klan gathering and cross/swastika lighting	Sponsored by the Imperial Klans of America (IKA)
9/27/2003	Eddyville	Klan rally	Sponsored by the Imperial Klans of America (IKA)
11/24/2003	Louisville	Speech by David Irving	Speech by British Holocaust denier, David Irving

Source: Anti-Defamation League

Table 5.5: Extremist Events in Kentucky, 2004

Date	Location	Event	Description
3/13/2004	Powderly	Klan gathering and cross lighting	Sponsored by the Imperial Klans of America (IKA)
5/28/2004-6/1/2004	Dawson Springs	Nordic Fest	Annual white power music festival sponsored by the Imperial Klans of America (IKA) and its leader, Ron Edwards
7/17/2004	N/A	Training Exercise	Sponsored by Kentucky State Militia
8/21/2004	N/A	Training Exercise	Sponsored by Kentucky State Militia
10/1/2004-10/3/2004	Union	Feast of Tabernacles	Retreat sponsored by Fellowship of God's Covenant People, an organization whose followers practice Christian Identity, a racist and anti-Semitic religion
11/20/2004	N/A	Training exercise	Sponsored by Kentucky State Militia

Source: Anti-Defamation League



References

Anti-Defamation League. www.adl.org.

The Advocate Messenger: Archived articles.

Bowling Green Daily News: Archived articles.

Bureau of Justice Assistance, Office of Justice Programs. (1997). *A Policymaker's Guide to Hate Crimes*. Washington, D.C.: U.S. Department of Justice.

The Courier-Journal: Archived articles.

DeVoe, J.F., Peter, K., Kaufman, P., Ruddy, S.A., Miller, A.K., Planty, M., Snyder, T.D., & Rand, M.R. (2003). *Indicators of School Crime and Safety: 2003* [Electronic Version]. Retrieved August 1, 2006, from <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2004004>.

Grimes, C., Hook, M., & Seymour, A. (2002, June). Section 1, Hate and Bias Crime. In *National Victim Assistance Academy Textbook* (chap. 22). Retrieved August 1, 2006, from http://www.ojp.gov/ovc/assist/nvaa2002/chapter22_1.html#1.

Kaplan, J.D., & Moss, M.P. (2003). *Investigating Hate Crimes on the Internet*. Washington, D.C.: Partners Against Hate. Retrieved August 1, 2006, from http://www.partnersagainsthate.org/publications/investigating_hc.pdf.

Kentucky Commission on Human Rights. (2004). *Kentucky Commission on Human Rights 2004 Annual Report*. Retrieved August 1, 2006, from <http://www.state.ky.us/agencies2/kchr/pdf/Annual%20Report%202004%20GOLD%20FRONT%202nd%20version.pdf>

Kentucky State Police. *Crime in Kentucky 2004*. Retrieved August 1, 2006, from <http://www.kentuckystatepolice.org/pdf/crimefacts2004.pdf>

The Kentucky Post: Archived articles.

LaFollette, Ryan. (2006). [Compilation of material to be reviewed at the January 12, 2006, meeting of the Kentucky Commission on Human Rights Advisory Group]. Unpublished.

Leadership Conference on Civil Rights Education Fund. (2004). *Cause for Concern: Hate Crimes in America, 2004*. Retrieved August 1, 2006, from http://www.civilrights.org/publications/reports/cause_for_concern_2004/



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

Levin, Brian. (1992-1993, Winter). Bias Crimes: A Theoretical & Practical Overview. *Stanford Law and Policy Review*, 165-181.

Lexington Herald-Leader: Archived articles.

Owensboro Messenger-Inquirer: Archived articles.

Partners against Hate. (2002). *Peer Leadership: Helping Youth Become Change Agents in their Schools and Communities*. Retrieved August 1, 2006, from http://www.partnersagainsthate.org/publications/peer_leadership_guide.pdf

Potok, Mark. (2005, Spring). The Year in Hate, 2004 [Electronic Version]. *Intelligence Report*, 117, Retrieved August 1, 2006, from <http://www.splcenter.org/intel/intelreport/article.jsp?aid=529>

The Southern Poverty Law Center. www.splcenter.org.

U.S. Department of Justice, Community Relations Service. (2001). *Hate Crime: The Violence of Intolerance*. Retrieved August 1, 2006, from http://www.usdoj.gov/crs/pubs/crs_hate_crime_bulletin_1201.pdf

U.S. Department of Justice, Federal Bureau of Investigation. (1996). *Training Guide for Hate Crime Data Collection*. Retrieved August 1, 2006, from <http://www.risp.state.ri.us/docs/traingd99.pdf#search=%22Training%20Guide%20for%20Hate%20Crime%20Data%20Collection%20fbi%22>

U.S. Department of Justice, Federal Bureau of Investigation. (2004). *Hate Crime Statistics, 2004*. Retrieved August 1, 2006, from <http://www.fbi.gov/ucr/hc2004/openpage.htm>



Appendix A:
State/Federal Hate Crime Statutes



Kentucky Statutory Language Pertaining to Hate Crime

532.031 Hate Crimes -- Finding -- Effect.

(1) A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person intentionally because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals violates a provision of any one (1) of the following:

- (a) KRS 508.010, 508.020, 508.025, or 508.030;
- (b) KRS 508.050 or 508.060;
- (c) KRS 508.100 or 508.110;
- (d) KRS 509.020;
- (e) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100, or 510.110;
- (f) KRS 512.020, 512.050, or 512.060;
- (g) KRS 513.020, 513.030, or 513.040; or
- (h) KRS 525.020, 525.050, 525.060, 525.070, or 525.080.

(2) At sentencing, the sentencing judge shall determine if, by a preponderance of the evidence presented at the trial, a hate crime was a primary factor in the commission of the crime by the defendant. If so, the judge shall make a written finding of fact and enter that in the court record and in the judgment rendered against the defendant.

(3) The finding that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the sentencing judge as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration.

(4) The finding by the sentencing judge that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the Parole Board in delaying or denying parole to a defendant.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 541, sec. 6, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 51, effective July 15, 1998.

525.113 Institutional vandalism.

(1) A person is guilty of institutional vandalism when he, 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.

(2) Institutional vandalism is a Class D felony.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 606, sec. 52, effective July 15, 1998.

525.110 Desecration of venerated objects, second degree.

(1) A person is guilty of desecration of venerated objects in the second degree when he intentionally:

- (a) Desecrates any public monument or object or place of worship; or



(b) Desecrates in a public place the national or state flag or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.

(2) Desecration of venerated objects in the second degree is a Class A misdemeanor.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 420, sec. 3, effective July 14, 1992. --Amended 1988 Ky. Acts ch. 119, sec. 2, effective March 30, 1988. -- Created 1974 Ky. Acts ch. 406, sec. 221, effective January 1, 1975.

346.055 Victim of hate crime deemed victim of criminally injurious conduct.

A person who suffers personal injury as a result of conduct in violation of KRS 532.031 is a victim of criminally injurious conduct as defined in KRS 346.020 and is eligible for awards pursuant to KRS Chapter 346.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 606, sec. 53, effective July 15, 1998.

15.331 Basic law enforcement training to include training on bias related crime.

(1) The Department of Criminal Justice Training shall include in each basic law enforcement training course conducted by, or under the approval of the department, a unit of training relating to identifying, responding to, investigation of, and reporting of bias-related crime cases. As used in this section, bias-related crime is an offense which 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.

(2) The Department of Criminal Justice Training shall, biennially, require law enforcement inservice training courses to contain a unit of instruction on bias-related crime.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 413, sec. 1, effective July 14, 1992.

17.1523 Uniform offense report to provide for indication of bias-related crime -- Annual reporting.

(1) The uniform offense report shall contain provisions for obtaining information as to whether or not specific crimes appear from their facts and circumstances to be caused as a result of or reasonably related to race, color, religion, sex, or national origin.

(2) 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.

(3) The Justice Cabinet shall, annually, as a part of the crime reports report on crimes which appear to have been caused by the factors cited in subsections (1) and (2) of this section.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 413, sec. 2, effective July 14, 1992.



Federal Statutory Language Pertaining to Hate Crime

534.28 Hate Crime Statistics Act

Pub. L. 101–275, Apr. 23, 1990, 104 Stat. 140, as amended by Pub. L. 103–322, title XXXII, § 320926, Sept. 13, 1994, 108 Stat. 2131; Pub. L. 104–155, § 7, July 3, 1996, 110 Stat. 1394, provided:

(a) this Act may be cited as the ‘Hate Crime Statistics Act’.

(b)(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for each calendar year, about 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.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term ‘sexual orientation’ means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act [5 U.S.C. 551 et seq., 701 et seq.] or the All Writs Act [see 28 U.S.C. 1651].

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.

Sec. 2. (a) Congress finds that—

(1) the American family life is the foundation of American Society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.”



Appendix B:
State Hate Crime Statutory Provisions



Comparison of Hate Crime Statutory Provisions, Kentucky and Nationally

Statutory Provision	Kentucky	National Count*
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	48
Civil Action		31
Race, Religion ¹ , Ethnicity	√	46
Sexual Orientation	√	30
Gender		27
Disability		30
Other ²		14
Institutional Vandalism	√	43
Data Collection ³	√	25
Training for Law Enforcement Personnel ⁴	√	12

*Count includes Kentucky and the District of Columbia

Source: Anti Defamation League

Comparison of Hate Crime Statutory Provisions, Kentucky and Surrounding States

Statutory Provision	KY	IL	IN	MO	OH	TN	VA	WV
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√		√	√	√	√	√
Civil Action		√		√	√	√	√	
Race, Religion ¹ , Ethnicity	√	√		√	√	√	√	√
Sexual Orientation	√	√		√		√		
Gender		√		√				√
Disability		√		√				
Other ²								√
Institutional Vandalism	√	√	√	√	√	√	√	
Data Collection ³	√	√					√	
Training for Law Enforcement Personnel ⁴	√	√						

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) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

4. Some other states have administrative regulations mandating such training.



State Hate Crime Statutory Provisions

Statutory Provision	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL	IN
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√		√	√	√	√	√	√	√ ⁵	√	√	√	
Civil Action				√	√	√	√	√		√	√		√	√	
Race, Religion¹, Ethnicity	√	√	√		√	√	√	√	√	√		√	√	√	
Sexual Orientation			√		√		√	√	√	√		√		√	
Gender		√	√		√		√	√				√		√	
Disability	√	√	√		√		√	√	√	√		√		√	
Other²					√			√		√		√			
Institutional Vandalism	√		√	√	√	√	√	√	√	√	√	√	√	√	√
Data Collection³			√		√		√	√		√			√	√	
Training for Law Enforcement Personnel⁴			√		√									√	

Statutory Provision	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Civil Action	√			√	√		√	√	√		√		√	√	
Race, Religion¹, 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) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

4. Some other states have administrative regulations mandating such training.

5. The Georgia statute enhances criminal penalties for crimes in which the defendant “intentionally selected” the victim or property “because of bias or prejudice.”



State Hate Crime Statutory Provisions, cont.

Statutory Provision	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√	√	√	√	√	√	√	√		√	√
Civil Action	√					√	√	√	√	√		√	√
Race, Religion¹, Ethnicity	√	√	√	√	√	√	√	√	√	√		√	√
Sexual Orientation	√	√	√					√	√	√			√
Gender	√	√	√	√	√				√	√			
Disability	√	√	√				√		√	√			
Other²		√	√										
Institutional Vandalism	√	√	√	√		√	√	√	√	√	√	√	√
Data Collection³	√	√					√	√	√	√			
Training for Law Enforcement Personnel⁴		√						√		√			

Statutory Provision	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√ ⁵	√	√	√	√	
Civil Action	√		√	√	√		√	
Race, Religion¹, 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) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

4. Some other states have administrative regulations mandating such training.

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



Appendix C:
Summary of State Hate Crime Penalty Provisions



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State	Hate Crime Penalty Provision, 2002
Alabama	A person found guilty of a crime that was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows: Felonies: (a) On conviction of a Class A felony, the sentence shall not be less than 15 years. (b) On conviction of a Class B felony, the sentence shall not be less than 10 years. (c) On conviction of a Class C felony, the sentence shall not be less than 2 years. Misdemeanors: On conviction of a misdemeanor, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.
Alaska	If the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin this constitutes an aggravating factor. The court may increase the presumptive term of imprisonment up to the maximum term of imprisonment.
Arizona	A person commits aggravated criminal damage by intentionally or recklessly: defaces, damages, or in any way changes the appearance of any building, structure or place used as a school or as an educational facility; defaces, damages, or tampers with any cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead. Aggravated criminal damage is a Class 4 felony if the person intentionally or recklessly causes damage to the property of another in an amount of \$10,000 or more; aggravated criminal damage is a Class 5 felony if the person recklessly damages the property of another in an amount of \$1,500 or more but less than \$10,000. In all other cases, aggravated criminal damage is a Class 6 felony.
California	The commission or attempted commission of a felony hate crime or a felony against the property of a public or private institution because the property is associated with a person or group of identifiable race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation may impose a sentence enhancement of one, two, or three years.
Colorado	A person commits ethnic intimidation if, the intent to intimidate or harass another person is because of that person's actual or perceived race, color, religion, ancestry, or national original, and he or she: (a) knowingly causes bodily injury to another person; or (b) by words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property; or (c) knowingly causes damage to or destruction of the property of another person. Ethnic intimidation as described in (b) or (c) is a Class I misdemeanor. Ethnic intimidation as described in (a) is a Class 5 felony; except that ethnic intimidation as described in section (a) is a Class 4 felony if the offender is physically aided or abetted by one or more persons during the commission of the offense.
Connecticut	Persistent offenders of crimes involving bigotry or bias: Felonies: In lieu of imposing the sentence authorized for a felony, the sentence of imprisonment for the next more serious degree of felony may be imposed. Misdemeanors: If the crime is a misdemeanor, the sentence of imprisonment for the next more serious degree of misdemeanor is authorized, except that if the crime is a Class A misdemeanor the court shall impose the sentence of imprisonment for a Class D felony.
DC	A person found guilty of a bias-related crime shall be fined not more than 1.5 times the maximum fine and imprisoned for not more than 1.5 times the maximum term.
Florida	Evidencing prejudice while committing an offense: Misdemeanors: A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree; a misdemeanor of the first degree is reclassified as a felony of the third degree. Felonies: A felony of the third degree is reclassified as a felony of the second degree. A felony of the second degree is reclassified as a felony of the first degree. A felony of the first degree is reclassified to a life felony.
Georgia	A person commits the offense of vandalism to a place of worship when he maliciously defaces or desecrates a church, synagogue, or other place of public religious worship, and shall be punished by imprisonment for not less than one nor more than 5 years.
Idaho	It is unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to: (a) cause physical injury to another person; or damage, destroy, or deface any real or personal property of another person; (b) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in (a) or (b) will occur. Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed 5 years or by fine not exceeding \$5,000 or by both. In addition to the penalty provided, a civil cause of action for malicious harassment is also created. A person may be liable to the victim of malicious harassment for both special and general damages, including but not limited to, damages for emotional stress, reasonable attorney fees and costs, and punitive damages.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State	Hate Crime Penalty Provision, 2002
Illinois	A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined. Hate crime is a Class 4 felony for the first offense and a Class 2 felony for a second or subsequent offense.
Iowa	A hate crime shall be classified and punished as an offense one degree higher than the underlying offense.
Kentucky	The sentencing judge may make a finding that hate was the primary motivation in the commission of an offense and the finding may be used 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 delaying or denying parole. Institutional vandalism is a Class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual, knowingly vandalizes, defaces, damages, or desecrates an object. Desecration of venerated objects is a Class A misdemeanor when a person intentionally desecrates any public monument or object or place of worship, or desecrates in a public place the national or state flag, or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.
Louisiana	It is unlawful for any person to select the victim of the following offenses against person or property because of actual or perceived race, age, gender, religion, color, disability, sexual orientation, national origin, or ancestry of that person or because of actual or perceived membership or service in, or employment with, an organization: murder, manslaughter, battery, aggravated assault with a firearm, terrorizing, mingling harmful substances, rape, sexual battery, carnal knowledge of a juvenile, indecent exposure with and molestation of juveniles, kidnapping, arson, placing combustible materials, communicating false information of planned arson, criminal damage to property, contamination of water supplies, burglary, criminal trespass, robbery, purse snatching, extortion, theft, desecration of graves, institutional vandalism, or assault by drive-by-shooting. Misdemeanors: The offender may be fined not more than \$500 or imprisoned for not more than 6 months, or both. Felonies: The offender may be fined not more than \$5,000 or imprisoned for not more than 5 years or both.
Maine	Any person who damages property because of the race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of that person or of the owner or occupant of the property, or if he desecrates a memorial, he is guilty of a Class D crime.
Maryland	A person may not (1) deface, damage, or destroy religious real or personal property that is owned, leased, or used by a religious entity; (2) obstruct, or attempt to obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs; (3) harass or commit a crime upon a person or damage the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution, or (4) deface, damage, destroy, or burn any object on the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution. A person who violates the provisions of this law is subject to the following penalties: (1) If the violation involves a separate crime that is a felony the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 10 years, or a fine of not more than \$10,000, or both. (2) If the violation involves a separate crime that is a felony and results in death to a victim, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.
Massachusetts	Whoever commits an assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate such a person because of such a person's race, color, religion, national origin, sexual orientation, or disability shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 2.5 years, or by both. The court may also order restitution to the victim in any amount up to three times the value of property damage sustained by the owners.
Michigan	A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of race, color, religion, gender, or national origin (a) causes physical contact with another, (b) damages, defaces, or destroys any real or personal property of another, (c) threatens to do any act described in (a). Ethnic intimidation is a felony offense, punishable by imprisonment for not more than 2 years, or by a fine of not more than \$5,000, or both. The victim may also bring a civil cause of action against the offender.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State	Hate Crime Penalty Provision, 2002
Minnesota	A person who commits any offense because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin; shall be guilty of a felony.
Missouri	For all law violations which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation, or disability of the victim or victims, the state may increase the charge to a Class C felony or a Class D felony depending on the crime.
Montana	The law includes a penalty enhancement for selected felonies and an identified hate crime (causing bodily injury or destruction/defacing property as a result of 'malicious intimidation or harassment relating to civil or human rights'). The penalty enhancement is imposition of next higher penalty classification; the penalty for violation of the hate crime law is prison not to exceed 5 years, a \$5,000 fine, or both.
Nebraska	Any person who commits selected criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be punished by the imposition of the next higher penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class B felony or higher classification.
Nevada	Any person who commits selected crimes because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim (so long as different from that characteristic of the perpetrator), may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime. This section does not create a separate offense but provides an additional penalty for the primary offense.
New Hampshire	Penalty enhancement: Felonies: Other than murder, the minimum sentence is increased to not more than 10 years; for murder and persistent felons, the extended term is increased to a maximum of life imprisonment; for Class A felonies with a subsequent offense, the maximum is increased to life imprisonment without parole. Misdemeanors: The maximum is increased to no more than 2 years to a maximum of 5 years. For other crimes, the minimum is increased to not less than 90 days and not more than 1 year.
New Jersey	Penalty enhancement- juveniles convicted of criminal mischief, or putting another in fear of bodily harm or defacement of property, in addition to the penalty set down for that violation, may be required to either pay restitution or perform community service.
New York	1) Defines hate crimes as specified offenses committed against persons intentionally selected "because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation" of those persons. 2) A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten, or alarm another person, he or she: strikes, kicks, or otherwise subjects another person to physical contact or attempts or threatens to do the same. Aggravated harassment in the second degree is a Class A misdemeanor. 3) A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten, or alarm another person, he or she: (a) damages premises primarily used for religious purposes, or (b) commits the crime of aggravated harassment in the second degree. Aggravated harassment in the first degree is a Class E felony.
North Carolina	If any Class 2 or 3 misdemeanor is committed because of the victim's race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed because of the victim's race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1 felony.
North Dakota	A person is guilty of a Class B misdemeanor if, whether or not acting under color of law, he, by force, or threat of force or by economic coercion, intentionally: (1) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin and because he is or has been exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public, (2) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin in order to intimidate him or another person from exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public.
Ohio	Whoever violates selected laws by reason of race, color, religion, or national origin is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State	Hate Crime Penalty Provision, 2002
Oklahoma	Any person who maliciously and with specific intent to intimidate or harass or threaten another person because of that person's race, color, religion, ancestry, national origin, or disability commits assault or battery, damages, destroys, vandalizes, or defaces any real or personal property of another person is guilty of a misdemeanor on a first offense and a felony punishable by not more than 10 years incarceration in the custody of the Department of Corrections for a second offense, with a fine for a felony violation not to exceed \$10,000. A person guilty of a misdemeanor shall be punishable by the imposition of a fine not exceeding \$1000, or by imprisonment in the county jail for a period of not more than 1 year, or both.
Oregon	Intimidation in the 1 st degree is when two or more persons acting together commit the crime if the person intentionally, knowingly, or recklessly causes physical injury to another person because of the perpetrator's perception of that person's race, color, religion, national origin, or sexual orientation. Intimidation in the 1 st degree is a Class C felony. Intimidation in the 2 nd degree is a Class A misdemeanor.
Pennsylvania	Ethnic intimidation is defined as: with malicious intentions toward the race, color, or national origin of another individual or group of individuals, a person commits arson, criminal mischief, other property destruction, institutional vandalism, criminal trespass, or harassment by communication or address. An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher than in the classification specified.
Rhode Island	If any person is convicted of a crime for which he or she intentionally selected the person against whom the offense was committed or selected the property that is damaged or otherwise affected by the offense because hatred toward the actual or perceived race, religion, disability, color, national origin, ancestry, sexual orientation, or gender of that person, he or she shall be sentenced to not less than 30 days mandatory imprisonment, nor more than 1 year imprisonment for the crime, and for this penalty he or she shall not be afforded the provisions of filing, suspension of sentence, or probation. For felony offenses he or she shall be sentenced to an additional consecutive term of imprisonment for not less than 1 year nor more than 5 years, but in no case, more than double the original penalty for the crime.
South Dakota	No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin: (1) cause physical injury to another person; or (2) deface or destroy any real property of another person; or (3) damage or destroy any real personal property of another person; or (4) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in (1), (2), or (3) will occur. A violation of section (1) is a Class 6 felony. A violation of section (2) is a Class 1 misdemeanor. A violation of section (3) is a Class 1 misdemeanor if the damage is less than \$200, and is a Class 6 felony if the damage is \$200 but less than \$500, and is a Class 4 felony if the damage is \$500 or greater. A violation of section (4) is a Class 1 misdemeanor.
Tennessee	A person commits a Class D felony for intimidating others from exercising civil rights who: (1) injures another with the intent to unlawfully intimidate another from the free exercise of any right secured by the constitution or laws of Tennessee or because another did exercise any right secured by the constitution or laws of the US or the constitution or laws of Tennessee; (2) damages, destroys, or defaces any real or personal property of another with the intent to unlawfully intimidate another from the free exercise of any right secured by the constitution or laws of Tennessee; or because another did exercise any right secured by the constitution or laws of the US or the constitution or laws of Tennessee. It is a Class A misdemeanor for a person to wear a mask or disguise with the intent to violate these rights.
Texas	If any person is convicted of a crime, in which he or she intentionally selected the person because of hatred of or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person, he or she shall be subjected to the following penalties. Misdemeanor: He or she shall be sentenced to not less than thirty (30) days mandatory imprisonment, nor more than 1 year, and for this penalty, he or she shall not be afforded the provisions of filing, suspension of sentence, or probation. Felony: He or she shall be sentenced for a felony by the court to an additional consecutive term of imprisonment for not less than 1 year nor more than 5 years, but in no case, more than double the original penalty for the crime.



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State	Hate Crime Penalty Provision, 2002
Utah	Any person who commits any primary offense with the intent to “intimidate or terrorize” another person or with reason to believe that his action would intimidate or terrorize that person is guilty of a third degree felony. The act must be accompanied with the intent to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the U.S. Primary offenses are assaults and related offenses, any misdemeanor property destruction, any criminal trespass, any misdemeanor theft offense, any offense of obstructing government operations, any offenses of interfering or intending to interfere with activities of colleges and universities, and misdemeanor offenses against public order and decency, any telephone abuse offense, any cruelty to animals offense, and any weapons offense.
Vermont	Penalty enhancement: for crimes with maximum penalty of less than one year, the maximum penalty becomes 2 years and/or a \$2,000 penalty; for crimes with maximum penalty of 1-5 years, the maximum penalty becomes 5 years and/or a \$10,000 fine; for crimes with a 5+ years sentence, the penalty stays the same but the court shall consider the motivation as a factor in sentencing.
Virginia	A. Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color, or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part. B. If a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of race, religious conviction, color or national origin, the person shall be guilty of a Class 6 felony, and the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.
Washington	A person is guilty of a malicious harassment if he or she maliciously and intentionally causes physical injury to the victim or another person, causes physical damage to or destruction of the property of the victim or another person, or threatens a specific person or group of persons and places that person in reasonable fear of harm to person or property because of his or her perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. Malicious harassment is a Class C felony.
West Virginia	A. If any person does by force, threat of force, or willfully injure, intimidate, or interfere with another in the free exercise of any right secured to him or her by the Constitution or laws of West Virginia or the U.S. because of such other person’s race, color, religion, ancestry, national origin, political affiliation or sex, he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both. B. If any person conspires with another person or persons to willfully injure, intimidate, or interfere with any citizen because of such other person’s race, color, religion, ancestry, national origin, political affiliation or sex in the free exercise of any right secured to him or her by the Constitution or laws of West Virginia or the U.S., and in willful furtherance thereof to assemble with 1 or more persons for the purpose of teaching any technique or means capable of causing property damage, bodily injury or death, each person shall be guilty of a felony, and upon, conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.
Wisconsin	If a person intentionally selects another or selects the property that is damaged or otherwise affected in whole or in part because of the belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person, or the owner or occupant of that property, whether or not the belief or perception was correct: the person shall be subject to: for Misdemeanors other than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised maximum period of imprisonment is one year in the county jail; for Class A misdemeanors, the penalty increase changes the status of the crime to a felony and the revised maximum period of imprisonment is 2 years; or if the crime is a felony, the maximum fine may be increased by not more than \$5,000 and the maximum period of imprisonment may be increased by not more than 5 years.

Note: This chart appeared in the 2002 report, *Hate Crime and Hate Incidents in the Commonwealth of Kentucky*. The information presented here was last updated in 2002, and therefore may conflict with more recent information presented in this report.



Appendix D:
Known Hate and Patriot Groups in Kentucky



Hate Groups in Kentucky

Chapter	Group	Location
Lord’s Work	Christian Identity	Austin, KY
Fellowship of God’s Covenant People	Christian Identity	Burlington, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Dawson Springs, KY
League of the South	Neo-Confederate	Lebanon, KY
U.S. Klans Knights of the KKK	Ku Klux Klan	Leitchfield, KY
National Knights of the KKK	Ku Klux Klan	Lexington, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Louisville, KY
International Keystone Knights of the KKK	Ku Klux Klan	Louisville, KY
Nation of Islam	Black Separatist	Louisville, KY
Aryan Nations	Neo-Nazi	Mount Washington, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Powderly, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Shepardsville, KY
National Socialist Movement	Neo-Nazi	Walton, KY

Source: Southern Poverty Law Center

Patriot Groups* in Kentucky

Chapter	Location
Take Back Kentucky	Clarkson, KY
Free Kentucky	Lebanon, KY
Constitution Party	Louisville, KY
Kentucky State Militia	Stanford, KY

* Patriot groups define themselves as opposed to the “New World Order” or advocate or adhere to extreme anti-government or conspiratorial doctrines. Listing here does not imply that the groups themselves advocate or engage in violence or other criminal activities, or are racist. This list was compiled from field reports, Patriot publications, the Internet, law enforcement officials and news reports.

Source: Southern Poverty Law Center



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