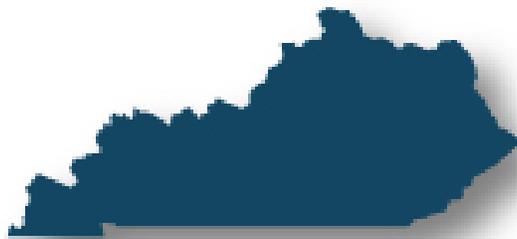


# **Hate Crime and Hate Incidents in the Commonwealth**



**2006**



**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 fifth report on the scope of hate crime and hate incidents in the Commonwealth of Kentucky. The Kentucky Justice and Public Safety Cabinet is charged in KRS 15A.040 with disseminating information on criminal justice issues and crime trends. This report reflects the Cabinet's effort to provide state officials with a collection of statewide hate crime data in order to document the scope of this type of crime across Kentucky and the nation.

*Hate Crime and Hate Incidents in the Commonwealth, 2006*, 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 hate crime rather than its actual incidence, the anecdotal data is used to provide a more complete picture of statewide hate crime and hate incidents. Information and tables in the fifth edition of *Hate Crime and Hate Incidents in the Commonwealth* have been updated where appropriate.

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

Sincerely,

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



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## Executive Summary

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 (UCR) and state level data reported by the Kentucky State Police. It also includes anecdotal information from local newspapers across the state, the Kentucky Commission on Human Rights, 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 Hate Crime Trends and Information Highlights

- According to the SPLC, the number of hate groups operating in the United States rose from 803 in 2005 to 844 in 2006.
- The Ku Klux Klan (KKK), the most active hate group within the state of Kentucky, decreased its number of chapters nationwide from 179 in 2005 to 164 in 2006 (Potok, 2007).
- In 2006, of the over 17,000 city, county, tribal, state, and federal law enforcement agencies participating in the national UCR Program, 12,620 participated in the UCR hate crime reporting program representing 85.2% of the nation's population. Of the agencies participating in the program, 16.7% reported incidents of hate crime. In total, 7,722 incidents were reported involving 9,080 offenses.
- The UCR reports that in 2006, 52.2% of all U.S. hate crime offenses were racially motivated while 17.6% were motivated by religion.



## Hate Crime and Hate Incidents in the Commonwealth

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- In the U.S., 49.0% of all hate crimes occurred at a residence/home or a highway/road/alley/street. The majority of hate crimes involved the offenses of destruction, damage, or vandalism (37.7%). Intimidation (26.5%), and simple assault (18.7%) were the next most common offenses.
- The UCR Program reported a total of 64 hate crime incidents in 2006 in Kentucky, up from 44 incidents in 2005.
- In 2006, race was the most common motivation for hate crimes in Kentucky (60.9%). The second most common hate crime motivation was sexual orientation, representing 18.8% of incidents.
- In 2006, 31.3% of all hate crimes in Kentucky occurred in a residence/home, 23.4% occurred in a highway/street/road/alley, and 15.6% occurred in a school/college. In Kentucky, 40.6% of hate crimes involved the offense of intimidation, 32.8% involved the offenses of destruction/damage/vandalism, and 12.5% involved the offense of aggravated assault. Like the U.S., in Kentucky, the majority of suspected offenders were white (48.1%).
- Anecdotal evidence of the prevalence and frequency of hate crime is provided by articles published by local newspapers from across the state including *The Kentucky Post*, *The Courier-Journal*, and the *Lexington Herald-Leader*.
- In FY 2006, the Kentucky Commission on Human Rights (KCHR) processed 2,507 intakes which involved communicating with people in Kentucky who had potentially been victims of discrimination. Approximately one in seven intakes in 2006 resulted in a new discrimination complaint being filed. In FY 2006, the number of discrimination complaints rose to 383, higher than any previous year in the agency's 46-year history.
- The Southern Poverty Law Center reported a total of two hate incidents in 2006 in Kentucky.
- The Anti-Defamation League reported a total of nine extremist events in 2006 in Kentucky.



## **I. History and Limitations of Hate Crime Data Collection**

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

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

The UCR Program relies on the voluntary participation of state and local law enforcement agencies across the country; therefore, the data compiled through the program may be a better reflection of how well hate crime is being reported rather than its actual incidence. When the UCR Program issued its first report on hate crimes in 1993, fewer than one in five of the nation's law enforcement agencies were providing data on such crimes. Participation has since increased and in 2006, over 17,000 city, county, tribal, state, and federal law enforcement agencies participated in the national UCR Program. Of these agencies, 12,620 participated in the UCR's hate crime reporting program, representing 85.2% of the nation's population.

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 in 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 a crime because of fear of retribution by the offender, fear of the police, fear that the report will not be taken seriously, fear of revictimization by the system, or fear of the resulting public response or stigma. 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.



## II. The Nature of Hate Crime

The collection and publication of nationwide hate crime statistics has generated 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 important to provide 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 individual civil liberties, however, hate itself cannot be considered a crime. 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 does not meet the definition of a hate 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. Victims of hate crime have many reasons to be hesitant to report the crime. 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 deportation if they contact the 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 previously targeted. Drawing attention to their situation may single them out as a potential target for a future hate crime. Finally, for most victims, the crime is a humiliating and emotionally devastating event, and it is difficult to recount the event to others (Bureau of Justice Assistance, 1997).

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 identity for which they are being persecuted. It should also be noted that bias-motivated crimes are often more likely to involve the element of physical assault and tend to result in more serious injuries than non-bias crimes. Overall, approximately 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**

Despite popular belief, most hate crimes are not committed by members of an organized hate group, but rather 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 are committed by a diverse set of offenders such as groups of teenagers intent on thrill-seeking, individuals who are reacting to a perceived threat to their way of life, or individuals suffering from mental disorders. 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 formed hate groups, united in their hatred for those of different races, religions, sexual orientations, and ethnicities/national origins. 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. These groups range from loosely organized and informal organizations to highly structured international organizations. 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 Tables 6.3 and 6.4).



According to the SPLC, the number of hate groups operating in the United States rose from 803 in 2005 to 844 in 2006. Since 2000, the number of hate groups in the U.S. has risen 40% (SPLC, 2007). Hate group sectors include neo-Nazis, nativists, Ku Klux Klan members, racist skinheads, neo-Confederates, and white nationalists.

The SPLC attributes much of the growth to hate groups' exploitation of immigration issues. In recent years, well over 200 radical anti-immigration groups have been established. The movement virtually exploded after the 2005 Minuteman Project in Arizona, a month-long effort by volunteer armed civilians to patrol a stretch of the Arizona/Mexico border for illegal alien crossings (Buchanan & Kim, 2005). Often referred to as nativists, these anti-immigration activists are becoming more violent in their pursuit of vigilante justice. One of these groups, Ranch Rescue, has established a branch in Hebron, Kentucky. Ranch Rescue was founded by a group of vigilantes dedicated to patrolling the U.S.-Mexico border region in an effort to deter and repel border crossers and trespassers. They have been known to conduct paramilitary operations armed with high-powered assault rifles, handguns, night-vision devices, two-way radios, observation posts, flares, machetes, all-terrain vehicles, and trained attack dogs (SPLC, 2003).

White supremacist groups have also been concentrating on the immigration issue. In 2006, many groups actively sought anti-immigration sympathizers as a means of increasing their membership. The largest neo-Nazi group, the National Socialist Movement (NSM), has been actively engaged in anti-immigration efforts. For example, in the fall of 2006, NSM held a rally followed by a "Rock Against Illegal Immigration" concert in Texas (Potok, 2007). NSM has 81 chapters in 36 states.

Once the nation's leading hate group, the National Alliance continued to lose chapters and members in 2006, a trend that began in 2003. Arrests of high ranking National Alliance members in 2006 compounded the disintegration of the group. In 2006, the National Alliance claimed to have 12 chapters, down from 59 chapters in 2004. National Vanguard, one of the spin-off groups from the breakdown of the National Alliance, had 14 chapters in 2006 (Potok, 2007).

White nationalists were active in 2006 primarily promoting anti-immigration sentiments. Claiming as many as 15,000 members, the Council of Conservative Citizens (CCC) announced in 2006 that it was making non-white immigration its top priority (SPLC, 2007).

The Ku Klux Klan (KKK), the most active hate group within the state of Kentucky, decreased its number of chapters nationwide from 179 in 2005 to 164 in 2006 (Potok, 2007). The SPLC estimates that there are between 6,000 and 8,000 Klansmen in the U.S. There are a total of 34 different groups within the KKK. With 30 chapters, the Illinois-based Brotherhood of the Klans became the largest Klan group in 2006. The Kentucky-based Imperial Klans of America (IKA) was the largest Klan group in 2005, but after losing several chapters in 2006, it fell to the second largest Klan group. In 2006, IKA had chapters in the cities of Brandenburg and Dawson Springs, Kentucky. Other KKK groups are based in Buffalo, Fairdale, Leitchfield, Lexington, Maysville, and Newport (See Tables 6.3 and 6.4).



Like most other hate groups, the Klan has joined the anti-immigration movement. In 2006, one of the most vicious hate crimes in Kentucky was carried out by members of the IKA. In July 2006, two IKA members brutally attacked a 16-year old boy of Panamanian descent at a county fair at the Meade County Fairgrounds in Brandenburg, KY. The victim suffered broken ribs, a broken arm, multiple cuts and bruises, and jaw injuries requiring extensive dental work. The two IKA members responsible for the attack were later sentenced to three years in prison (Kenning, 2007). The Southern Poverty Law Center has also filed a civil lawsuit against the perpetrators on behalf of the victim.

### **Hate on the Internet**

Advances in communications technology have been accompanied by the proliferation of hate sites on the Internet. According to FBI Director Robert S. Mueller, “unfortunately, as technology evolves, criminals and terrorists also evolve. The threat of today, and of the future, is a dangerous convergence of terrorists, hostile foreign governments, and criminal groups operating over the Internet and through interconnected, sophisticated networks.” In 2006, the SPLC reported that there were 566 U.S.-based hate sites on the Internet, up from 250 in 1999.

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 groups have well-developed websites that may appeal particularly to youth. Several groups develop and sell products that are especially appealing to youth, such as CDs, jewelry, books, and other items (Tiven, 2003, p. 21). This is especially important to consider since a significant number of perpetrators of hate crimes are young. Partners Against Hate (2002) reports that 33% of hate crime perpetrators 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).

The Internet provides an accessible and inviting interface that allows extremists new ways to communicate, no longer with words alone but through pictures, graphics, sounds, animation, and video (Tiven, 2003, p.13). Websites, chat rooms, discussion boards, email messages, and instant messages are all part of a virtual playground for extremists to disperse their messages of hate to the masses. The ability to use these techniques to entice Internet users has proven to be a very successful recruitment tool for hate groups. Groups may twist their message to appear as though they are legitimate activists who have been unfairly characterized as extremists. Some post provocative messages on online discussion forums devoted to mainstream, legitimate topics with the hope of attracting new supporters (Tiven, 2003, p.17). Groups operating in Kentucky are no exception. Examples include the Kentucky based websites for hate groups such as the Imperial Klans of America, Knights of the KKK, <http://www.kkkk.net/kentucky1/index.htm>, and Warriors of the White World, <http://www.warriorsofthewhiteworld.com>, and for patriot groups such as Take Back Kentucky, <http://www.takebackkentucky.com/index.html>, and the Kentucky State Militia, [www.kysm.org](http://www.kysm.org). Such groups are actively using the Internet to share their message, recruit new members, and improve the coordination and communication among current members.

Hate on the Internet is particularly hard to address because of the First Amendment's protection of individual speech and freedom of expression. In 1997, in *Reno v. ACLU*, the Supreme Court overturned the Communications Decency Act, established in 1996 to regulate the freedom of speech on the Internet. This landmark decision extended the First Amendment's protection of free speech to speech on the Internet. Legal action can, however, be taken against hate speech that contains a direct, credible threat against an identifiable individual. Unfortunately, the anonymity of the Internet makes it especially difficult to track down the source of threatening messages. As a result of these unique circumstances, very few criminal cases concerning hate speech on the Internet have ever been prosecuted (Kaplan & Moss, 2003, p. 5).

Human rights organizations such as the Anti-Defamation League and the Southern Poverty Law Center devote a great deal of time and effort to combating the spread of hate on the web. Such organizations track the movement of hate groups and extremists on the Internet and are quick to alert authorities if illegal activity is detected. Christopher Wolf (2003), Chairman of the Anti-Defamation League's Internet Taskforce, explains, "Where the activities of hate groups were once limited by geographical boundaries, the Internet allows even the smallest fringe group to spread hate and freely recruit members online by tapping into the worldwide audience that the Web provides."

It is important for policymakers to consider the role the Internet plays in advancing the cause of hate groups. An unregulated environment such as the Internet is a haven for bigots and extremists looking for an open forum to spread their beliefs. It is an inexpensive and efficient way to promote their message with few, if any, consequences. Though legal recourse for hate on the Internet is limited, other strategies can be employed. Public awareness may be the first step in a long process of combating this difficult problem.



### III. Kentucky's Current Hate Crime Law

In 1992, following the enactment of federal hate crime legislation, Kentucky passed KRS 17.1523, legislation requiring the collection of data on bias-motivated crime on the uniform offense report (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. For the full text of each hate crime statute, see Appendix A.

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 nonimposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in the decision to delay or deny parole.
- Creation of the offense of Institutional Vandalism (KRS 525.113) as a class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects defined in KRS 525.110 (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.

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



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

As of 2005, 46 states had 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/she intentionally selects the victim based upon his/her 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.



#### **IV. Data Collection Statistics**

In 2006, of the over 17,000 city, county, tribal, state, and federal law enforcement agencies participating in the national UCR (Uniform Crime Reporting) Program, 12,620 participated in the UCR hate crime reporting program representing 85.2% of the nation's population. Of the agencies participating in the program, 16.7% reported incidents of hate crime. In total, 7,722 incidents were reported involving 9,080 offenses.

The UCR Program reported a total of 64 hate crime incidents in 2006 in Kentucky, up from 44 incidents in 2005. With respect to the type of agency reporting hate crime incidents, Kentucky differs from surrounding states particularly in the number of incidents reported by the state police (See Table 4.1). According to UCR data presented in Table 4.3, in 2006, both West Virginia (34) and Indiana (39) reported fewer hate crime incidents than Kentucky (64). States with higher numbers of incidents included Missouri (78), Illinois (156), Tennessee (202), Ohio (300), and Virginia (341).



**Table 4.1: Number and Percent of Hate Crime Incidents by State and Agency Type, 2006**

<b>Reporting Agency</b>	<b>WV</b>	<b>IN</b>	<b>KY</b>	<b>MO</b>	<b>IL</b>	<b>TN</b>	<b>OH</b>	<b>VA</b>
<b>Cities</b>								
Number of Incidents	22	31	53	63	137	161	249	183
Percent of Total	65%	79%	83%	81%	88%	80%	83%	54%
<b>Metropolitan Counties</b>								
Number of Incidents	5	1	2	10	5	30	27	101
Percent of Total	15%	3%	3%	13%	3%	15%	9%	30%
<b>Nonmetropolitan Counties</b>								
Number of Incidents	7	1	1	1	0	6	16	24
Percent of Total	21%	3%	2%	1%	0%	3%	5%	7%
<b>Universities/Colleges</b>								
Number of Incidents	0	6	4	4	14	5	7	32
Percent of Total	0%	15%	6%	5%	9%	2%	2%	9%
<b>State Police</b>								
Number of Incidents	0	0	4	0	0	0	0	0
Percent of Total	0%	0%	6%	0%	0%	0%	0%	0%
<b>Other Agencies</b>								
Number of Incidents	0	0	0	0	0	0	1	1
Percent of Total	0%	0%	0%	0%	0%	0%	0%	0%
<b>Total</b>	<b>34</b>	<b>39</b>	<b>64</b>	<b>78</b>	<b>156</b>	<b>202</b>	<b>300</b>	<b>341</b>

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, 2006*.



**Table 4.2: Number of Hate Crime Incidents by Reporting Agency and Motivation, Kentucky, 2006**

Reporting Agency	Race	Religion	Sexual Orientation	Ethnicity	Disability
Cities	28	8	11	6	0
Metropolitan Counties	0	0	0	2	0
Nonmetropolitan Counties	1	0	0	0	0
Universities/Colleges	4	0	0	0	0
State Police	2	1	1	0	0
Other Agencies	0	0	0	0	0
<b>Total</b>	<b>35</b>	<b>9</b>	<b>12</b>	<b>8</b>	<b>0</b>
<b>Percent of Total</b>	<b>55%</b>	<b>14%</b>	<b>19%</b>	<b>13%</b>	<b>0%</b>

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, 2006*.

**Table 4.3: Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2006**

State	Number of Participating Agencies	Population Covered	Agencies Submitting Incident Reports	Total Number of Incidents Reported	Percent of Agencies Reporting a Documented Hate Crime
West Virginia	340	1,707,846	18	34	5%
Indiana	124	2,796,935	15	39	12%
<b>Kentucky</b>	<b>320</b>	<b>3,731,141</b>	<b>28</b>	<b>64</b>	<b>9%</b>
Missouri	309	3,532,150	26	78	8%
Illinois	66	5,264,133	49	156	74%
Tennessee	459	6,036,872	65	202	14%
Ohio	493	8,638,061	87	300	18%
Virginia	399	7,621,121	91	341	23%

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, 2006*.

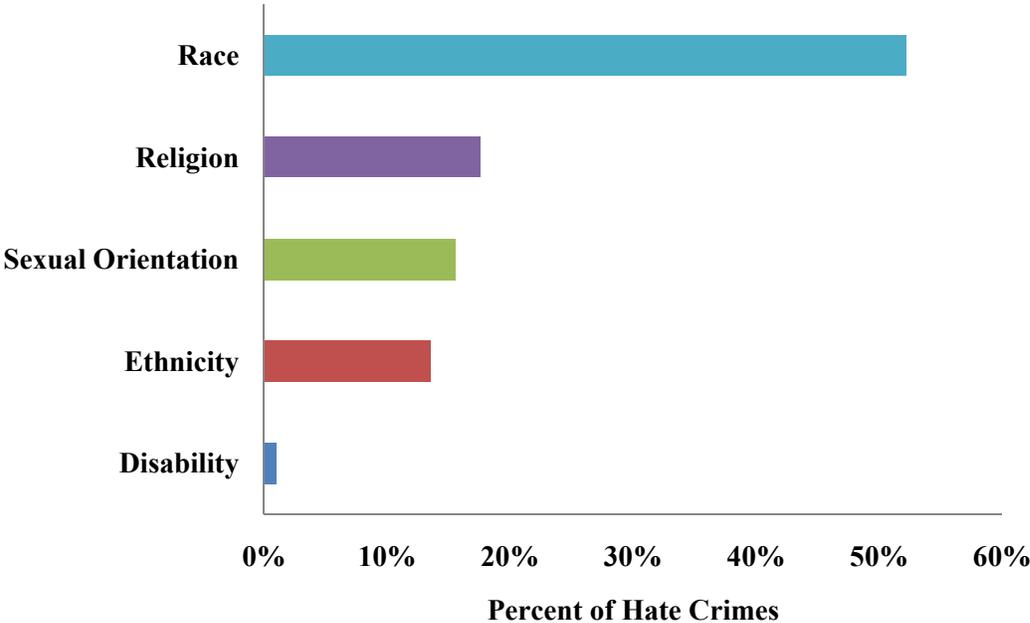


## V. Official Law Enforcement Data

### 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 (UCR). The UCR reports that in 2006, 52.2% of all hate crime offenses were racially motivated while 17.6% were motivated by religion (See Figure 5.a). In the U.S., 49.0% of all hate crimes occurred at a residence/home or a highway/road/alley/street (See Table 5.2). The majority of hate crimes involved the offenses of destruction, damage, or vandalism (37.7%). Intimidation (26.5%), and simple assault (18.7%) were the next most common offenses (See Table 5.3). In the U.S., 61.7% of known hate crime offenders were white, as reported in Table 5.4. In terms of the type of victim, the majority were individuals (See Table 5.5).

**Figure 5.a: Distribution of Hate Crime in the U.S. by Bias Motivation, 2006**



Source:  
Federal Bureau of Investigation. *Hate Crime Statistics, 2006*.



**Table 5.1: Hate Crime in the U.S. by Bias Motivation, 2006**

Targeted Group	Incidents	Offenses	Victims <sup>1</sup>	Known Offenders <sup>2</sup>
<b>Single-Bias Incidents</b>	<b>7,720</b>	<b>9,076</b>	<b>9,642</b>	<b>7,324</b>
<b>Race</b>	<b>4,000</b>	<b>4,737</b>	<b>5,020</b>	<b>3,957</b>
Anti-White	890	1,008	1,054	1,074
Anti-Black	2,640	3,136	3,332	2,437
Anti-American Indian/Alaskan Native	60	72	75	72
Anti-Asian/Pacific Islander	181	230	239	181
Anti-Multiple Races, Group	229	291	320	193
<b>Religion</b>	<b>1,462</b>	<b>1,597</b>	<b>1,750</b>	<b>705</b>
Anti-Jewish	967	1,027	1,144	362
Anti-Catholic	76	81	86	44
Anti-Protestant	59	62	65	35
Anti-Islamic	156	191	208	147
Anti-Other Religion	124	140	147	63
Anti-Multiple Religions, Group	73	88	92	49
Anti-Atheism/Agnosticism/etc.	7	8	8	5
<b>Sexual Orientation</b>	<b>1,195</b>	<b>1,415</b>	<b>1,472</b>	<b>1,380</b>
Anti-Male Homosexual	747	881	913	914
Anti-Female Homosexual	163	192	202	154
Anti-Homosexual	238	293	307	268
Anti-Heterosexual	26	28	29	26
Anti-Bisexual	21	21	21	18
<b>Ethnicity/National Origin</b>	<b>984</b>	<b>1,233</b>	<b>1,305</b>	<b>1,209</b>
Anti-Hispanic	576	770	819	802
Anti-Other Ethnicity/National Origin	408	463	486	407
<b>Disability</b>	<b>79</b>	<b>94</b>	<b>95</b>	<b>73</b>
Anti-Physical Disability	17	20	21	17
Anti-Mental Disability	62	74	74	56
<b>Multiple-Bias Incidents<sup>3</sup></b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>6</b>
<b>Total</b>	<b>7,722</b>	<b>9,080</b>	<b>9,652</b>	<b>7,330</b>

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

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

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

Source:  
Federal Bureau of Investigation. *Hate Crime Statistics, 2006*.



**Table 5.2: Location of Hate Crime Incidents in the U.S., 2006**

<b>Location</b>	<b>Number of Incidents</b>	<b>Percent of Total</b>
Residence/Home	2,394	31.0 %
Highway/Road/Alley/Street	1,387	18.0
School/College	941	12.2
Other Unknown	849	11.0
Parking Lot/Garages	474	6.1
Church/Synagogue/Temple	304	3.9
Commercial/Office Building	193	2.5
Bar/Nightclub	161	2.1
Restaurant	161	2.1
Government/Public Building	135	1.7
Convenience Store	92	1.2
Field/Woods	87	1.1
Service/Gas Station	75	1.0
Specialty Store	68	0.9
Grocery/Supermarket	57	0.7
Department/Discount Store	56	0.7
Drug Store/Dr.'s Office/Hospital	51	0.7
Air/Bus/Train Terminal	48	0.6
Hotel/Motel	45	0.6
Jail/Prison	40	0.5
Construction Site	31	0.4
Bank/Savings and Loan	21	0.3
Liquor Store	17	0.2
Lake/Waterway	16	0.2
Multiple Locations	10	0.1
Rental Storage Facility	9	0.1
<b>Total</b>	<b>7,722</b>	<b>100.0 %</b>

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, 2006*.



**Table 5.3: Hate Crime Incidents in the U.S. by Offense Type, 2006**

Offense type	Number of Incidents <sup>1</sup>	Percent of Incidents
<b>Crimes against persons:</b>	<b>4,378</b>	<b>56.7 %</b>
Murder and non-negligent manslaughter	3	0.0
Forcible Rape	6	0.1
Aggravated Assault	860	11.1
Simple Assault	1,447	18.7
Intimidation	2,046	26.5
Other <sup>2</sup>	16	0.2
<b>Crimes against property:</b>	<b>3,593</b>	<b>46.5 %</b>
Robbery	142	1.8
Burglary	155	2.0
Larceny-Theft	261	3.4
Motor Vehicle Theft	25	0.3
Arson	41	0.5
Destruction/Damage/Vandalism	2,911	37.7
Other <sup>2</sup>	58	0.8
<b>Crimes against society<sup>2</sup></b>	<b>38</b>	<b>0.5 %</b>
<b>Total<sup>3</sup></b>	<b>7,722</b>	<b>100.0 %</b>

<sup>1</sup> 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.”

<sup>2</sup> 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.

<sup>3</sup> The actual number of incidents is 7,722. 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, 2006*.



**Table 5.4: Hate Crime Offenders in the U.S. by Race, 2006**

<b>Know Offender's Race<sup>1</sup></b>	<b>Number of Offenders</b>	<b>Percent of Total</b>
White	3,710	61.7 %
Black	1,026	17.1
Unknown	891	14.8
Multiple Races, Group	247	4.1
Asian/Pacific Islander	75	1.2
American Indian/Alaskan Native	66	1.1
<b>Total</b>	<b>6,015</b>	<b>100.0 %</b>

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

<sup>1</sup> The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

Source:  
Federal Bureau of Investigation. *Hate Crime Statistics, 2006.*

**Table 5.5: Hate Crime Offenses in the U.S. by Victim Type, 2006**

<b>Victim Type</b>	<b>Number of Offenses</b>	<b>Percent of Total</b>
Individual	7,293	80.3 %
Other/Unknown/Multiple	710	7.8
Business/Financial Institution	453	5.0
Government	320	3.5
Religious Organization	266	2.9
Society/Public	38	0.4
<b>Total</b>	<b>9,080</b>	<b>100.0 %</b>

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

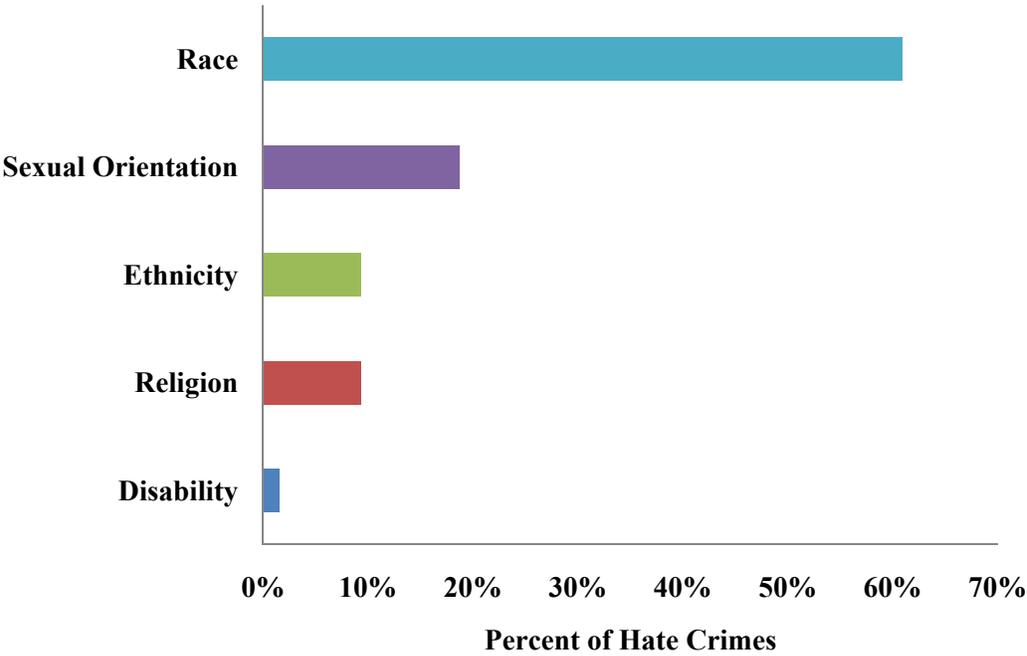
Source:  
Federal Bureau of Investigation. *Hate Crime Statistics, 2006.*



**B. Kentucky State Police Reports**

The figures and tables in the following section represent official state law enforcement data as published by the Kentucky State Police. In 2006, race was the most common motivation for hate crimes in Kentucky (60.9%). The second most common hate crime motivation was sexual orientation, representing 18.8% of incidents (See Table 5.6). In 2006, 31.3% of all hate crimes in Kentucky occurred in a residence/home, 23.4% occurred in a highway/street/road/alley, and 15.6% occurred in a school/college (See Table 5.7). Of hate crimes reported in Kentucky, 40.6% involved the offense of intimidation, 32.8% involved the offenses of destruction, damage, or vandalism, and 12.5% involved the offense of aggravated assault (See Table 5.8). Like the U.S., in Kentucky, the majority of suspected offenders were white (48.1%). The race of 24.1% of suspected offenders was unknown. The majority of hate crime victims in 2006 in Kentucky were individuals (84.9%).

**Figure 5.b: Distribution of Hate Crime in Kentucky by Bias Motivation, 2006**



Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.



**Table 5.6: Hate Crime Incidents in Kentucky by Bias Motivation, 2006**

<b>Targeted Group</b>	<b>Number of Incidents</b>	<b>Percent of Sub-Group</b>	<b>Percent of Total</b>
<b>Race</b>	<b>39</b>	<b>100.0%</b>	<b>60.9%</b>
Anti-White	6	15.4	9.4
Anti-Black	27	69.2	42.2
Anti-American Indian/Alaskan Native	1	2.6	1.6
Anti-Asian/Pacific Islander	1	2.6	1.6
Anti-Multi-Racial Group	4	10.3	6.3
<b>Motivated by Ethnicity</b>	<b>6</b>	<b>100.0</b>	<b>9.4</b>
Anti-Arab	0	0.0	0.0
Anti-Hispanic	4	66.7	6.3
Anti-Other Ethnicity/National Origin	2	33.3	3.1
<b>Sexual Orientation</b>	<b>12</b>	<b>100.0</b>	<b>18.8</b>
Anti-Male Homosexual	11	91.7	17.2
Anti-Female Homosexual	0	0.0	0.0
Anti-Homosexual	1	8.3	1.6
Anti-Heterosexual	0	0.0	0.0
Anti-Bisexual	0	0.0	0.0
<b>Religion</b>	<b>6</b>	<b>100.0</b>	<b>9.4</b>
Anti-Jewish	1	16.7	1.6
Anti-Catholic	1	16.7	1.6
Anti-Protestant	1	16.7	1.6
Anti-Islamic	3	50.0	4.7
Anti-Other Religion	0	0.0	0.0
<b>Disability</b>	<b>1</b>	<b>100.0</b>	<b>1.6</b>
Anti-Physical Disability	1	100.0	1.6
Anti-Mental Disability	0	0.0	0.0
<b>Total</b>	<b>64</b>	<b>100.0 %</b>	<b>100.0 %</b>

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

Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.



**Table 5.7: Location of Hate Crime Incidents in Kentucky, 2006**

<b>Location</b>	<b>Number of Incidents</b>	<b>Percent of Total*</b>
Residence/Home	20	31.3 %
Highway/Road/Alley/Street	15	23.4
School/College	10	15.6
Parking Lot/Garages	4	6.3
Other Unknown	4	6.3
Commercial/Office Building	3	4.7
Bar/Nightclub	2	3.1
Church/Synagogue/Temple	2	3.1
Department/Discount Store	1	1.6
Drug Store/Dr. 's Office/Hospital	1	1.6
Restaurant	1	1.6
Service/Gas Station	1	1.6
Air/Bus/Train Terminal	0	0.0
Bank/Savings and Loan	0	0.0
Construction Site	0	0.0
Convenience Store	0	0.0
Field/Woods	0	0.0
Government/Public Building	0	0.0
Grocery/Supermarket	0	0.0
Hotel/Motel	0	0.0
Jail/Prison	0	0.0
Lake/Waterway	0	0.0
Liquor Store	0	0.0
Rental Storage Facility	0	0.0
Specialty Store	0	0.0
<b>Total</b>	<b>64</b>	<b>100.0 %</b>

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

Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.



**Table 5.8: Hate Crime Incidents in Kentucky by Offense Type, 2006**

Offense	Number of Incidents	Percent of Total
Intimidation	26	40.6 %
Destruction/Damage/Vandalism	21	32.8
Aggravated Assault	8	12.5
Simple Assault	6	9.4
Burglary	2	3.1
Robbery	1	1.6
Murder	0	0.0
Rape	0	0.0
Larceny/Theft	0	0.0
Motor Vehicle Theft	0	0.0
Arson	0	0.0
<b>Total</b>	<b>64</b>	<b>100.0 %</b>

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

Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.

**Table 5.9: Hate Crime Offenders in Kentucky by Race, 2006**

Suspected Offender's Race <sup>1</sup>	Number	Percent of Total
White	52	48.1 %
Black	29	26.9
Unknown	26	24.1
Asian/Pacific Islander	1	0.9
American Indian/Alaskan Native	0	0.0
Multi-Racial Group	0	0.0
<b>Total</b>	<b>108</b>	<b>100.0 %</b>

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

Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.



**Table 5.10: Hate Crime Incidents in Kentucky by Victim Type, 2006**

<b>Victim Type</b>	<b>Number</b>	<b>Percent of Total</b>
Individual	62	84.9 %
Business	3	4.1
Government	3	4.1
Religious Organization	2	2.7
Other	2	2.7
Society/Public	1	1.4
Financial Institution	0	0.0
Unknown	0	0.0
<b>Total</b>	<b>73</b>	<b>100.0 %</b>

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

Source:  
Kentucky State Police. *Crime in Kentucky, 2006*.



## VI. Anecdotal Evidence of Hate Crime

### A. Hate Incidents Reported by Kentucky Newspapers in 2006

**June** (Glasgow): A Barren County man found graffiti on his home including the words, “Die Jew,” and a threatening letter in his mailbox with a swastika on it admitting to setting his shed on fire a month earlier. (*Lexington Herald-Leader*)

**July** (Brandenburg): Two members of the Imperial Klans of America (IKA) attacked a 16-year old boy of Panamanian descent at the Meade County Fairgrounds. The victim suffered broken ribs, a broken arm, multiple cuts and bruises, and jaw injuries requiring extensive dental work. The suspects called the victim a “spic” during the attack. (*The Courier-Journal* and the Southern Poverty Law Center)

**August** (Beaver Dam): A letter was left on an Ohio County man’s vehicle stating, “You will burn nigger. Leave now. Die Blackie.” The letter was signed with “KKK” and a burning cross symbol. A few days later, the father of four found the letters “KKK” spray painted three times across his family’s home. (*Owensboro Messenger-Inquirer*)

**September** (Covington): Suspects spray painted “KKK,” “fag,” a swastika, and other racial, religious, and sexually oriented messages on the front of someone’s home. (*The Kentucky Post*)

**September** (Covington): A Hispanic man was stabbed twice in what was believed to be a bias-motivated assault, specifically anti-male homosexual. The suspect approached the victim and asked him if he was really a female. After the victim stated that he wasn’t, the perpetrator stabbed him twice. (*The Kentucky Post*)

**September** (Highland Heights): Anti-homosexual messages and expletives were scrawled across the dorm room door of a 19-year old gay student at Northern Kentucky University. (*The Kentucky Post*)

**September** (Rockfield): Two days after their home was burglarized, an El Salvadorian couple found a makeshift wooden cross burning in their yard. A handwritten sign beside the cross stated, “In my country maybe, in my neighborhood no way.” (*Lexington Herald-Leader*)

**November** (Winchester): The racial epithet “nigger” was spray painted across the front of a man’s house who had recently lost a race for state representative. (*Lexington Herald-Leader*)



## **B. Kentucky Commission on Human Rights<sup>1</sup>**

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

Headquartered in Louisville, KCHR'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). KCHR is made up of an 11-member board of commissioners, the executive director, and 36 staff members. 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.

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 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. In FY 2006, KCHR distributed over 22,000 pieces of educational literature, participated in 200 civil rights partner meetings, and reached out to people with information about KCHR at least 80 times.

In FY 2006, KCHR processed 2,507 intakes which involved communicating with people in Kentucky who had potentially been victims of discrimination. As a result of this significant increase in volume, mid-way through the year, the KCHR's executive director established a separate Intake Unit to process the complaints. Approximately one in seven intakes in FY 2006 resulted in a new discrimination complaint being filed. In FY 2006, the number of discrimination

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<sup>1</sup> All data within this section was retrieved from KCHR's website, <http://kchr.ky.gov/>. Data is reported for the fiscal year.



complaints filed rose to 383, higher than any previous year in the agency’s 46-year history. The two most common bases for discrimination complaints were race and color, and sex (See Table 6.1). The majority of complaints closed were found to have no probable cause; the next most common outcome was a conciliation agreement (See Table 6.2). In FY 2006, KCHR staff negotiated 45 conciliation agreements, resulting in \$72,430 in compensation for complainants.

**Table 6.1: Kentucky Commission on Human Rights: Basis of Cases Filed, FY 2006**

Basis	Employment	Housing	Public	Financial	Total
			Accommodations	Transactions	
Race & Color	134	9	21	0	164
Sex	87	1	2	0	90
Age (40+)	56	0	0	0	56
Religion	7	0	0	0	7
Disability	41	15	29	0	85
National Origin	19	1	10	0	30
Retaliation	27	0	0	0	27
Familial Status	0	5	0	0	5
Smoker or Non-Smoker Status	0	0	0	0	0
<b>Total</b>	<b>371</b>	<b>31</b>	<b>62</b>	<b>0</b>	<b>464</b>

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

Source:  
Kentucky Commission on Human Rights.

**Table 6.2: Kentucky Commission on Human Rights: Outcomes of Complaints Closed, FY 2005-FY 2006**

Complaint Outcome	2005		2006	
	Number	Percent	Number	Percent
No Probable Cause	257	80.6%	209	63.5%
Conciliation	26	8.2%	45	13.7%
Withdrawal	20	6.3%	38	11.6%
Withdrawal/Settlement	8	2.5%	25	7.6%
Finding of Discrimination	0	0.0%	2	0.6%
PC Conciliation	8	2.5%	10	3.0%
<b>Total</b>	<b>319</b>	<b>100.0%</b>	<b>329</b>	<b>100.0%</b>

Source:  
Kentucky Commission on Human Rights.



**C. Other Human Rights Organizations**

Human rights organizations across the nation collect data on bias-motivated offenses. The information provided by these organizations can be used in conjunction with law enforcement data to provide a more comprehensive understanding of the nature and frequency of hate crime. Such organizations work to raise awareness and educate the public about ways to reduce the incidence of hate crime in today’s society. Two of the most widely recognized national human rights organizations are 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 hate crimes throughout the country. The following data is publically available on the Center’s website, [www.splcenter.com](http://www.splcenter.com).

**Table 6.3: Hate Crime Incidents Reported by the Southern Poverty Law Center, 2006**

Location	Date	Incident
Beaver Dam, KY	8/20/06	The letters “KKK” were spray-painted several times on a black family’s residence.
Rockfield, KY	9/10/06	A cross was burned on a Latino family’s yard.

**Table 6.4: Patriot Groups<sup>1</sup> in Kentucky, 2006**

Chapter	Location
Take Back Kentucky	Clarkson, KY
Ranch Rescue	Hebron, KY
Constitution Party	Louisville, KY
Kentucky State Militia	Stanford, KY

<sup>1</sup> 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.



**Table 6.5: Hate Groups in Kentucky, 2006**

<b>Chapter</b>	<b>Group</b>	<b>Location</b>
Imperial Klans of America	Ku Klux Klan	Brandenburg, KY
American National Socialist Workers' Party	Neo-Nazi	Brooks, KY
White Mountain Knights of the Ku Klux Klan	Ku Klux Klan	Buffalo, KY
Imperial Klans of America	Ku Klux Klan	Dawson Springs, KY
Knights of the KKK	Ku Klux Klan	Fairdale, KY
League of the South	Neo-Confederate	Lebanon, KY
Warriors of the White World	Ku Klux Klan	Leitchfield, KY
National Knights of the Ku Klux Klan	Ku Klux Klan	Lexington, KY
Nation of Islam	Black Separatist	Louisville, KY
United Northern and Southern Knights of the Ku Klux Klan	Ku Klux Klan	Maysville, KY
United Northern and Southern Knights of the Ku Klux Klan	Ku Klux Klan	Newport, KY

Source:  
Southern Poverty Law Center.



**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, as one of the nation’s foremost civil rights/human relations agency, the ADL 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 the 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](http://www.adl.org).

**Table 6.6: Extremist Events in Kentucky, 2006**

<b>Date</b>	<b>Location</b>	<b>Event</b>	<b>Description</b>
3/25/2006– 3/26/2006	Dawson Springs	Spring Gathering	Meeting of white supremacists organized by the Imperial Klans of America (IKA)
5/5/2006 – 5/7/2006	Unknown	Militia training	Paramilitary training in southeast Kentucky organized by a militia group
5/26/2006 – 5/29/2006	Dawson Springs	Nordic Fest 2006	Annual white power rally and music festival with bands, speakers, vendors, as well as cross and swastika lighting, organized by the Imperial Klans of America (IKA) and its leader, Ron Edwards.
8/5/2006	Fairdale	Unity Rally	Gathering organized by neo-Nazi National Socialist Movement (NSM) and the Ku Klux Klan in Kentucky.



**Table 6.6: Extremist Events in Kentucky, 2006, cont.**

<b>Date</b>	<b>Location</b>	<b>Event</b>	<b>Description</b>
9/8/2006 – 9/10/2006	Unknown	Christian Identity conference	Weekend gathering organized by Christian Identity Pastor Everett Ramsey.
9/23/2006	Fairdale	Klan appearance in parade	Participation in the annual Fairdale Community Fair Parade by members of the Knights of the Ku Klux Klan.
10/7/2006	Pikeville	KKK Cookout	Gathering jointly organized by White Mountain Knights of the Ku Klux Klan and the Knights Party.
11/11/2006	Louisville	KKK Unity Rally	Gathering organized by White Mountain Knights of the Ku Klux Klan with open invitation to local white supremacists. Event includes presentation by guest speaker followed by cross lighting on private property in Buffalo, Kentucky.
12/29/2006 – 12/30/2006	Bowling Green	Klan gathering	Gathering organized by the White Mountain Knights of the Ku Klux Klan, with expected attendance by other Klan groups as well as followers of Christian Identity, a racist and anti-Semitic religion.

Source:  
Anti-Defamation League.



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**Appendix A:**  
**State and 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.

**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.

**15.334 Mandatory training courses for law enforcement students and certified peace officers -- Administrative regulations -- Annual report.**

(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:

- (a) Abuse, neglect, and exploitation of the elderly and other crimes against the elderly, including the use of multidisciplinary teams in the investigation and prosecution of crimes against the elderly;
- (b) The dynamics of domestic violence, child physical and sexual abuse, and rape; child development; the effects of abuse and crime on adult and child victims, including the impact of abuse and violence on child development; legal remedies for protection;

lethality and risk issues; profiles of offenders and offender treatment; model protocols for addressing domestic violence, rape, and child abuse; available community resources and victim services; and reporting requirements. This training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with expertise in domestic violence, child abuse, and rape;

(c) Human immunodeficiency virus infection and acquired immunodeficiency virus syndrome; and

(d) Identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin.

(2) The council shall develop and approve mandatory professional development training courses to be presented to all certified peace officers. A mandatory professional development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years.

(3) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish mandatory basic training and professional development training courses.

(4) The council shall make an annual report by December 31 each year to the Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.

**Effective:** June 20, 2005

**History:** Created 2005 Ky. Acts ch. 132, sec. 11, effective June 20, 2005.



**Federal Statutory Language Pertaining to Hate Crime**

**28 U.S.C. § 534 Hate Crime Statistics Act**

(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.”

**18 U.S.C. § 241 Conspiracy against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured--

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or

an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

**18 U.S.C. § 242 Deprivation of rights under color of law**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

**18 U.S.C. § 245. Federally protected activities**

(a)

(1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with--

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

- (C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;
  - (D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;
  - (E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or
- (2) any person because of his race, color, religion or national origin and because he is or has been--
- (A) enrolling in or attending any public school or public college;
  - (B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;
  - (C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;
  - (D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;
  - (E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;
  - (F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or
- (3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or
- (4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--
- (A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or
  - (B) affording another person or class of persons opportunity or protection to so participate; or
- (5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through

(2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate--shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. As used in this section, the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term "law enforcement officer" means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

(d) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

### **18 U.S.C. § 247. The Church Arsons Prevention Act**

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section--

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) of this section shall be--

(1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit

aggravated sexual abuse, or an attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more than 40 years, or both;

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; and

(4) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship.

(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

### **18 U.S.C. § 248 Freedom of Access to Clinic Entrances Act**

(a) Prohibited Activities.--Whoever--

(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship, shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) Penalties.--Whoever violates this section shall--

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and (2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not

more than 3 years, or both; except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding section 3571, be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(c) Civil Remedies.--

(1) Right of action.--

(A) In general. Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) Action by attorney general of the United States.--

(A) In general.--If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent--

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) Actions by state attorneys general.--

(A) In general.--If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

- (B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).
- (d) Rules of Construction.--Nothing in this section shall be construed--
- (1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;
  - (2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;
  - (3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or
  - (4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.
- (e) Definitions.--As used in this section:
- (1) Facility.--The term “facility” includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.
  - (2) Interfere with.--The term “interfere with” means to restrict a person's freedom of movement.
  - (3) Intimidate.--The term “intimidate” means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.
  - (4) Physical obstruction.--The term “physical obstruction” means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.
  - (5) Reproductive health services.--The term “reproductive health services” means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
  - (6) State.--The term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

### **28 U.S.C. § 994 Hate Crimes Sentencing Enhancement Act**

As a part of the Violent Crime Control and Law Enforcement Act of 1994, the Hate Crimes Sentencing Enhancement Act provides for longer sentences where the offense is determined to be a hate crime. This provision required the United States Sentencing Commission to increase the penalties for crimes in which the victim was selected "because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person." This Act is limited to crimes under federal jurisdiction such as crimes involving interstate commerce, or associated with the commission of other federal offenses, interfering with an individual's access to a federally protected right or benefit, such as serving on a jury, voting, or going to school).

### **42 U.S.C. § 3631 Criminal Interference with Right to Fair Housing**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with-

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate-- shall be fined under title 18 or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under title 18 or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under title 18 or imprisoned for any term of years or for life, or both.



**Appendix B:**  
**State Hate Crime Statutory Provisions**



**Comparison of Hate Crime Statutory Provisions, Kentucky and Nationally, 2005**

<b>Statutory Provision</b>	<b>Kentucky</b>	<b>National Count</b>
<b>Bias-Motivated Violence and Intimidation- Criminal Penalty</b>	√	46
<b>Civil Action</b>		32
<b>Race, Religion<sup>1</sup>, Ethnicity</b>	√	45
<b>Sexual Orientation</b>	√	32
<b>Gender</b>		28
<b>Disability</b>		32
<b>Other<sup>2</sup></b>		19
<b>Institutional Vandalism</b>	√	43
<b>Data Collection<sup>3</sup></b>	√	26
<b>Training for Law Enforcement Personnel<sup>4</sup></b>	√	14

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

<sup>1</sup> 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.

<sup>2</sup> “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

<sup>4</sup> Some other states have administrative regulations mandating such training.

Source:  
Anti-Defamation League.



**Comparison of Hate Crime Statutory Provisions, Kentucky and Surrounding States, 2005**

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

<sup>1</sup> 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.

<sup>2</sup> “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

<sup>4</sup> Some other states have administrative regulations mandating such training.

Source:  
Anti-Defamation League.



State Hate Crime Statutory Provisions, 2005

Statutory Provision	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD
<b>Bias-Motivated Violence and Intimidation-Criminal Penalty</b>	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√
<b>Civil Action</b>				√	√	√	√	√		√	√		√	√		√			√	√	
<b>Race, Religion<sup>1</sup>, Ethnicity</b>	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√
<b>Sexual Orientation</b>			√		√	√	√	√	√	√		√		√		√	√	√	√	√	√
<b>Gender</b>		√	√		√		√	√				√		√		√			√	√	
<b>Disability</b>	√	√	√		√	√	√	√	√	√		√		√		√	√		√	√	
<b>Other<sup>2</sup></b>					√	√	√	√		√		√				√	√		√	√	√
<b>Institutional Vandalism</b>	√		√	√	√	√	√	√	√	√	√	√	√	√	√		√	√	√	√	√
<b>Data Collection<sup>3</sup></b>			√		√		√	√		√		√	√	√		√		√	√	√	√
<b>Training for Law Enforcement Personnel<sup>4</sup></b>			√		√		√							√		√		√	√		



**State Hate Crime Statutory Provisions, 2005, cont.**

<b>Statutory Provision</b>	<b>MA</b>	<b>MI</b>	<b>MN</b>	<b>MS</b>	<b>MO</b>	<b>MT</b>	<b>NE</b>	<b>NV</b>	<b>NH</b>	<b>NJ</b>	<b>NM</b>	<b>NY</b>	<b>NC</b>	<b>ND</b>	<b>OH</b>	<b>OK</b>	<b>OR</b>	<b>PA</b>	<b>RI</b>	<b>SC</b>
<b>Bias-Motivated Violence and Intimidation -- Criminal Penalty</b>	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
<b>Civil Action</b>	√	√	√		√		√	√		√			√		√	√	√	√	√	
<b>Race, Religion<sup>1</sup>, Ethnicity</b>	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
<b>Sexual Orientation</b>	√		√		√		√	√	√	√	√	√					√	√	√	
<b>Gender</b>		√	√	√	√		√		√	√	√	√	√	√				√	√	
<b>Disability</b>	√		√		√		√	√	√	√	√	√				√		√	√	
<b>Other<sup>2</sup></b>			√		√		√				√	√						√		
<b>Institutional Vandalism</b>	√	√	√	√	√	√	√	√		√	√	√	√		√	√	√	√	√	√
<b>Data Collection<sup>3</sup></b>	√	√	√				√			√	√					√	√	√	√	
<b>Training for Law Enforcement Personnel<sup>4</sup></b>	√		√							√	√						√		√	



**State Hate Crime Statutory Provisions, 2005 cont.**

<b>Statutory Provision</b>	<b>SD</b>	<b>TN</b>	<b>TX</b>	<b>UT</b>	<b>VT</b>	<b>VA</b>	<b>WA</b>	<b>WV</b>	<b>WI</b>	<b>WY</b>
<b>Bias-Motivated Violence and Intimidation -- Criminal Penalty</b>	√	√	√	√ <sup>5</sup>	√	√	√	√	√	
<b>Civil Action</b>	√	√	√		√	√	√		√	
<b>Race, Religion<sup>1</sup>, Ethnicity</b>	√	√	√		√	√	√	√	√	
<b>Sexual Orientation</b>		√	√		√		√		√	
<b>Gender</b>		√	√		√		√	√		
<b>Disability</b>		√	√		√		√		√	
<b>Other<sup>2</sup></b>					√			√		
<b>Institutional Vandalism</b>	√	√	√			√	√		√	
<b>Data Collection<sup>3</sup></b>			√			√	√			
<b>Training for Law Enforcement Personnel<sup>4</sup></b>							√			

<sup>1</sup> 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.

<sup>2</sup> “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

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

<sup>4</sup> Some other states have administrative regulations mandating such training.

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

Source:  
Anti-Defamation League.



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