

Hate Crime and Hate Incidents in the Commonwealth



2010



Prepared by the
Kentucky Statistical Analysis Center

Foreword

Dear Policymaker:

On behalf of the Kentucky Justice and Public Safety Cabinet, I am pleased to present our 2010 report of hate crime and hate incidents in the Commonwealth of Kentucky. Under KRS 15A.040 the Kentucky Justice and Public Safety Cabinet is tasked with disseminating information on criminal justice issues and crime trends. *Hate Crime and Hate Incidents in the Commonwealth, 2010* reflects the Cabinet's ongoing efforts to provide policymakers, state officials, and the citizens of the Commonwealth with a collection of statewide hate crime data.

By incorporating official statistics from law enforcement as well as anecdotal evidence provided by state and national human rights organizations we can gather a more comprehensive understanding of how hate crime impacts the Commonwealth. This is at least in part because official data may be a better indicator of how well we are reporting hate crime rather than its actual incidence.

The Kentucky Justice and Public Safety Cabinet would like to express our continuing appreciation to the organizations whose data contributions made this report possible, and looks forward to additional efforts to broaden our knowledge of this critical issue. I encourage you to contact the Kentucky Justice and Public Safety Cabinet at (502)564-3251 if you have any questions regarding this report, and thank you in advance for your interest in this important topic.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Michael Brown", with a long horizontal flourish extending to the right.

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



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Introduction

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

Hate crime reported through official channels does not reflect the full scope of hate activity in the Commonwealth. It is generally believed that official law enforcement data is a better measure of how well crime is being reported rather than a measure of the actual incidence of crime within a particular area. The reason for this is twofold: 1) hate crimes tend to be underreported by victims, and 2) even reported crimes may be difficult for law enforcement to classify as a hate crime.

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



The Nature of Hate Crime

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

According to a 1999 publication from the U.S. Department of Justice, the FBI’s UCR program emphasizes a list of fourteen characteristics that should be considered when determining whether or not an offense is a hate crime.

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

Data from the National Crime Victimization Survey (NCVS), collected between July, 2000 and December, 2003, revealed that 44% of hate victimizations were reported to the police (Harlow, 2005). The underreporting of hate crime is fueled by a number of factors. Victims may decide not to report a crime because of fear of retribution by the offender, fear of the police, fear that the report will not be taken seriously, fear of re-victimization by the system, or fear of the resulting public response or stigma. In the case of homosexual, bisexual, or transgender victims, such individuals may be reluctant to come forward for fear that their privacy will be compromised, particularly to those to whom their sexual orientation or gender identity is unknown. Cultural and language barriers may also discourage victims from reporting a hate crime. This is especially true for undocumented immigrants who may fear deportation if they contact the authorities. Many of the aforementioned victims may also fear retaliation and re-victimization by perpetrators sharing a similar bias for which they were previously targeted. Drawing attention to their situation may single them out as a potential target for a future hate crime. Finally, for most victims, the crime is a humiliating and emotionally devastating event, and it is difficult to recount the event to others (Bureau of Justice Assistance, 1997).



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According to victim reports, hate crimes tend to be more violent than other crimes. The NCVS data analyzed from the period between July, 2000 and December, 2003 revealed that 84% of hate crimes reported in the NCVS were violent offenses such as sexual assault, robbery, or aggravated assault. In comparison, the NCVS reports that just 23% of non-hate crimes involved violent incidents (Harlow, 2005). Likewise, Harlow's 2005 publication, *Hate Crime Reporting by Victims and Police*, suggests that of the 44% of hate victimizations reported to police and documented in the NCVS, only 19% were actually validated by police and determined to be bias-related. The reasons for this are not defined in the study; however, the nature and current knowledge of bias crimes suggests that there are several potential influences. In many instances law enforcement may be unable to determine an offender's motivation for committing a crime. Likewise, additional barriers to law enforcement may exist including a lack of training and/or supervision, the need for an official and overt departmental policy, individual officer perceptions of minority communities, and varying interpretations of what constitutes a hate crime (Balboni & McDevitt, 2001).

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



Hate Group Activity in 2010

Throughout history, people have formed groups united in their hatred of those who differ from them in their views and characteristics including religion, race, ethnicity/national origin, sexual orientation, and gender identity, among others. Organized hate groups are defined by federal authorities as groups whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, ethnicity/national origin, sexual orientation, gender identity, or disability status which differs from that of the organization's members. These groups range from loosely organized and informal organizations to highly structured international organizations.

Despite popular beliefs, most hate crimes are not committed by members of an organized hate group, but rather by individuals acting upon racial or other stereotypes. In fact, according to the NCVS data collected between 2000 and 2003, hate crime victims reported that their offenders generally acted alone and were strangers (Harlow, 2005). Hate crimes tend to be unplanned and impulsive and are frequently facilitated by the use of alcohol or other drugs. These acts are committed by a diverse set of offenders such as groups of teenagers intent on thrill seeking, individuals who are reacting to a perceived threat to their way of life, or individuals suffering from mental disorders (Levin & McDevitt, 1993). Although hate crimes are not typically committed by organized hate groups, hate groups often commit some of the most brutal hate crimes (Lawson & Henderson, 2004). For this reason, it is necessary to study hate groups, monitor their activity, and document what fuels increases or decreases in membership. Hate group activity may serve as a measure of the climate of hate in society.

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

According to the SPLC, the number of hate groups operating in the United States rose to 1,002 in 2010. This is a 7.5% increase from the 932 reported in 2009, 12.8% over the 888 reported in 2007, and an 8.2% increase from the 926 reported by the SPLC in 2007. The number of hate groups in the United States has risen 66.4% between 2000 and 2010 (Potok, 2011). As defined by the SPLC, hate groups include neo-Nazis, nativist extremists, Ku Klux Klansmen, racist skinheads, neo-Confederates, white nationalists, and members of the Patriot movement including militia members. All of these groups are similar in that they spread messages of animosity, hostility, and malice against individuals whose demographic and social characteristics differ from those of members. According to information from the SPLC, the number of hate groups is on the rise, especially if we consider within this number anti-immigration groups which Potok (2010) suggests go "beyond mere advocacy of restrictive immigration policy to actually confront or harass suspected immigrants" and anti-government Patriot groups (Potok, 2011). The rise in nativist extremist groups continued in 2010, with the SPLC reporting 319 organizations, a rise of 3.2% from the reported 309 in 2009. A recent resurgence in the number of militia/Patriot groups also helped to explain the continuing expansion. For example, in 2009 a **244% increase** of these organizations occurred, rising from 149 (including 42 militias) in 2008 to 512 (including 127 militias) in 2009 (Potok, 2010). **2010 saw another staggering increase to a total of 824 such groups, making the total increase in Patriot/militia organizations since 2008 453% (Potok, 2011).**

A number of factors may contribute to creating a climate of hate such as: fear, alienation, economic prejudice, negative stereotypes, and increasing cultural diversity. A single incident within a community may exacerbate existing tensions and trigger escalating violence and a potential for hate crime incidents. The SPLC and other organizations like the U.S. Department of Homeland Security identified three primary issues responsible for fueling the increase in hate groups, hate crimes, and hate incidents: the economic climate and recession, non-



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white immigration, and the election of an African-American president (Department of Homeland Security, 2009; Kenning, 2009; Potok, 2010).

Scapegoating, or blaming others for one’s own problems or frustrations, often occurs in times of economic distress (USDOJ, 1996). According to a 2009 report by the Department of Homeland Security, the economic issues of the past several years have led some individuals to direct their hostility outwards and to blame others for their economic frustrations. Racist extremists blame non-whites for the recession and believe that much of the issue stems from U.S. immigration policies (Department of Homeland Security, 2009). Within Kentucky, concern over these issues has spurred an increase in local militia groups (Kenning, 2009). For example, in 2009 the SPLC reported 13 Patriot groups in Kentucky during 2009 and the 2010 statistics suggest that these numbers have increased to 16 active groups (Potok, 2010; Potok, 2011). Hate crimes against Hispanics, who are often perceived to be undocumented immigrants regardless of their actual status, also continue to rise across the nation. Nativist extremist groups opposing immigration reform are moving beyond advocacy to utilize tactics of hate groups including spreading dehumanizing, racist stereotypes and incorporating harassment against those suspected of being immigrants, particularly Hispanic/Latino individuals (Potok, 2010).

In 2008, the United States elected its first African-American president, Barack Obama. Numerous racially charged incidents followed this historic event including graffiti, vandalism, intimidation, arson, and violence. Several white supremacists were arrested for threatening to assassinate President Obama. Don Black, a notorious former Ku Klux Klan Grand Wizard, reported that his website, Stormfront, which is one of the most well-known hate sites on the internet, received so many hits after election results that it crashed (Chen, 2009). Stormfront has over 100,000 members, and added 2,000 more the day after the election. Kentucky suffered racially charged incidents in the post-election climate including hanging an effigy of President Obama from a tree on the campus of the University of Kentucky. In addition, a Kentucky white supremacist, Johnny Logan Spencer, was sentenced to 33 months in prison for writing a poem which depicted the fatal shooting of President and First Lady Obama which was then posted on a white supremacist web site (SPLC, 2011).

The SPLC tracks active hate groups throughout the United States and maintains a state by state directory of where such groups have been established. Although the list is not exhaustive, it identifies known groups based on information gathered from publications, citizen’s reports, law enforcement agencies, field sources, news reports, and the Internet. In 2010, the SPLC identified 15 active hate groups in Kentucky, up from 10 such groups in 2009 and the highest number since 2002 (Table One). Figure 1 depicts the trend in the number of active hate groups as identified by the SPLC, between 2002 and 2010.

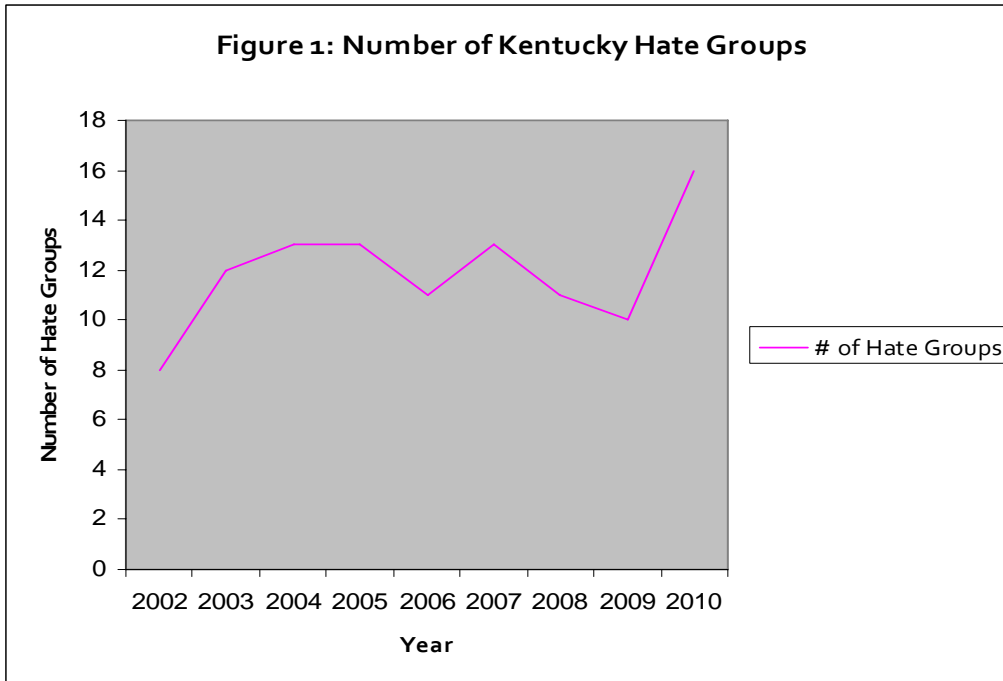
Table One: Number of Hate Groups in Kentucky, 2002-2010

	2010	2009	2008	2007	2006	2005	2004	2003	2002
Number of Kentucky Hate Groups	15	10	11	13	11	13	13	12	8

Source: Southern Poverty Law Center



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Source: Southern Poverty Law Center

The most active hate groups in the United States are the Ku Klux Klan (KKK) and Neo-Nazi groups (Potok, 2011). Table Two provides a list of hate groups active in Kentucky during 2010.

Table Two: Hate Groups in Kentucky, 2010

Chapter	Group	City
Brotherhood of Klans Knights of the KKK	Ku Klux Klan	
Imperial Klans of America Knights of the Ku Klux Klan	Ku Klux Klan	Dawson Springs*
Knight Riders Knights of the Ku Klux Klan	Ku Klux Klan	
Mountain State Knights of the Ku Klux Klan	Ku Klux Klan	Hartford*
National Knights of the Ku Klux Klan	Ku Klux Klan	
Supreme White Knights of the Ku Klux Klan	Ku Klux Klan	
Traditionalist American Knights of the Ku Klux Klan	Ku Klux Klan	
National Socialist Movement	Neo-Nazi	
Aryan Terror Brigade	Racist Skinhead	
Supreme White Alliance	Racist Skinhead	
Fellowship of God's Covenant People	Christian Identity	Burlington
Kinsman Redeemer Ministries	Christian Identity	Alexandria
League of the South	Neo-Confederate	Lexington
Nation of Islam	Black Separatist	Louisville
National Black Foot Soldier Network	Black Separatist	Louisville

Source: Southern Poverty Law Center

* Group's known headquarters



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Nationwide, the number of KKK groups increased 18.2%, from 187 in 2009 to 221 in 2010 (Potok, 2011). The number of chapters in Kentucky also increased from four in 2009 to 7 in 2010. These chapters are based in Dawson Springs and Hartford, Kentucky, as well as in five unidentified locations within the state. Among hate groups in Kentucky, the KKK remains the most active. Once the largest Klan group in the country, the Kentucky-based Imperial Klans of America (IKA) continued to lose chapters in 2010 (Potok, 2010). This may, in part, have resulted from a civil lawsuit filed in 2007 by the SPLC against IKA Chief, Ron Edwards, and five of its members for a brutal attack on a 16 year old boy of Panamanian descent which occurred at the Meade County Fair in Brandenburg, Kentucky. The jury found that Edwards had recklessly supervised the Klansmen who attacked the teenager and encouraged their violence and awarded the victim \$2.5 million in compensatory and punitive damages in November, 2008. Each of the two IKA members responsible for the attack were sentenced to three years in Kentucky prison (Kenning, 2007). In May, 2010 IKA Leader Ron Edwards and his girlfriend, Christine Gillette, were arrested by the FBI for possession and distribution of controlled substances including narcotics and methamphetamine causing further issues for the group (ADL, 2010).

The second largest KKK organization in the U.S. is the Brotherhood of Klans Knights of the Ku Klux Klan, which has a chapter in Kentucky, although the city location is unknown. Also active in Kentucky are the National Knights of the Ku Klux Klan, Knight Riders Knights of the Ku Klux Klan, Supreme White Knights of the Ku Klux Klan, Traditionalist American Knights of the Ku Klux Klan, and the Mountain State Knights of the Ku Klux Klan which is headquartered in Hartford, KY. Nationally, neo-Nazi group chapters rose 5.6% from 161 in 2009 to 170 during 2010 after significant declines in the past several years. Kentucky has one such organization, the National Socialist Movement, and many other neo-Nazi organizations are located in surrounding states. In 2007, a new organization, the Supreme White Alliance (SWA), was co-founded by Steven Edwards, the son of IKA leader, Ron Edwards. By 2009, this racist skinhead organization could claim groups in eleven states including Kentucky and its surrounding neighbors: Illinois, Indiana, Ohio, and Tennessee. The SWA describes itself as an organization that brings together unaffiliated racist skinheads, neo-Nazis, neo-Confederates, and other white supremacists under one organization (Anti-Defamation League, 2008). Most members are in their 20's, but already have a long history of white supremacy and have belonged to other white supremacist groups prior to joining SWA (Anti-Defamation League, 2008). Likewise, 2010 saw the advent of another racist skinhead group, the Aryan Terror Brigade, in Kentucky.

As part of its mission to gather, analyze, and disseminate intelligence on extremism and hate activity, the Anti-Defamation League (ADL) documents extremist events that are held in each state across the United States. During the period January 1-December 31, 2010, the ADL documented two events in Kentucky (see Table Three). Information about extremist events in other states is publicly available at the Anti-Defamation League's website, www.adl.org.

Table Three: Extremist Events in Kentucky, 2010

Date	Location	Event	Description
Friday, March 26, 2010- Sunday, March 28, 2010	Dawson Springs, KY	IKA Spring Gathering	Weekend gathering organized by Imperial Klans of America (IKA) includes cross burning at dusk
Friday, May 28, 2010- Monday, May 31, 2010	Dawson Springs, KY	Nordic Fest 2010	Annual white power rally and music festival with bands, speakers, vendors, as well as cross and swastika burning, organized by the Imperial Klans of America (IKA)

Source: Anti-Defamation League



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In addition to holding meetings and hosting events, many hate groups rely upon the Internet to gather their members together and spread their messages throughout cyberspace. The Internet has given extremists access to a potential audience of millions, including the vulnerable population of impressionable youth (Kaplan & Moss, 2003). These groups are actively using the Internet to share their message, recruit new members, and improve the coordination and communication among current members. In 2010, the SPLC reported that there were 657 active U.S. hate based sites on the Internet, a 2.0% decrease from the 670 sites documented in 2009 (Potok, 2011). The following websites were identified by the SPLC as originating in Kentucky in 2010, but this may not be a complete list since not all sites had identified the locations from which they originate:

- Imperial Klans of America- <http://realmofky.blogspot.com> (Dawson Springs, KY)
- Mountain State Knights of the Ku Klux Klan- <http://mskkkk.tripod.com/index.html> (Hartford, KY)
- Kinsman Redeemer Ministries- <http://kinsmanredeemer.com> (Alexandria, KY)
- Supreme White Alliance- <http://swa43.com> (Central City, KY)



Hate Crime Legislation

In order to combat hate in our communities, the existing hate crime laws are leveraged to prosecute offenders and protect victims of hate crime. Since the civil rights era, policymakers have worked to pass legislation that allows the judicial system to seek justice for bias-motivated crimes. Hate crime legislation again evolved in 2009 as the scope and breadth of victim protection widened and legislation closed a loophole in federal hate crime law. The following section details hate crime legislation currently in place in Kentucky and throughout the United States.

A. Federal Legislation

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

Prior to 2009, the law that served as the primary mechanism for prosecuting hate crimes at the federal level was 18 United States Code (U.S.C.) § 245, Federally Protected Activities. Enacted in 1968, this law grants federal officers the authority to investigate and prosecute crimes motivated by race, color, religion, or national origin. It stipulates that the victim must be engaging in a federally protected activity (e.g., attending public school or voting) in order for the law to apply.

On October 28, 2009, President Barack Obama signed into law a rider to the National Defense Authorization Act for 2010 (H.R. 2647) known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). This measure expanded previous hate crimes legislation to provide coverage to those individuals who were targeted for violence based upon their actual or perceived gender identity, sexual orientation, gender, or disability. It closed an important gap in the previous law by removing the stipulation that a victim must have been attacked while he or she was engaging in a federally protected activity like serving on a jury. The HCPA also provided limited jurisdiction for the federal government to investigate certain bias motivated crimes in states where the current law is inadequate. Likewise, the HCPA provided training and direct monetary assistance to local law enforcement to ensure that bias motivated crimes are effectively investigated and prosecuted (Anti-Defamation League, 2009).

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

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

It is a federal crime for anyone acting under "color of law" to deprive a person of a right protected under the Constitution or U.S. law (18 U.S.C. § 242). If someone is acting under "color of law," it means that the person is using authority given to him or her by a state, local, or federal government agency. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be



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subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.

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

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

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

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

Enacted in 1996, the Church Arson Prevention Act (18 U.S.C. § 247) prohibits (1) intentional defacement, damage, or destruction of any religious real property, because of the religious, racial, or ethnic characteristics of that property, or (2) intentional obstruction by force or threat of force, or attempts to obstruct any person in the enjoyment of that person's free exercise of religious beliefs. If the intent of the crime is motivated for reasons of religious animosity, it must be proven that the religious real property has a sufficient connection with interstate or foreign commerce. However, if the intent of the crime is racially motivated, there is no requirement to satisfy the interstate or foreign commerce clause. The Act also created the National Church Arson Task Force (NCATF) to oversee the investigation and prosecution of arson at houses of worship around the country. In addition to establishing the NCATF, the law allowed for a broader federal criminal jurisdiction to aid criminal prosecutions, and established a loan guarantee recovery fund for rebuilding of damaged properties.

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



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

B. Kentucky Legislation

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

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

The crime of Desecration of Venerated Objects in the Second Degree (KRS 525.110), pertaining to public monuments or objects, places of worship, and the national or state flag or religious symbol, was originally enacted in 1988 in response to concerns regarding gravesite robberies. However in 1992, a separate offense of violating graves was established and the word burial was removed from the desecration statute.

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

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

In June of 2005, KRS 15.331 was repealed and replaced by KRS 15.334. The new legislation requires mandatory training courses for law enforcement students and certified peace officers for a range of subjects including the



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"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. Kentucky's hate crime legislation also does not include homicide or kidnapping as a qualifying offense within the statute. This omission was brought to the attention of authorities during the retrial of Michael Stone in April, 2010. According to police, court records, and media reports Stone, in partnership with four other white men, fatally stabbed a 17 year old African-American, Lamartez Griffin in July, 2004. Stone, who had a shaved head as well as tattoos of a white power symbol and confederate flag, reportedly used racial slurs while attacking the victim. He was not able to be convicted of a hate crime under the current Kentucky statute; however, since it excluded homicide offenses. During the sentencing phase of Stone's 2010 trial the court ruled that they "must refer to the words used in a statute, and not speculate on what the legislature might have intended but did not express" (Riley, 2010). Future revisions to the Kentucky legislation may help to address this oversight.



Data Collection Statistics

A. Hate Crime Reporting

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

When the UCR program issued its first report on hate crimes in 1993, fewer than one in five of the nation's law enforcement agencies were providing data on such crimes. Participation has since increased and in 2010, more than 18,000 city, county, tribal, state, and federal law enforcement agencies participated in the national UCR program (Federal Bureau of Investigation, 2011). According to FBI figures, this represents 97.4% of the nation's population. During the same period, 14,977 of these agencies participated in the UCR's hate crime reporting program. This represents a 3.8% increase from 2009 figures and is the largest number of participants in the 20 year history of the program. Of those agencies participating in the program, 13.0% reported incidents of hate crime (see Table 4). In total, during 2010 6,628 incidents were reported throughout the United States, a 0.4% increase from 2009 numbers. According to the FBI's UCR data, Kentucky reported 173 hate incidents in 2010. This is up from 150 reported hate incidents in 2009. Of the 360 local Kentucky law enforcement agencies who participated in the data collection, 91, or 25.3% reported a hate incident.

Although an agency may participate in the UCR program, this does not necessarily mean that bias-related incidents are being accurately identified and reported. It is evident that some agencies are underreporting hate crime. For example, in 2010 Louisiana reported 13 bias-related incidents and Mississippi reported 11. This is significantly fewer than those reported in surrounding states and vastly less than those in other areas of the nation. For example, the state of Tennessee reported 174 bias related incidents, Arkansas reported 63, and Massachusetts reported 316 hate/bias incidents in 2010. This wide disparity between states suggests that hate crime is not being consistently reported by state officials to the UCR program. This is important to note because it emphasizes the caution that must be used in comparing the number of hate crimes from one state to another.

According to UCR data for the states surrounding Kentucky (presented in Table Four), Illinois (94), Missouri (142), Indiana (94), Tennessee (147), and West Virginia (33) reported fewer hate crimes than Kentucky (173) in 2010. Ohio (247) and Virginia (175) were the only surrounding states to report more hate crimes in 2010, although Kentucky's population is at least 60% smaller than that of either state. With respect to the type of agency reporting hate crime incidents, Kentucky is similar to surrounding states in that the majority of incidents are reported by agencies at the city-level.



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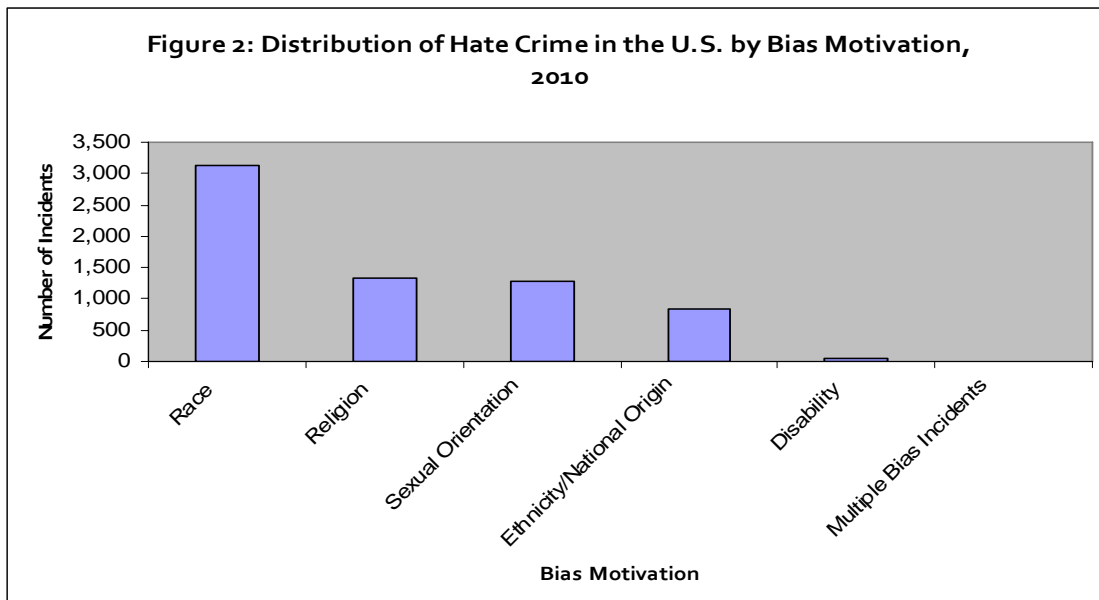
Table Four: Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2010

State	Total Number of Incidents Reported	Agencies Submitting Incident Reports	Number of Participating Agencies	Population Covered
Illinois	94	44	550	10,497,883
Indiana	94	17	138	3,720,793
Kentucky	173	91	360	3,202,734
Missouri	142	29	633	5,987,789
Ohio	247	83	591	9,667,899
Tennessee	147	58	466	6,346,105
Virginia	175	53	413	8,001,024
West Virginia	33	17	277	1,713,013
United States	6,628	1,949	14,977	285,001,266

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

B. Federal Law Enforcement Data

The figures and tables that follow present official law enforcement data published by the FBI's UCR program. The UCR program reports that in 2010, 47.3% of all hate crime incidents in the United States were racially motivated, while 19.9% were motivated by religion, and 19.3% by sexual orientation. Figure Two reports the bias motivation of hate crimes in the United States. Of the 3,135 racially motivated incidents, 70.2% (2,201) were anti-black. Of the 1,322 incidents motivated by religion, 67.1% were anti-Jewish. Table Five documents the bias motivation for all 2010 reported hate crime incidents. In the United States during 2010, about one-third of all hate crimes occurred at a residence/home and another 17.0% on a highway/road/street/alley. Taken together these locations account for nearly half of all U.S. hate incidents (see Table Six). 4,824 of the hate crime incidents in the U.S. during 2010 involved crimes against persons, and the remaining 2,861 were crimes against property. The majority of hate crimes involved the offenses of destruction, damage, or vandalism (30.1%); intimidation (29.0%) and simple assault (21.8%) were the next most common offenses. This information is further broken down in Table Eight. During 2010, the majority of known hate crime offenders were white (see Table Seven), and over 81.6% of victims were individuals (see Table Nine).



Source: Federal Bureau of Investigation, *Hate Crime in the United States, 2010*



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Table Five: Hate Crime in the United States by Bias Motivation, 2010

Targeted Group	Incidents	Offenses	Victims ¹	Known Offenders ²
Single Bias Incidents	6,624	7,690	8,199	6,001
Race	3,135	3,725	3,949	2,934
Anti-White	575	679	697	649
Anti-Black	2,201	2,600	2,765	1,974
Anti- American Indian/Alaska Native	44	45	47	43
Anti-Asian/Pacific Islander	150	190	203	156
Anti-Multiple Races, Group	165	211	237	112
Religion	1,322	1,409	1,552	606
Anti-Jewish	887	922	1,040	346
Anti-Catholic	58	61	65	22
Anti-Protestant	41	46	47	6
Anti-Islamic	160	186	197	125
Anti-Other Religion	123	134	141	72
Anti-Multiple Religions, Group	48	53	55	30
Anti-Atheism/Agnosticism, etc...	5	7	7	5
Sexual Orientation	1,277	1,470	1,528	1,516
Anti-Male Homosexual	739	851	876	904
Anti-Female Homosexual	144	167	181	152
Anti-Homosexual	347	403	420	412
Anti-Heterosexual	21	21	22	21
Anti-Bisexual	26	28	29	27
Ethnicity/National Origin	847	1,040	1,122	887
Anti-Hispanic	534	681	747	593
Anti-Other Ethnicity/National Origin	313	359	375	294
Disability	43	46	48	58
Anti-Physical	19	22	24	28
Anti-Mental	24	24	24	30
Multiple Bias Incidents	4	9	9	7

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

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

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

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



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Table Six: Location of Hate Crime Incidents in the United States, 2010

Location	Number of Incidents	Percent of Total
Air/Bus/Train Terminal	70	1.1%
Bank/Savings and Loan	12	0.2%
Bar/Nightclub	144	2.2%
Church/Synagogue/Temple	244	3.7%
Commercial Office Building	123	1.9%
Construction Site	11	0.2%
Convenience Store	68	1.0%
Department/Discount Store	72	1.1%
Drug Store/Dr.'s Office/Hospital	55	0.9%
Field/Woods	65	1.0%
Government/Public Building	106	1.6%
Grocery/Supermarket	39	0.6%
Highway/Road/Alley/Street	1,127	17.0%
Hotel/Motel	38	0.6%
Jail/Prison	52	0.8%
Lake/Waterway	14	0.2%
Liquor Store	8	0.1%
Multiple Locations	9	0.1%
Other/Unknown	950	14.3%
Parking Lot/Garage	385	5.8%
Rental Storage Facility	5	0.08%
Residence/Home	2,079	31.4%
Restaurant	107	1.6%
School/College	724	10.9%
Service/Gas Station	59	0.9%
Specialty Store	55	0.9%
TOTAL	6,628	100%

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

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

Table Seven: Hate Crime Offenders in the United States by Race, 2010

Known Offender's Race ¹	Number of Offenders	Percent of Total
White	3,176	41.3%
Black	905	11.8%
American Indian/Alaska Native	52	0.7%
Asian/Pacific Islander	61	0.8%
Multiple Races, Group ²	238	3.1%
Unknown Race	597	7.8%
TOTAL OFFENDERS (KNOWN AND UNKNOWN)	7,699	100%

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

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

¹The term *known offender* does not imply that the identity of the suspect is known, only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender. There were 2,670 unknown offenders in 2010 representing 34.7% of total offenders.

²The term Multiple Races, Group, is used to describe a group of offenders of varying races.



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Table Eight: Hate Crimes in the United States by Offense Type, 2010

Offense Type	Number of Incidents ¹	Percent of Incidents
Crimes Against Persons	4,824	62.7%
Murder and Non-Negligent Manslaughter	7	0.1%
Forcible Rape	4	0.1%
Aggravated Assault	888	11.5%
Simple Assault	1,681	21.8%
Intimidation	2,231	29.0%
Other ²	13	0.2%
Crimes Against Property	2,861	37.2%
Robbery	146	1.9%
Burglary	125	1.6%
Larceny-Theft	175	2.3%
Motor Vehicle Theft	16	0.2%
Arson	43	0.6%
Destruction/Damage/Vandalism	2,321	30.1%
Other ²	35	0.5%
Crimes Against Society³	14	0.2%

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

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

¹The actual number of incidents is 6,628. 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.

²The 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".

³The 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.

Table Nine: Hate Crime Offenses in the United States by Victim Type, 2010

Victim Type	Number of Offenses	Percent of Total
Individual	6,238	81.0%
Other/Unknown/Multiple	587	7.6%
Business/Financial Institution	343	4.5%
Government	271	3.5%
Religious Organization	201	2.6%
Society/Public	14	0.2%
TOTAL	7,699	100%

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 2010*

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

C. State Law Enforcement Data

The figures that follow present official state law enforcement data as published by the Kentucky State Police (KSP). Although the FBI's UCR program reported 173 hate crime incidents in 2010, the state police reported only 69 incidents. The reason for this discrepancy is related to the mechanism of identifying cases within each agency. The FBI draws reports for hate crime incidents within each state directly from the National Incident Based Reporting System (NIBRS) while the Kentucky State Police rely upon reports submitted directly to KSP by each individual agency. Although KSP has subsequently created a mechanism to assess hate crime incidents using



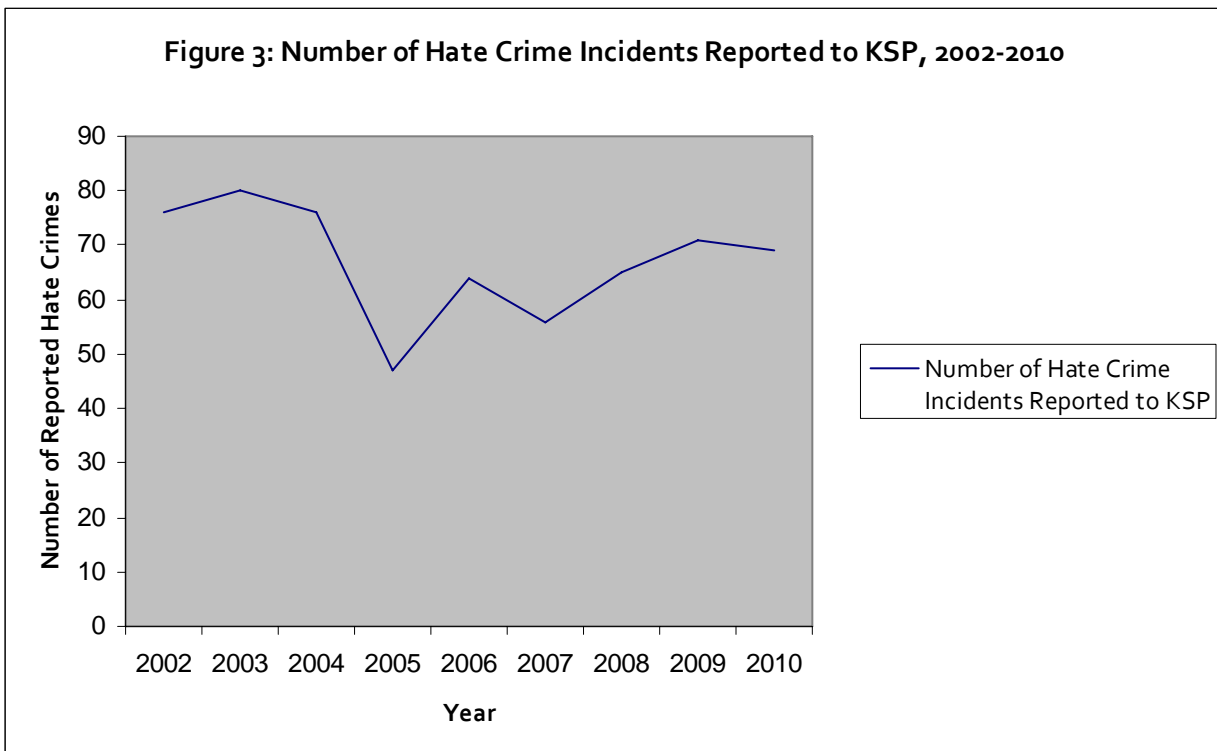
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electronic reports in 2011, the alternative methods of capturing data explain the vast difference in reported hate crime incidents within the Commonwealth. As a consequence, the information presented below only documents 39.9% of the hate related incidents within the state and makes comparison with previous years difficult if not altogether impossible. Between 2009 and 2010 the number of hate crimes reported to the Kentucky State Police declined 2.8% from 71 to 69 incidents. Table Ten and Figure Three present the number of hate crimes that were reported to KSP between 2002 and 2010. During this period the total number of reported incidents peaked at 80 in 2003, and fell to a low of 47 incidents in 2005.

Table Ten: Number of Hate Crimes Reported to Kentucky State Police, 2002-2010

	2010	2009	2008	2007	2006	2005	2004	2003	2002
Hate Crimes Reported to Kentucky State Police	69	71	65	56	64	47	76	80	76

Source: Kentucky State Police

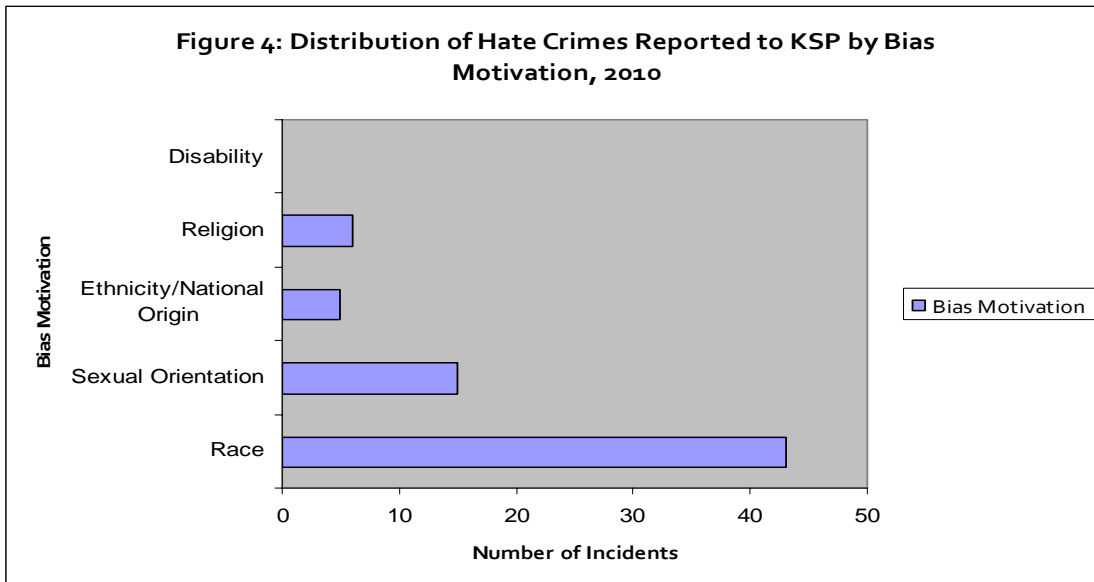


Source: Kentucky State Police, *Crime in Kentucky, 2010*



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Figure Four depicts the distribution of hate crimes reported to Kentucky State Police by bias motivation. In 2010, race was the most common motivation for reported hate crimes (62.3%), and of those incidents 79.1% were anti-black. The second most common hate crime motivation was sexual orientation, representing 21.7% of incidents. Of the 15 reported incidents documented in Table Twelve, 8 (53.3%) were anti-male homosexual, 3 (20.0%) were anti-female homosexual, and 4 (26.7%) was both anti-homosexual male and female. The majority (85.5%) of victims in Kentucky's reported hate crimes during 2010 were individuals, and are further outlined in Table Fifteen. Table Eleven provides information about the locations of reported hate crime incidents for 2010. During that time 42.0% of reported hate crimes occurred in a residence/home, 17.4% on a highway/road/alley/street, and 18.8% in a school/college. Of all hate crimes reported to KSP in 2010, nearly half involved the offense of intimidation (see Table Thirteen). Although 30.3% (29) of 122 suspected offenders were white, 50% (61) were of unknown race. These results are further outlined in Table Fourteen.



Source: Kentucky State Police, *Crime in Kentucky, 2010*

Table Eleven: Location of Hate Crime Incidents Reported to Kentucky State Police, 2010

Locations	Number of Incidents	Percentage of Total
Residence/Home	29	42.0%
Highway/Road/Alley/Street	12	17.4%
School/College	13	18.8%
Department/Discount Store	1	1.4%
Other/Unknown	3	4.3%
Restaurant	2	2.9%
Bar/Nightclub	2	2.9%
Parking Lot/Garage	4	5.8%
Church/Synagogue/Temple	2	2.9%
Jail/Prison	1	1.4%
TOTAL	69	100%

Source: Kentucky State Police, *Crime in Kentucky, 2010*

Due to rounding percentages may not equal 100.



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Table Twelve: Hate Crime Incidents Reported to Kentucky State Police by Bias Motivation, 2010

Targeted Group	Number of Incidents	Percent of Sub-Group	Percent of Total
Race	43	100%	62.3%
Anti-White	7	16.3%	10.1%
Anti-Black	34	79.1%	49.3%
Anti-Asian/Pacific Islander	1	2.3%	1.4%
Anti-Multi-Racial Group	1	2.3%	1.4%
Sexual Orientation	15	100%	21.7%
Anti-Male Homosexual	8	53.3%	11.6%
Anti-Female Homosexual	3	20.0%	4.3%
Anti Homosexual Male and Female	4	26.7%	5.8%
Religion	6	100%	8.7%
Anti-Jewish	3	50.0%	4.3%
Anti-Protestant	1	16.7%	1.4%
Anti-Islamic	1	16.7%	1.4%
Anti-Other Religion	1	16.7%	1.4%
Ethnicity/National Origin	5	100%	7.2%
Anti-Hispanic	2	40.0%	2.9%
Anti-Other Ethnicity/National Origin	3	60.0%	4.3%

Source: Kentucky State Police, *Crime in Kentucky, 2010*

Due to rounding percentages may not equal 100.

Table Thirteen: Hate Crime Incidents Reported to Kentucky State Police, 2010

Offense	Number of Incidents	Percentage of Total
Simple Assault	5	7.2%
Intimidation	32	46.4%
Destruction/Damage/Vandalism	20	29.0%
Aggravated Assault	10	14.5%
Arson	2	2.9%
TOTAL	69	100%

Source: Kentucky State Police, *Crime in Kentucky, 2010*

Due to rounding percentages may not equal 100.

Table Fourteen: Hate Crime Offenders in KSP Reported Offenses by Race, 2010

Suspected Offender's Race ¹	Number of Offenders	Percent of Total
White	37	30.3%
Black	8	6.6%
Asian/Pacific Islander	4	3.3%
Unknown Race	61	50.0%
Multiple Races, Group ²	12	9.8%
TOTAL	122	100%

Source: Kentucky State Police, *Crime in Kentucky, 2010*

Due to rounding percentages may not equal 100.

¹The term *suspected offender* implies that an attribute of the suspect has been identified, which distinguishes him/her from an unknown individual. 61 of the offenses reported to Kentucky State Police during 2010 involved an offender of an unknown race.

²The term Multiple Races, Group, is used to describe a group of offenders of varying races.



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Table Fifteen: Hate Crimes Incidents Reported to KSP by Victim Type, 2010

Victim Type	Number of Incidents	Percent of Total
Individual	59	85.5%
Business	2	2.9%
Religious Organization	2	2.9%
Other	6	8.7%
TOTAL	69	100%

Source: Kentucky State Police, *Crime in Kentucky, 2010*

Due to rounding percentages may not equal 100.

Anecdotal Evidence of Hate Activity

Since the release of the first federal hate crime report, there has continued to be a wide disparity between the data provided by law enforcement agencies and information compiled by human rights organizations. Thus it is beneficial to consider the anecdotal information that can be gathered from alternative sources since it provides a more holistic picture of hate activity in the Commonwealth. The following sections provide additional information gathered from local media sources throughout the state as well as anecdotal evidence of bias related activity as reported by the Kentucky Commission on Human Rights.

A. Hate Incidents Reported in Kentucky News Outlets during 2010

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

February (Louisville)- Johnny Logan Spencer, Jr., was arrested and charged after writing and posting a poem to a white supremacist web site, www.NewSaxon.org. Spencer’s poem, “The Sniper” threatened to kill President and First Lady Obama with a sniper rifle. Spencer, who later pled guilty, was sentenced to 33 months in prison during December, 2010. (*Lexington Herald-Leader*)

April (Jackson County)- Three young women were charged with kidnapping and attempted murder after taking an 18 year old, openly gay classmate to a rural location where she was physically assaulted. The girls then reportedly tried to push the victim off of a cliff. (*Lexington Herald-Leader*)

May (Springfield)- Local properties were vandalized by three young men who painted racial slurs and “KKK” on garage doors, a telephone box, street signs, and a vehicle. (*The Springfield Sun*)

June (Anchorage)- An Anchorage police officer was suspended for one day and ordered to attend sensitivity training after forwarding a racist e-mail to more than 75 other people. The message, which contained facetious



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mathematical word problems involving minority references in connection with drugs, prostitution, auto theft, and guns, was forwarded from a personal account using city-assigned computer equipment. (*The Courier-Journal*)

July (Owensboro)- The NAACP requested that the Kentucky Attorney General investigate an incident in which a 21 year old African-American college student was arrested for criminal trespassing while selling textbooks door-to-door. (*The Courier-Journal*)

August (Covington)- Police boosted patrols after a series of attacks in which anti-gay epithets were yelled at victims. In at least one of the attack victims suffered knife wounds. After the Covington City Commission called a meeting to reaffirm the city's human rights ordinance flyers were distributed that contained anti-gay epithets and referred to homosexuality as a perversion. Although no signatures were present on the typewritten flyers the message, which also referred to serial killers, did ask individuals to contact the National Alliance, a known neo-Nazi group that operates in nearby Cincinnati, Ohio. (*Lexington Herald-Leader* and *The Kentucky Enquirer*)

September (Orchard Grass Hills)- Racial slurs and the words "get out" and "KKK" were spray painted on a local African American family's garage door. (*The Oldham Era*)

B. Kentucky Commission on Human Rights

The Kentucky General Assembly created the Kentucky Commission on Human Rights (KCHR) in 1960 and expanded its role in 1966 with the passage of the Kentucky Civil Rights Act (KRS 344). The Kentucky Civil Rights Act makes it illegal to discriminate against anyone because of race, sex, age (people who are 40 years of age or 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 act of practice of differentiation or preference in the treatment of a person or persons of the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law. People in Kentucky are protected from these types of discrimination in housing, employment, public accommodations, financial transactions, and retaliation. Businesses that supply goods or services to the general public, or solicit and accept the patronage of the public and entities supported by government funds are considered public accommodations.

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

Upon receipt of a potential violation, the KCHR initiates, investigates, conciliates, and rules upon jurisdictional complaints alleging violations of the Kentucky Civil Rights Act. The Commission also enforces the policies set forth in federal civil rights laws including the U.S. Civil Rights Act, the U.S. Fair Housing Act, the U.S. Americans with Disabilities Act, and others. The commission works daily to encourage fair treatment, discourage discrimination, and foster mutual understanding and respect among all people. Through education, outreach, partnerships, and public affairs events, KCHR strives to ensure that people in Kentucky are knowledgeable about their civil rights. In FY 2010, KCHR's Education and Outreach Unit conducted 47 civil rights workshops and trainings, participated in 8 Fair Housing workshops, and facilitated various summits, forums, discussion panels, and the largest civil and human rights conference in Kentucky's history.



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According to KCHR's 2010 Annual Report, in FY 2010 the agency processed 2,572 intakes for potential victims of discrimination in Kentucky and commission investigators processed 594 cases. A total of 329 complaints alleging illegal discrimination were filed in FY 2010 by the KCHR. The most common bases for discrimination complaints were for race and color, disability, and sex (see Table Sixteen).

Table Sixteen: Kentucky Commission on Human Rights Basis of Cases Filed, FY 2010

Basis	Employment	Housing	Public Accommodations	Financial Transactions	TOTAL
Race and Color	98	12	18	0	128
Sex	59	2	2	0	63
Age (40+)	38	0	0	0	38
Religion	9	0	0	0	9
Disability	43	10	15	0	68
National Origin	21	0	3	0	24
Retaliation	37	1	2	0	40
Familial Status	0	2	0	0	2
Smoking	1	0	0	0	1
TOTALS*	306	27	40	0	373

Source: Kentucky Commission on Human Rights

*Some complaints allege more than one basis of discrimination. Therefore, the total number of complaints filed (329) does not equal the total number of bases for complaints filed (373).

The total number of complaints closed in FY 2010 was 349, down 14.0% from 406 in 2009. The KCHR's 2010 Annual Report attributes this decrease to a continued shortage of staff, for example, in 2010 the average employment and public accommodation case age was 283 days, while in 2009 it was 219 days. Despite this barrier, the average housing case decreased from 247 days in 2009 to 119 days, a reduction of more than 51.8%. The majority of closed complaints were found to have no probable cause, and the next most common outcome was withdrawal with settlement (see Table Seventeen). In FY 2010, KCHR staff negotiated a total of 14 conciliation agreements, up from 24 in FY 2009. Four of the conciliation agreements were reached after the commission determined that there was probable cause to believe that discrimination had occurred and the parties decided to conciliate for settlement rather than continue with litigation. The total compensation reported for conciliation agreements was \$50,000.

Table Sixteen: Kentucky Commission on Human Rights Outcomes of Complaints Closed, FY 2009-FY 2010

Complaint Outcome	FY 2010		FY 2009	
	Number	Percent	Number	Percent
No Probable Cause	252	72.2%	292	71.9%
Conciliation	10	2.9%	17	4.2%
Withdrawal with Right to Sue	39	11.2%	38	9.4%
Withdrawal with Settlement	42	12.0%	51	12.6%
Finding of Discrimination	2	0.6%	1	<1%
Probable Cause Conciliation	4	1.1%	7	1.7%
TOTAL	349	100%	406	100%

Source: Kentucky Commission on Human Rights

Complaints may not total 100 due to rounding



Appendix A: State Hate Crime Statutory Provisions



Hate Crime and Hate Incidents in the Commonwealth

Comparison of Hate Crime Statutory Provisions, Kentucky and Nationally, 2010

Statutory Provision	Kentucky	National Count
Bias-Motivated Violence and Intimidation- Criminal Penalty ¹	√	46
Civil Action		32
Race, Religion, Ethnicity	√	45
Sexual Orientation	√	31
Gender		27
Disability		31
Other ²		20
Institutional Vandalism	√	43
Data Collection ³	√	28
Training for Law Enforcement Personnel ⁴	√	14

Source: Anti-Defamation League

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

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

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

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

⁴ Some other states have administrative regulations mandating such training.



Hate Crime and Hate Incidents in the Commonwealth

Comparison of Hate Crime Statutory Provisions, Kentucky and Surrounding States, 2010

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

Source: Anti-Defamation League

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

² "Other" includes political affiliation (WV) and age.

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

⁴ Some other states have administrative regulations mandating such training.



Hate Crime and Hate Incidents in the Commonwealth

State Hate Crime Statutory Provisions, 2010

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



Hate Crime and Hate Incidents in the Commonwealth

State Hate Crime Statutory Provisions, 2010, Continued

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



Hate Crime and Hate Incidents in the Commonwealth of Kentucky

State Hate Crime Statutory Provisions, 2010, Continued

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

Source: Anti-Defamation League

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

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

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

⁴ Some other states have administrative regulations mandating such training.

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



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