

# **HATE CRIME AND HATE INCIDENTS IN THE COMMONWEALTH OF KENTUCKY:**

**A Report of the Hate Crime Statistics Work Group  
of the Kentucky Criminal Justice Council**

March 2002





COMMONWEALTH OF KENTUCKY  
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March 6, 2002

Dear Policymaker:

On behalf of the membership of the Hate Crime Statistics Work Group of the Kentucky Criminal Justice Council, we are pleased to publish our first annual report on the scope of hate crime and hate incidents in the Commonwealth. Since the Kentucky Criminal Justice Council was charged by statute with studying and making recommendations on hate crime, the work group was formed to collect and analyze data on hate crime to inform state policy.

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

We would like to express our appreciation to the members of the work group for their commitment to this project and to the organizations contributing data to this report. We look forward to our continued efforts to broaden our understanding of the scope and implications of hate crime in the Commonwealth and encourage you to contact the Council Office at (502) 564-0341 if you have questions regarding this report.

Sincerely,

A handwritten signature in blue ink that reads "Beverly L. Watts".

Beverly L. Watts  
Chair

A handwritten signature in blue ink that reads "Gary Cordner".

Dr. Gary Cordner  
Vice Chair





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Letter of Introduction from Chair/Vice Chair

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## EXECUTIVE SUMMARY

As part of its role in statewide criminal justice planning and policy development, the Kentucky Criminal Justice Council is charged in KRS 15A.040 with studying and making recommendations on hate crime. This report reflects the Hate Crime Statistics Work Group'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 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 hate crime is being reported than providing any estimate of its actual incidence.

In an attempt to better document the incidence of hate crime, this report includes official federal data reported in the Uniform Crime Reports and state level data reported to the Kentucky State Police. It also includes anecdotal information compiled from the state's two largest newspapers, the *Courier-Journal* and the *Lexington Herald Leader*; reports received by the Kentucky Commission on Human Rights; information provided by the Kentucky Fairness Alliance; and data collected by the Anti-Defamation League.

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

### Statewide Crime Trends and Information Highlights

- National reports suggest that in 2000, 54.5% of all hate-bias offenses were racially motivated. Almost one-third of all hate crime incidents in the United States occurred at a home or residence (32.1%). Over two-thirds of all hate incidents in the United States in 2000 were for intimidation and destruction, damage, or vandalism offenses (67.7%).
- In 2000, national reports indicate that, 17.2% of all hate-bias offenses were motivated by religion, while in Kentucky only 2.8% of all hate-bias offenses were motivated by religion. Underreporting of religious motivated hate-bias crime is one explanation given for the disparate data. However, anecdotal reports of religious motivated hate-bias offenses have increased since September 11, 2001.
- In 2000, according to the Kentucky State Police, 76.7% of all reported hate-bias offenses in Kentucky were racially motivated. In 2000, more than one-third of all bias-motivated crimes occurred at a residence or home (34.2%). Almost two-thirds (63%) of all hate-bias crimes reported in 2000 to the Kentucky State Police were for intimidation and destruction, damage, or vandalism offenses.
- From January 2001 – September 2001, the most commonly reported bias motivation reported to the Kentucky State Police was racial. In 2001, more than one-third of all bias motivated crime occurred at a residence or home (36.5%). Almost half (49.2%)

- of all hate-bias crimes reported in 2001 to the Kentucky State Police were intimidation offenses (see Table 3B.6).
- Anecdotal evidence of the prevalence and frequency of hate crime is provided through articles published by the *Courier-Journal* and *Lexington Herald Leader* from 1990-2001.
  - The Kentucky Commission on Human Rights reported that hate crimes occurred before September 11, 2001 in four counties – Boyle, Fayette, Simpson/Warren, and Woodford – and three cities – Covington, Hopkinsville and Paducah. The Southern Poverty Law Center reported a total of seven incidents of hate crime in calendar year 2000 occurring in Barbourville, Frankfort, Hazard, and Louisville.
  - Currently, 43 states and the District of Columbia currently have enacted laws with penalties similar to or based on the Anti-Defamation League model statute, and almost every state has some form of legislation to address bias-motivated crimes (see Appendix C).

# **THE NATURE OF HATE CRIME**

As background for a review of statewide data on hate crime and hate incidents, it is first important to begin with a discussion of the nature of hate crime. Based on the federal definition used by the Federal Bureau of Investigation, hate crime or bias crime is defined as "...a criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin." The Hate Crime Training Core Curriculum for Patrol Officers, Detectives and Command Officers (1998) suggested that the most comprehensive definition of a bias crime is "where a person is targeted or selected because of his or her actual or perceived difference in status (i.e. race, national origin), affiliation (e.g. religion), or membership in a particular group."

Of particular note, hate crimes generate a degree and type of fear, particularly among victims and potential victims that is significantly different from other types of crime. These victims have experienced a violation of their core American values—equality, justice, freedom, opportunity, and citizenship. As noted in the law enforcement curriculum cited above, "constitutional protections are guaranteed to all Americans, yet, some are victimized, sometimes subtly and at other times very overtly, for no reason other than the color of their skin, the religion they profess, the heritage of their parents, their gender or their sexual orientation." Hate crime victims are targeted by virtue of who they are and there is nothing they can do to alter the situation or be expected to change.

The fear and traumatic impact of these crimes clearly extends beyond the individual victim to all who share the targeted characteristic and reside in the community. In this manner, bias crimes are considered to be "message" crimes that send a message of fear and terror throughout entire communities. In the June 2000 Report of the West Virginia Hate Crimes Task Force, hate crimes are described as acts of "terrorism" that victimize whole communities. The report notes that "a single act of vandalism, the burning of a cross in a yard for example, can create enough fear and insecurity to cause groups of people to move from their homes and can shape housing decisions for years to come...hate crimes, when they occur, are serious events which have profound social consequences (p. 9)."

The overwhelming fear and power associated with hate crime is poignantly portrayed by the immediate reactions of a victim following a hate crime that occurred in Chicago. In response to a burning cross in her front yard, an African-American woman put down her two-year-old and ran to put out the fire with her bare hands. The woman was compelled by fear of what was to come; fear that overrode excruciating personal pain and injury; and fear that prompted her above all else, to protect her home and children.

In a March 1997 Bureau of Justice Assistance publication, entitled, "A Policymaker's Guide to Hate Crimes, it was noted that "apart from their psychological impacts, violent hate crimes can create tides of retaliation and counter-retaliation" that can act "like a virus, quickly spreading feelings of terror and loathing across an entire community (p. x)." It should also be noted that research indicates that bias crime is more likely to involve the element of physical assault and tends to result in more serious injuries than non-bias crimes. Overall, about 11% of all crimes involve assaults against persons, with

the rest directed at property. For bias crimes, assaults consistently average more than 30% of the total cases reported (Levin, 1992).

### **Perpetrators of Hate Crime**

Although it would appear that identification of a hate crime should be a relatively simple task, it should be noted that 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.

In fact, 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 may be committed by groups of teenagers intent on thrill-seeking; individuals who are reacting to a perceived threat to their way of life; or individuals suffering from mental illness who believe they have been given a mission. While a number of factors may contribute to creating a climate of hate including fear, alienation, economic prejudice, negative stereotypes, and increasing cultural diversity, a single incident may exacerbate existing tensions in a community and trigger the potential for a series of hate crimes and escalating violence.

Although hate crime is not typically committed by organized hate groups, hate groups tend to have beliefs or practices that attack an entire class of people, typically for their beliefs or individual characteristics. 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 groups. The Intelligence Project of the Southern Poverty Law Center tracks information nationally related to active hate and patriot groups and maintains state-by-state listings. While not exhaustive, the list identifies known groups based on information from hate or patriot groups' publications, citizens' reports, law enforcement agencies, field sources, news reports, and the internet (see Appendix D).

Additionally, advances in communications technology through the internet, has been accompanied by the proliferation of hate sites on the web. In 1999, the Southern Poverty Law Center indicated that there were 250 hate sites on the internet with the first one appearing around 1995. At the present, the number of hate sites has been estimated to be as high as 1400. According to a special report by Dennis McCafferty in *USA Weekend* (March 1999), these online sites use "arcade-style games, music, bulletin boards, and other tech-savvy gimmicks to attract a larger, more sophisticated crowd." In response, the Anti-Defamation League recently introduced "HateFilter" software to block access to sites that advocate hatred or violence toward targeted groups.

# **KENTUCKY'S CURRENT HATE CRIME LAW**

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

Although the crime of Desecration of Venerated Objects in the Second Degree, 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, a separate offense of violating graves was established in 1992 and the word "burial" was removed from the desecration statute (see Appendix A).

In 1998, as part of comprehensive criminal justice legislation (HB 455) known as the Governor's Crime Bill, 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 delaying or denying parole.
- Creation of the offense of Institutional Vandalism (KRS 525.113) as a Class D felony when an individual because of race, color, religion, sexual orientation or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates object defined in KRS 525.110 (see above).
- Amendment of KRS Chapter 346 to allow a victim who suffers personal injury resulting from a hate crime to be eligible for awards under the Kentucky Victims Compensation Board.

Although Kentucky is considered to be among the over 40 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 (see Appendix A and C). 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.

At the present, approximately 26 states have enacted specific penalty enhancement provisions for offenses motivated by hate, and approximately 40 states currently have some type of a hate crime law (see Appendix C). These laws are based on a model statute proposed by the Anti-Defamation League (ADL) which allows a defendant's sentence to be enhanced if he intentionally selects his victim based upon his perception of

the victims' race, religion, national origin, sexual orientation or gender. In a landmark decision issued in June 1993, the U.S. Supreme Court unanimously upheld the constitutionality of Wisconsin's penalty-enhancement hate crime statute, which was based on the ADL model. In a more recent ruling in *Apprendi v. New Jersey* (2000), the Supreme Court found that the determination or finding that a hate crime has been committed must be made by the jury for the purpose of penalty enhancement.

**ROLE/ACTIVITIES OF THE  
HATE CRIME STATISTICS  
WORK GROUP**

When the Kentucky Criminal Justice Council was established by statute in 1998 as part of the Governor's Crime Bill, it was mandated to study a broad range of criminal justice topics and submit recommendations to the Governor and the Kentucky General Assembly. As one of the topics, the legislature required that the Council "study the matter of hate crime...and make recommendations to the Interim Joint Committee on Judiciary with regard to recommendations for amendment of the statutes." This task was assigned to the Law Enforcement Issues Committee, which conducted a comprehensive study of hate crime laws and submitted recommendations for revising Kentucky's current hate crime statutes in 1999 and again in 2001. Although the Committee and the Council has consistently recommended inclusion of a specific penalty or penalty enhancement provision for hate crime within Kentucky's statutes, legislative attempts to revise existing statutes have to date been unsuccessful.

Although legislation was enacted in 1992 requiring the collection of information on bias-related crime on the uniform offense report completed by law enforcement and annual reporting by the Justice Cabinet, it became apparent that the number of hate incidents being reported through official channels does not reflect the full scope of hate crime and hate incidents occurring within the Commonwealth. As a result, the Hate Crime Statistics Work Group was formed under the Criminal Justice Council, as a joint initiative with the Kentucky Commission on Human Rights, to review and monitor data on hate crime reported to the Kentucky State Police and to develop a mechanism for collection of anecdotal information on hate incidents in Kentucky.

In keeping with the Council's balanced and systemic approach to justice issues, the membership of the Hate Crime Statistics Work Group includes representatives of human rights organizations, the faith-based community, law enforcement, prosecution, victim advocacy, the defense bar, the legislature, and academia. Following its initial meeting in May 1999, the Hate Crime Statistics Work Group met on a total of three occasions to discuss issues related to hate crime data collection; to provide updates on statewide hate crime training for law enforcement sponsored through the Offices of the U.S. Attorneys; and to review legislative proposals of the Criminal Justice Council in regard to hate crime. More recently, in November 2001, the Work Group was reconvened to focus on reporting of hate crime and the collection of statewide data—both official and anecdotal—to document the scope of this crime across Kentucky.

As part of its renewed charge, the efforts of the Work Group will be closely coordinated with the Council's Law Enforcement Issues Committee and will expand its focus beyond data collection and legislation to include reviewing existing educational programs for youth and raising public awareness about hate crime. As a model for its new focus, the Work Group has studied the work of the West Virginia Hate Crimes Task Force, which was organized to address bias motivated crime and to identify ways in which public officials, law enforcement agencies, and community organizations can work together to address the problem. The West Virginia Task Force has approached the issue through a combination of strategies including legislation, education and data collection as well as through broad-based collaboration. Efforts have included law enforcement training, civil

rights teams in the schools, victim assistance, federal-state coordination, and community education.

As an outcome of the November 2001 meeting, members unanimously voted to issue an annual report, similar to the June 2000 West Virginia Task Force Report, to highlight the combined sources of data and provide a comprehensive picture of hate crime in the Commonwealth. It is anticipated that this report will serve to inform both the public and state policy as it relates to the incidence of bias-motivated crime.

# **HISTORY/LIMITATIONS OF HATE CRIME DATA COLLECTION**

## **National Perspective**

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

By 1993, fewer than half the states had adopted the federal definition, although a number of states opted to enact their own definitions and to expand the list of factors in the federal definition to include color, creed, ancestry, and gender. While there is variation across states in regard to the offenses covered under hate crime legislation, the offenses covered by the Hate Crimes Statistics Act include homicide; non-negligent manslaughter; forcible rape; assault; intimidation; arson; and destruction, damage or vandalism of property (See Appendix A).

With knowledge that information in the UCR System is based on the voluntary participation of nearly 17,000 state and local law enforcement agencies across the country, it has frequently been noted that the data compiled through the federal program is a better reflection of how well hate crime is being reported rather than providing any estimate of its actual incidence. When the UCR issued its first report on hate crimes in 1993, fewer than one in five of the nation’s law enforcement agencies were providing data on these crimes. Agencies in 48 states and the District of Columbia participated in the Hate Crime Data Collection Program during 2000. Collectively, the 11,690 reporting agencies represent 236.9 million United States inhabitants or 84.2 percent of the Nation’s population. A total of 8,063 hate crime incidents were reported by these agencies during 2000. Kentucky reported 73 hate crime incidents (see Table 4A.1, 4A.2, and 4A.3).

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

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

**Table 4A.1: Number and Percentage of Hate Crime Incidents by State and Agency Type, 2000**

Reporting Agency	KY	IL	IN	MO	OH	TN	VA	WV
Cities	57 78%	159 87%	73 69%	48 69%	212 88%	140 61%	244 75%	43 72%
Rural Counties	2 3%	1 1%	4 4%	3 4%	5 2%	17 7%	7 2%	8 13%
Suburban Counties	6 8%	12 7%	9 8%	16 23%	14 6%	59 26%	60 18%	5 8%
Universities/Colleges	1 1%	10 5%	20 19%	3 4%	11 5%	5 2%	10 3%	2 3%
State Police	7 11%	0 0%	0 0%	0 0%	0 0%	0 0%	2 1%	2 3%
Other Agencies	0 0%	1 1%	0 0%	0 0%	0 0%	9 4%	2 1%	0 0%

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

Percentages calculated by Council staff. Due to rounding, percentages may not equal 100.

**Table 4A.2: Number of Hate Incidents by Reporting Agency and Motivation, Kentucky, 2000**

Reporting Agency	Race	Ethnicity	Religion	Sexual Orientation
Cities	42	5	2	8
Rural Counties	2	0	0	0
Suburban Counties	4	1	0	1
Universities/Colleges	1	0	0	0
State Police	7	0	0	0
Other Agencies	0	0	0	0
Total	56	6	2	9
Percentage of Total	78%	8%	3%	12%

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

Percentages calculated by Council staff. Due to rounding, percentages may not equal 100.

**Table 4A.3: Participation of Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2000**

State	Number of Agencies Submitting a Hate Crime Report to UCR <sup>1</sup>	Agencies Population Covered	Total Number of Agencies Reporting a Hate Crime	Number of Hate Incidents Reported	Percent of Agencies Reporting a Documented Hate Crime
Kentucky	317	3,351,405	38	73	12%
Illinois	46	4,463,308	45	183	98%
Indiana	166	4,415,055	31	106	19%
Missouri	186	3,843,304	26	70	14%
Ohio	348	7,469,352	49	242	14%
Tennessee	422	5,685,152	72	230	17%
Virginia	384	6,981,101	59	325	15%
West Virginia	268	1,669,624	21	60	22%

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

Percentages calculated by Council staff.

<sup>1</sup> Includes agencies that reported a hate crime or reported that no hate crime was committed by submitting the Hate Crime/Armor/Gang/Supplement Report.

**Data Collection in Kentucky**

Following the enactment of the federal legislation, Kentucky enacted legislation in 1992 (KRS 17.1523), which requires 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 Cabinet through the Kentucky State Police to incorporate data on hate crimes in its annual report of statewide crime statistics.

At the first meeting of the Hate Crime Statistics Work Group in May 1999, members were informed that more than half of Kentucky’s 439 law enforcement agencies were submitting reports pertaining to hate crime to the Kentucky State Police. Under the Unified Crime Reporting (UCR) System, law enforcement officers must submit a supplemental form on hate bias. In the future, as the Kentucky State Police transitions from the UCR system to the new National Incident Based Reporting System (NIBRS) a supplemental form will no longer be required and the data collected should be more accurate and detailed.

In recognition of the need for law enforcement training on reporting and the dynamics of bias-motivated crime, Kentucky participated in a national training initiative launched by former Attorney General Reno in 1998 to provide training for law enforcement officials who have the primary responsibility for crime investigation. This initiative was coordinated statewide through the Offices of the U.S. Attorneys of the Eastern and Western Districts. A three-member training team (representing law enforcement, the community, and victim advocacy) was selected and sent to Chicago in the fall of 1998 to

attend a “train the trainers” session on the national hate crime curriculum cited in the first section of the report.

The curriculum was developed in partnership by the International Association of Directors of Law Enforcement Standards and Training, the National Association of Attorneys General, the U.S. Department of Justice, and the U.S. Department of the Treasury. Over the course of 1999, the Kentucky Hate Crime Training Team conducted six regional training sessions for law enforcement across the state. As an outcome of the training, elements of the national curriculum were subsequently incorporated into basic and in-service training offered to law enforcement by the Department of Criminal Justice Training.

**OFFICIAL LAW  
ENFORCEMENT DATA**

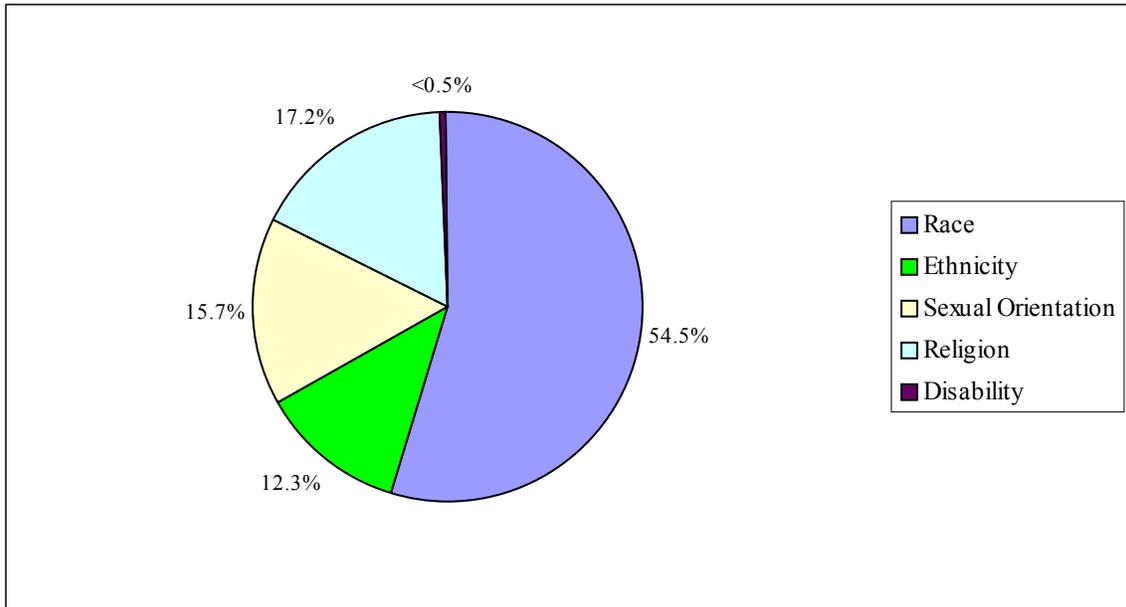
## OFFICIAL LAW ENFORCEMENT DATA

In this section, official law enforcement data, including national data from the Uniform Crime Reports and state level data from the Kentucky State Police and surrounding states, is presented. National reports show that in 2000, 54.5% of all hate-bias offenses were racially motivated and 17.2% were motivated by religion. (see Figure 5A.1). According to the Kentucky State Police, 76.7% of all hate-bias offenses in the Commonwealth of Kentucky reported in 2000, were racially motivated and only 2.8% were motivated by religion (see Figure 5A.2). Underreporting of religious motivated hate-bias crime is one explanation for the disparity between the national and state level data. However, anecdotal reports for religious motivated hate-bias offenses have increased since September 11, 2001.

Almost one-third of all hate crime incidents in the United States occurred at a home or residence (32.1%) (see Table 5A.2). Over two-thirds of all hate incidents in the United States in 2000 were for intimidation and destruction/damage/vandalism offenses (67.7%) (see Table 5A.3).

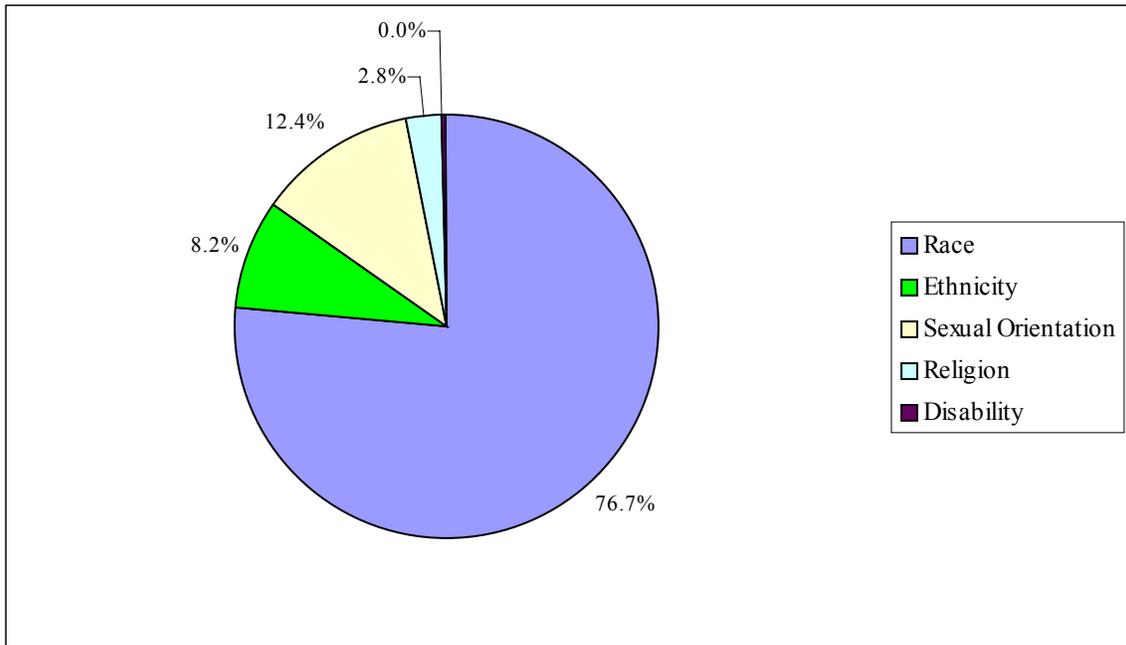
# **FEDERAL REPORTS**

**Figure 5A.1: Percent Distribution of Bias-Motivated Offenses in the U.S., 2000**



Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

**Figure 5A.2: Percent Distribution of Bias-Motivated Offenses in Kentucky, 2000**



Source: Kentucky State Police, 2000.

Due to rounding, percentages may not add to 100. These charts represent single-bias incidents.

**Table 5A.1: Hate-Bias Incidents, Offenses, Victims, and Known Offenders  
in the U.S. by Bias Motivation, 2000**

<b>Type of Bias Motivation</b>	<b>Hate-Bias Incidents</b>	<b>Hate-Bias Offenses</b>	<b>Hate-Bias Victims<sup>1</sup></b>	<b>Hate-Bias Known Offenders<sup>2</sup></b>
<b>Total</b>	<b>8,063</b>	<b>9,430</b>	<b>9,924</b>	<b>7,530</b>
<b>Single-Bias Incidents</b>	<b>8,055</b>	<b>9,413</b>	<b>9,906</b>	<b>7,520</b>
<b>Race</b>	<b>4,337</b>	<b>5,171</b>	<b>5,397</b>	<b>4,452</b>
Anti-White	875	1,050	1,080	1,169
Anti-Black	2,884	3,409	3,535	2,799
Anti-American Indian/Alaskan Native	57	62	64	58
Anti-Asian/Pacific Islander	281	317	339	273
Anti-Multiracial Group	240	333	379	153
<b>Religion</b>	<b>1,472</b>	<b>1,556</b>	<b>1,699</b>	<b>577</b>
Anti-Jewish	1,109	1,161	1,269	405
Anti-Catholic	56	61	63	33
Anti-Protestant	59	62	62	23
Anti-Islamic	28	33	36	20
Anti-Other religious group	172	187	210	77
Anti-Multireligious group	44	46	52	18
Anti-Atheism/Agnosticism/etc.	4	6	7	1
<b>Sexual Orientation</b>	<b>1,299</b>	<b>1,486</b>	<b>1,558</b>	<b>1,443</b>
Anti-Male Homosexual	896	1,023	1,060	1,088
Anti-Female Homosexual	179	211	228	169
Anti-Homosexual	182	210	226	153
Anti-Heterosexual	22	22	24	18
Anti-Bisexual	20	20	20	15
<b>Ethnicity</b>	<b>911</b>	<b>1,164</b>	<b>1,216</b>	<b>1,012</b>
Anti-Hispanic	557	735	763	694
Anti-Other Ethnicity/National Origin	354	729	453	318
<b>Disability</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>
Anti-Physical	20	20	20	22
Anti-Mental	16	16	16	14
<b>Multiple-Bias Incidents<sup>3</sup></b>	<b>8</b>	<b>17</b>	<b>18</b>	<b>10</b>

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

<sup>1</sup> Victim is a person, business, institution, or society as a whole.

<sup>2</sup> Known Offender does not imply that the identity of the suspect is known, but only that the race of the suspect is identified which distinguishes him/her from an unknown offender.

<sup>3</sup> A multiple-bias incident is a hate-crime in which two or more offense types were committed as a result of two or more bias motivations.

**Table 5A.2: Location of Hate Crime Incidents in the U.S., 2000**

<b>Locations</b>	<b>Incidents</b>
Air/Bus/Train Terminal	85
Bank/Savings and Loan	12
Bar/Nightclub	147
Church/Synagogue/Temple	336
Commercial/Office Building	232
Construction Site	25
Convenience Store	91
Department/Discount Store	48
Pharmacy/Dr. Office/Hospital	58
Field/Woods	77
Government/Public Building	101
Grocery/Supermarket	42
Highway/Road/Alley/Street	1,441
Hotel/Motel/Etc.	45
Jail/Prison	58
Lake/Waterway	20
Liquor Store	8
Parking Lot/Garage	485
Rental Storage Facility	4
Residence/Home	2,590
Restaurant	191
School/College	917
Service/Gas Station	77
Specialty Store (TV, Fur, Etc)	125
Other/Unknown	840
Multiple Locations	8
<b>Total</b>	<b>8,063</b>

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

**Table 5A.3: Hate Crime Incidents by Offense Type in the U.S., 2000**

<b>Offense</b>	<b>Number of Incidents</b>
<b>Total<sup>1</sup></b>	<b>8,063</b>
<b>Crimes against Persons:</b>	<b>5,009</b>
Murder	16
Forcible Rape	4
Simple Assault	1,339
Intimidation	2,690
Aggravated Assault	885
<b>Crimes against Property:</b>	<b>3,241</b>
Robbery	139
Burglary	138
Larceny-Theft	114
Motor Vehicle Theft	11
Arson	52
Destruction/Damage/Vandalism	2,765
Other	22
<b>Crimes against society<sup>2</sup></b>	<b>59</b>

Source: Uniform Crime Reports, Hate Crime Statistics, 2000.

<sup>1</sup> The actual number of incidents is 8,063. However, 233 incidents include more than one offense type, which are counted in this table.

<sup>2</sup> Includes additional offenses collected in NIBRS.

# **KENTUCKY STATE POLICE REPORTS**

**2000 HATE-BIAS CRIME  
Kentucky State Police**

In 2000, the most commonly reported bias motivation reported to the Kentucky State Police was racial (see Table 5B.1). The second largest percentage was sexual orientation, followed by ethnicity/national origin and religious hate crimes. In 2000, more than one-third of all bias-motivated crimes occurred at a residence or home (34.2%) (see Table 5B.2). Almost two-thirds (63%) of all hate-bias crimes reported in 2000 to the Kentucky State Police were for intimidation and destruction/damage/vandalism offenses (see Table 5B.3).

**Table 5B.1: HATE CRIME BIAS  
MOTIVATION, 2000**

Bias Nature	Group %	Bias Type	Incidents	% of Total
<b>Racial</b>	76.7%	Anti-White	10	13.7%
		Anti-Black	46	63.0%
		Anti-American	---	---
		Indian/Alaskan Native	---	---
		Anti-Asian/Pacific Islander	---	---
		Anti-Multi-Racial Group	---	---
		<b>Sexual Orientation</b>	12.4%	Anti-Male Homosexual
Anti-Female Homosexual	1	1.4%		
Anti-Homosexual (Male & Female)	---	---		
Anti-Heterosexual	---	---		
Anti-Bisexual	---	---		
<b>Ethnicity, National Origin</b>	8.2%	Anti-Arab	---	---
		Anti-Hispanic	3	4.1%
		Anti-Other Ethnicity, National Origin	3	4.1%
<b>Religious</b>	2.8%	Anti-Jewish	1	1.4%
		Anti-Catholic	---	---
		Anti-Protestant	---	---
		Anti-Islamic (Moslem)	---	---
		Anti-Other Religious Group	1	1.4%
<b>Disability</b>	0%	Anti-Physical Disability	---	---
		Anti-Mental Disability	---	---

**Table 5B.2: HATE CRIME  
LOCATIONS, 2000**

Locations	Incidents	%
Air/Bus/Train Terminal	---	---
Bank/Savings and Loan	---	---
Bar/Nightclub	1	1.4%
Church/Synagogue/Temple	1	1.4%
Commercial/Office Building	1	1.4%
Construction Site	---	---
Convenience Store	2	2.7%
Department/Discount Store	---	---
Pharmacy/Dr. Office/Hospital	1	1.4%
Field/Woods	2	2.7%
Government/Public Building	1	1.4%
Grocery/Supermarket	---	---
Highway/Road/Alley/Street	16	21.9%
Hotel/Motel/Etc.	---	---
Jail/Prison	---	---
Lake/Waterway	---	---
Liquor Store	1	1.4%
Parking Lot/Garage	2	2.7%
Rental Storage Facility	---	---
Residence/Home	25	34.2%
Restaurant	7	9.6%
School/College	8	11.0%
Service/Gas Station	---	---
Specialty Store (TV, Fur, Etc)	---	---
Other/Unknown	4	5.5%
Not Applicable	1	1.4%

**Table 5B.3: OFFENSES FOR  
HATE-BIAS CRIMES, 2000**

Offense	No.	% of Total
Murder	0	0%
Rape	0	0%
Robbery	2	2.7%
Aggravated Assault	14	19.2%
Burglary	0	0%
Larceny-Theft	0	0%
Motor Vehicle Theft	0	0%
Arson	2	2.7%
Simple Assault	9	12.3%
Intimidation	26	35.6%
Destruction/Damage/Vandalism	20	27.4%

**PRELIMINARY 2001 HATE-BIAS CRIME  
Kentucky State Police**

The data presented in Table 5B.4, 5B.5, and 5B.6 is preliminary. From January 2001 – September 2001, the most commonly reported bias motivation reported to the Kentucky State Police was racial (see Table 5B.4). The second largest percentage was sexual orientation and religion, followed by ethnicity/national origin. In 2001, more than one-third of all bias motivated crime occurred at a residence or home (36.5%) (see Table 5B.5). Almost half (49.2%) of all hate-bias crimes reported in 2001 to the Kentucky State Police were intimidation offenses (see Table 5B.6).

**Table 5B.4: HATE CRIME BIAS MOTIVATION  
January 1, 2001 – September 30, 2001**

Bias Nature	Group %	Bias Type	Incidents	% of Total		
<b>Racial</b>	68.3%	Anti-White	6	9.5%		
		Anti-Black	33	52.4%		
		Anti-American Indian/Alaskan Native	----	----		
		Anti-Asian/Pacific Islander	3	4.8%		
		Anti-Multi-Racial Group	1	1.6%		
		<b>Sexual Orientation</b>	11.1%	Anti-Male Homosexual	5	7.9%
				Anti-Female Homosexual	1	1.6%
Anti-Homosexual (Male & Female)	1			1.6%		
Anti-Heterosexual	----			----		
Anti-Bisexual	----			----		
<b>Ethnicity, National Origin</b>	9.5%	Anti-Arab	---	---		
		Anti-Hispanic	---	---		
		Anti-Other Ethnicity, National Origin	6	9.5%		
<b>Religious</b>	11.1%	Anti-Jewish	---	---		
		Anti-Catholic	---	---		
		Anti-Protestant	1	1.6%		
		Anti-Islamic (Moslem)	6	9.5%		
		Anti-Other Religious Group	---	---		
<b>Disability</b>	0%	Anti-Physical Disability	---	---		
		Anti-Mental Disability	---	---		

**Table 5B.5: HATE CRIME LOCATIONS,  
January 1, 2001 – September 30, 2001**

Locations	Incidents	%
Air/Bus/Train Terminal	---	---
Bank/Savings and Loan	---	---
Bar/Nightclub	---	---
Church/Synagogue/Temple	4	6.3%
Commercial/Office Building	---	---
Construction Site	---	---
Convenience Store	2	3.2%
Department/Discount Store	1	1.6%
Pharmacy/Dr. Office/Hospital	2	---
Field/Woods	---	---
Government/Public Building	2	3.2%
Grocery/Supermarket	2	3.2%
Highway/Road/Alley/Street	9	14.3%
Hotel/Motel/Etc.	---	---
Jail/Prison	---	---
Lake/Waterway	---	---
Liquor Store	1	1.6%
Parking Lot/Garage	3	4.8%
Rental Storage Facility	1	1.6%
Residence/Home	23	36.5%
Restaurant	1	1.6%
School/College	9	14.3%
Service/Gas Station	---	---
Specialty Store (TV, Fur, Etc)	1	1.6%
Other/Unknown	2	3.2%
Not Applicable	---	---

**Table 5B.6: OFFENSES FOR HATE BIAS CRIMES, January 1, 2001 – September 30, 2001**

Offense	No.	% of Total
Murder	0	0%
Rape	0	0%
Robbery	1	1.6%
Aggravated Assault	8	12.7%
Burglary	1	1.6%
Larceny-Theft	0	0%
Motor Vehicle Theft	0	0%
Arson	1	1.6%
Simple Assault	7	11.1%
Intimidation	31	49.2%
Destruction/Damage/Vandalism	14	22.2%

# **ANECDOTAL EVIDENCE OF HATE CRIME**

# **NEWSPAPER CITES**

## Hate Incidents Reported by Kentucky Newspapers 1990 to 2002

### 1990

**February (Louisville):** An African-American family reported that some one had placed a burning cross in the front yard of their home. (*Courier-Journal*)

**May (Ballardsville):** A cross was found burning in front of the home of people believed to be the only African-American residents of Ballardsville. The report mentioned that this area had experienced a recent increase in hate crimes. (*Courier-Journal*)

**June (Louisville):** An attempted firebombing of an African-American family's residence was committed by a white youth. The homemade bomb did not explode. (*Courier-Journal*)

### 1991

**August (Louisville):** An incident occurred in which four black youths attacked white victims; the attack sparked racial tensions in the area. Police urged groups not to act on their frustrations. (*Courier-Journal*)

**November (Louisville):** Three homosexual men living together in the Germantown neighborhood of Louisville reported several weeks of vandalism, verbal abuse and physical attacks were made to their home, property and to their guests. (*Courier-Journal*)

**November (Louisville):** A Louisville man was reported to have harassed a local pastor and aldermen. The man reportedly had been threatening the pastor of the Cathedral of the Assumption church ever since the church began openly welcoming all, including homosexuals, to attend services at the church. (*Courier-Journal*)

### 1992

**May (Louisville):** A report printed in *Courier-Journal* describes the city as "racially smoldering". The report identified ten incidents potentially related to hate crime in the first five months of the year. The majority of the incidents involved "skinheads" harassing African-Americans. (*Courier-Journal*)

### 1993

**April (Louisville):** Racial issues arise during the 'Thunder Over Louisville' event. A group of white males reported seven attacks by young black males. The victims believed the attacks to be racially motivated. (*Courier-Journal*)

## 1994

**August (Louisville):** A white couple with a black foster child report they are the targets of racial slurs. Their home in southern Jefferson County is burned to the ground. (*Courier-Journal*)

## 1995

**April (Louisville):** A Korean woman in Lexington was verbally harassed and threatened by a young male while stopped at a stoplight. The youth told the woman to "leave his country" and continued to follow her for miles. (*Courier-Journal*)

**August (Paducah):** Saying that McCracken County school officials could not assure him that his children would be safe riding the school bus, an African-American father keeps his children off the bus. The three children were reported to have been subjected to racial slurs from other children riding the bus after an incident regarding where one of the children would sit. The father indicated his intent to move the family from their residence of eight years as a result. (*Paducah Sun*)

## 1996

**July (Georgetown):** The Wings of Deliverance Faith Ministry is vandalized. In June, racial slurs are spray painted on the exterior walls of the predominantly black church. Three days later, someone broke in and ransacked the church, kicking in the door of the church office and stealing guitars from the church. (*Cincinnati Enquirer*)

**July (Providence):** An African-American church was set on fire. The burning was reported to be racially motivated, and groups met locally and nationally concerning what appeared to be an emerging crime trend in Southern states. (*Courier-Journal*)

**October (Louisville):** Two white men abducted an African-American woman from an intersection in Louisville; shortly after the woman was beaten and sodomized. The men told the woman they planned to do the same to all African-American women they found alone. (*Courier-Journal*)

**November (Owensboro):** The Wings of Deliverance Faith Ministry, a predominantly black church, is burglarized and vandalized. (*Herald-Leader*)

## 1997

**May (Covington):** Police are investigating the shooting of a black man by a white assailant who reportedly shouted a racial epithet at the victim prior to spraying the victim with a chemical irritant and shooting him. (*Kentucky Post*)

**September (Murray):** Three men harassed an African-American family soon after they moved in to the neighborhood. The men threw dozens of flyers into the family's front yard

with racial epithets signed by a group calling itself the “Last Rites”. The flyers claimed that the African-American family, the first in the previously all white neighborhood, had lowered property values. It suggested that the family move back to Africa and stated, “Not even the police can protect you.” The family had previously reported racial slurs being shouted at them by drivers passing by. (*Courier-Journal and Paducah Sun*)

**November (Paducah):** Four black police officers receive hate mail at their homes. Although the FBI is investigating, no federal hate crime occurred as the letters did not contain “direct or significant” threats. (*Paducah Sun*)

## **1998**

**April (Paducah):** No federal or state crimes were committed when someone sent hate mail to four black police officers in Paducah in September. Each officer received an anonymous, machine-printed racist message delivered by first class mail to their homes. (*Herald-Leader*)

**June (Knox County):** A Knox County man was found badly mutilated in 1996. The jury convicted the suspect on murder/robbery after prosecutors establish that the victim’s homosexuality made him a vulnerable target to the criminal. (*Herald-Leader*)

**June (Prestonsburg):** A Prestonsburg man pleads guilty to threatening mixed-race couples with leaflets and letters. The man was the leader of a white supremacist group active in Eastern Kentucky called the White Aryan Legion. (*Herald-Leader*)

**October (Falmouth):** The Assistant Falmouth Police Chief is placed on leave after he is reported telling a waitress, while on duty and in uniform, that he would rather burn an African-American than a cross. (*Kentucky Post and Courier-Journal*)

**October (Frankfort):** A representative of the Kentucky Fairness Alliance reports two recent hate incidents: an Eastern Kentucky man being beaten with a baseball bat because of his sexual orientation, and an African-American from Northern Kentucky man who had “calling cards” left at his home by the Aryan Nation and KKK. (*Herald-Leader*)

**December (Lexington):** A black family who was driven out of their apartment by racist harassment are awarded nearly \$70,000 compensation from the apartment complex owners. (*Herald-Leader*)

## **1999**

**January (Pikeville):** The burning of an Eastern Kentucky police officer’s home in December sparks community discussion on whether the incident should be considered a hate crime. (*Herald-Leader*)

**March (Fort Campbell):** High school students paint racially charged graffiti (swastikas and ‘Jasper’—a reference to the Texas town where a black man died after being dragged by a

pickup truck) on a building near the homes of three black soldiers at Fort Campbell. *(Courier-Journal)*

**April (Benton):** The Fort Campbell 101<sup>st</sup> Airborne Screaming Eagle Band and Color Guard pull out of a parade in Benton (Marshall County), citing display of Confederate flags. Black members of the band were said to have been subjected to racial slurs. *(Paducah Sun)*

**April (Hopkinsville):** A black female owner of a used clothing store in Pembroke claims that the enforcement of a sidewalk ordinance is related to racial harassment. Her shop had been vandalized by racial graffiti and derisive poetry, which included an arson threat. The threats were also in the town's bank and post office. The FBI is investigating. *(Kentucky New Era)*

**April (Muhlenberg County):** The home of the a Ku Klux Klan leader in Western Kentucky is searched in relation to the arrest on weapons charges of an Ohio man linked to an anti-government, white supremacist group. *(Courier-Journal)*

**August (Fort Campbell):** The Army reports that the man suspected of killing Pfc. Barry Winchell was motivated, in part, by Winchell's homosexuality. Winchell was brutally beaten to death with a baseball bat. *(Courier-Journal)*

**August (Pikeville):** Four men are indicted in a cross burning incident in Pike County. The men are accused of threatening the woman and daughter who lived there. The suspects plead guilty in October. *(Herald-Leader)*

**September (Lexington):** An African-American man and his white friends were attacked by a group of ten whites in a student neighborhood in Lexington. The crime was investigated as a hate crime. The victims were badly beaten and choked while the assailant repeatedly yelled racial slurs. *(Herald-Leader)*

**October (Elkton):** The Embery Baptist Church in rural Todd County is vandalized for the third time by theft. Previously, swastikas and other hate messages were sprayed in paint and scribbled in crayons on the walls of the church, and the church's hymnals and Bible were put in the front lawn and set on fire. *(Kentucky New Era)*

**October/November (Middlesboro):** The police chief of Middlesboro announced his plans to block a proposed KKK march. The Klan's demonstration was in response to two incidents in which white individuals were either killed or severely injured, allegedly by black males. One of the assailants accused of attacking a white male was a black teen-ager who testified that the incident began after racial slurs were hurled at him at a local mall. *(The Daily Independent)*

## **2000**

**May (Louisville):** A pizza delivery driver and his brother are shot at several times while driving. The men claim the assailants shouted racial slurs. (*Courier-Journal*)

**May (Frankfort):** The tires of a Frankfort gay couple's cars were slashed and anti-gay slurs were spray-painted on the sides of their vehicles. (*Herald-Leader*)

**June (Louisville):** The Heart of Fire Church was set ablaze after members of the congregation took part in a protest rally against the KKK. (*Courier-Journal*)

**June (Elkton):** The Embery Baptist Church in rural Todd County, vandalized several times in the previous year, had its front door pried open and a brick thrown through a window. Local law officials requested FBI assistance, as they believed the incident was tied to the 1999 incidents where swastikas and other hate messages were sprayed in paint and scribbled in crayons on the walls of the church, and where the church's hymnals and the Bible were put in the front lawn and set on fire. (*Kentucky New Era*)

**July (Louisville):** A Louisville man allegedly pointed a shotgun at his Hispanic neighbors and warned others not to call the police. The crime was being investigated as a hate crime. Several witnesses, Spanish speaking only, said they were so concerned for their safety that they stayed in hotels for the night. (*Courier-Journal*)

**July (Louisville):** Five people are attacked behind the Uptown Café in Louisville. According to police, three of the victims were Jewish. The assailant reportedly cursed and screamed obscenities and racial slurs. The police reported finding Nazi flags covering the assailant's bedroom, along with hate literature and seven assault-type weapons. The attack was the second of this type reported in the area in a month. (*Courier-Journal*)

**August (Bullitt County):** "KKK and "White Power" were painted on the garage doors of a house in Bullitt County. Police believe the neighborhood was targeted because one the residents residing there was in an inter-racial relationship. (*Courier-Journal*)

**August (Louisville):** The ArtsWatch building on Frankfort Avenue was the target of racial vandalism; "KKK" and swastikas were spray painted on the doors and windows of the center. (*Courier-Journal*)

**October (Marion):** A Crittenden County man and three juveniles are arrested for placing a pipe bomb at an Amish construction site. (*Herald-Leader*)

**October (Marshall County):** A black truck driver was assaulted in Marshall County by two white males after stopping his truck to ask for directions. (*Paducah Sun*)

## **2001**

**April (Lexington):** A racial slur is written on the dormitory door of an African-American student at Transylvania University. (*Courier-Journal*)

**July (Northern Kentucky):** Police officials from Cincinnati and Northern Kentucky are investigating whether assaults on several white women in the area might be hate related. Ten recent incidents involve a well-dressed, athletic black man assaulting white women by spraying them with some type of fluid. (*Cincinnati Enquirer*)

**September (Frankfort):** The Iranian immigrants of a pizza restaurant are the target of a slanderous e-mail accusing the owners of “clapping and cheering” the attacks on the World Trade Center. (*Courier-Journal*)

**October (Lexington):** Police believe that three [and later, four] recent assaults and a verbal harassment were hate motivated, targeting students who look foreign in appearance. A Japanese student was asked for directions by persons in a black pickup truck, and then punched in the face. A Chinese student escaped similar harm but was subjected to racial slurs and did not file a formal complaint. An Indian student was also assaulted in the same pattern. [Another later incident involved an Indian student who was stabbed with a pocket knife]. The first suspected hate crime occurred on September 28, when a Palestinian man was beaten and barraged with disparaging epithets while delivering pizza in the campus area. The Acting Provost of the University of Kentucky voiced suspicions that there was a relationship between the attacks and the events of September 11. (*Herald-Leader*)

**October (Lexington):** Six Klansmen rallied at the steps of the Fayette County Courthouse, perhaps for the first time in 50 years. (*Herald-Leader*)

**October (Nicholasville):** A white woman had her tires slashed and a flag with racial epithets left on her porch. She believes she was the target of a hate crime because she dates a black man and has four biracial children. (*Herald-Leader*)

**December (Union):** A white man who was savagely beaten six years ago while trying to protect an African-American friend from a group of white men swinging baseball bats and shouting racial slurs died in February, renewing interest in a case that had never been solved. (*Kentucky Post*)

## **2002**

**February (Danville):** The receptionist of a Muslim doctor in Danville receives a threatening phone call to “Tell the Muslims to go home or they and you will be hurt bad.” (*The Advocate Messenger*)

**KENTUCKY COMMISSION ON  
HUMAN RIGHTS**

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

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

The Kentucky Civil Rights Act makes it illegal to discriminate against anyone because of race, sex, age (people who are 40-years old and older), disability, color, religion, national origin, family status (applies only to housing) and retaliation which protects a person who has filed a discrimination complaint. People in Kentucky are protected from these types of discrimination in employment, public accommodations, financial transactions and housing. Businesses that supply goods or services to the general public, or solicit and accept the patronage of the public, and entities supported by government funds are considered public accommodations.

KCHR is made up of 11 commissioners, the executive director and staff. Four department units – Administration, Enforcement, Research and Information and Legal – employ approximately 35 people, and carry out the day-to-day business of the agency. 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.

Even though KCHR has no authority to investigate hate crimes unless there is a violation of the Kentucky Civil Rights Act, we receive approximately 50 intake calls per year. Information provided by local commissions and calls telephoned directly into our Enforcement Unit account for approximately 173 reports of hate crimes in Kentucky since 1999. In addition, the Southern Poverty Law Center reports seven incidences of hate crimes during 2000 in Kentucky.

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

**HATE CRIME BIAS MOTIVATION  
LOCAL COMMISSION SURVEY RESULTS**

<b>Bias Nature</b>	<b>Group %</b>	<b>Bias Type</b>	<b>Incident</b>	<b>% of Total</b>
Racial	18%	Anti-Black Anti-White	17 1	17% 1%
Sexual Orientation	69%		68	69%
National Origin	9%	Anti-Arab Anti-Other	7 2	7% 2%
Religion	3%		3	3%
Disability			0	0

**LOCAL COMMISSION SURVEY RESULTS BY AREA**

**Boyle County – November 2000**

- A hangman’s noose was hung in a factory and also placed in an employee’s pick-up truck

**Covington – April 2000**

- Racially threatening letter sent to housing residents demanding African- Americans be removed from the neighborhood

**Fayette County – 2000 - 2001**

- Four (4) incidences of anti-black bias motivation with assault
- One (1) incident of sexual orientation with assault
- One (1) incident of anti-white bias motivation with assault
- Five (5) incidences of verbal abuse/assault at a university campus because of national origin
- Property damage to a Hebrew Center

**Hardin County**

- Doctor’s office burned/vandalized because of national origin

**Jefferson County – 1999 – 2001**

- One (1) incident of assault and verbal harassment because of sexual orientation
- Two (2) incidences of property damage and verbal harassment because of race
- Property damage to a Mosque
- One (1) incident of assault and hospital stay because of race

**Paducah – August 2000**

- Learning Center destroyed by fire with racial remarks left on a partially burned door

**Simpson/Warren Counties – 2001**

- Two (2) anti-black incidences reported by Bowling Green Police Department
- Two (2) anti-Islamic incidences reported by Bowling Green Police Department
- Biracial couple harassed
- Shots fired through the window of an international market

**Woodford County - 2000 - 2001**

- Three (3) incidences of spray painting cars and garage doors with racial remarks
- One (1) incident of verbal abuse because of religion

**HATE CRIME BIAS MOTIVATION  
KCHR ENFORCEMENT UNIT RESULTS**

<b>Bias Nature</b>	<b>Group %</b>	<b>Bias Type</b>	<b>Incident</b>	<b>% of Total</b>
Racial	55%	Anti-Black Anti-Other	25 9	40% 15%
Sexual Orientation	31%		19	31%
National Origin	14%	Anti-Arab Anti-Other	7 2	11% 3%
Religion	0		0	0
Disability	0		0	0

**EXAMPLES OF HATE CRIMES/DISCRIMINATION  
ISSUES RECEIVED BY KCHR**

**Race and National Origin Data**

**Elizabethtown, KY**

- Caller stated that he worked for a doctor's office. The doctor had a middle-eastern name. Over the weekend someone had broken into the office and used a lighter to burn racial slurs on walls of the doctor's office.

**Franklin County, KY**

- Caller stated that he worked for business. A co-worker sent him to a certain location at the business. When the caller arrived at the location another co-worker had a white hood over his head and a shovel in his hand.

**Kenton County, KY**

- Caller stated that she and her son were harassed because his brother is biracial.
- Caller stated that her family was being harassed at their apartment complex because they were black. "KKK" had been placed on a tree behind their apartment.

**Lexington, KY**

- Caller is a student. He had an assignment to develop a list of certain agencies and from the list, pick one agency to interview management. Caller said that when he went to the agency, he was told to leave or the police would be called because people at the agency thought he was from the Middle East.

**Louisville, KY**

- Caller stated that her son, a black male, was attacked in his apartment complex by a group of five white males. During the attack, racial slurs were used. Her son had to be hospitalized. Caller also stated that the same group of white males had attacked several Mexicans in the same apartment complex.
- Caller is a person of mixed racial descent. At his job he said he was being harassed because people believed him to be Middle-Eastern. He stated that he has been called disparaging names.

## Southern Poverty Law Center

The Southern Poverty Law Center is a non-profit organization that combats hate and discrimination. It was established in 1971 as a civil rights law firm and is known internationally for its tolerance education program and for tracking hate groups and crimes throughout the country. The following data was provided to the Kentucky Commission on Human Rights by the Southern Poverty Law Center, which has been found to be a valuable source of information in tracking hate crimes in Kentucky.

### HATE CRIME BIAS MOTIVATION SOUTHERN POVERTY LAW CENTER

<b>Bias Nature</b>	<b>Group %</b>	<b>Bias Type</b>	<b>Incident</b>	<b>% of Total</b>
Racial	57%	Anti-Black Anti-White	4 0	57%
Sexual Orientation	14%		1	14%
National Origin	29%	Anti-Arab Anti-Other	0 2	29%
Religion	0		0	0
Disability	0		0	0

### SOUTHERN POVERTY LAW CENTER RESULTS BY AREA

#### **Barbourville**

- Seventeen (17) members of the American Knights of the Ku Klux Klan rallied

#### **Frankfort**

- The tires of a gay couple's cars were slashed and anti-gay slurs were spray painted on the sides of the vehicles

#### **Hazard**

- About 25 members of the American Knights of the Ku Klux Klan held a rally

#### **Louisville**

- Two individuals were charged with two counts of attempted murder for allegedly shooting at two black men while shouting racial slurs
- In May 2000, about 19 members of the American Knights of the Ku Klux Klan held a rally
- One individual was charged with three counts of endangerment and one count of intimidation for allegedly pointing a shotgun at his Hispanic neighbor
- One individual was charged with assault and criminal mischief for allegedly taunting five people with obscenities and racial slurs

# **OTHER HUMAN RIGHTS ORGANIZATIONS**

Other human rights organizations collecting data on hate-bias offenses include the Kentucky Fairness Alliance, and on the national level, the Anti-Defamation League (ADL). From 1991-1996, racial bias was the most frequent reported motivation for hate-bias offenses according to the Anti-Defamation League (see Table 6C.1). From 1998-2001, almost two-thirds (61%) of all reports received by the Kentucky Fairness Alliance were for hate crimes (see Table 6C.2).

### **Anti-Defamation League**

**Table 6C.1: Offenders' Reported Motivation in Percentages for Hate-Bias Offenses in the United States, 1991-1996**

<b>Type of Bias</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>
Racial Bias	62.3	60.7	62.4	59.8	60.7	61.6
Anti-Black	35.5	34.7	37.1	36.6	37.6	41.9
Anti-White	18.7	20.3	19.4	17	15.4	12.6
Religious Bias	19.3	17.5	17.1	17.9	16.1	15.9
Anti-Semitic	16.7	15.4	15.1	15.1	13.3	12.7
Ethnicity	9.5	10.1	9.2	10.8	10.2	10.7
Sexual Orientation	8.9	11.6	11.3	11.5	12.8	11.6

Source: Anti-Defamation League website ([www.adl.org](http://www.adl.org)).

### **Kentucky Fairness Alliance**

**Table 6C.2: Number of Bias-Motivated Reports for Kentucky Received by the Kentucky Fairness Alliance for Hate Crime, 1998-2001**

<b>Year</b>	<b>Hate Crimes Report</b>	<b>Total Number of Reports Taken</b>
1998	13	25
1999	10	17
2000	10	14
2001	18	27
<b>Total</b>	<b>51</b>	<b>83</b>

Source: Kentucky Fairness Alliance

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**APPENDIX A**

**STATE/FEDERAL  
HATE CRIME STATUTES**

## KENTUCKY STATUTORY LANGUAGE PERTAINING TO HATE CRIME

### **532.031 Hate Crimes—Finding—Effect**

- (1) A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person intentionally because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, violates a provision of any one (1) of the following:
  - a. KRS 508.010, 508.020, or 508.025;
  - 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;
  - 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 hate crime was the 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 15, 1998

History: 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.

### **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 Section 51 of this Act is a victim of criminally injurious conduct as defined in KRS 346. 020 and is eligible for awards pursuant to KRS Chapter 346.

Effective: July 15, 1998

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

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

- (1) The Department of Criminal Justice Training shall include in each basic law enforcement training course conducted by, or under the approval of the department, a unit of training relating to identifying, responding to, investigation of, and reporting of bias-related crime cases. As used in this section, bias-related crime is an offense which appears to be caused as a result of or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.
- (2) The Department of Criminal Justice Training shall, biennially, require law enforcement inservice training courses to contain a unit of instruction on bias-related crime.

Effective: July 14, 1992

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

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

- (1) The uniform offense report shall contain provisions for obtaining information as to whether or not specific crimes appear from their facts and circumstances to be caused as a result of or reasonably related to race, color, religion, sex, or national origin.
- (2) All law enforcement officers, when completing a uniform offense report, shall note thereon whether or not the offense appears to be caused as a result of or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.
- (3) The Justice Cabinet shall, annually, as a part of the crime reports report on crimes which appear to have been caused by the factors cited in subsections (1) and (2) of this section.

Effective: July 14, 1992

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

## FEDERAL HATE CRIMES STATISTICS ACT

### 28 USC Sec. 534

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

'That (a) this Act may be cited as the 'Hate Crime Statistics Act'.

'(b) (1) Under the authority of section 534 of title 28, United States Code, the Attorney General Shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

'(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and

criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

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

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

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

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

''Sec. 2. (a) Congress finds that -

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

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

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

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

**APPENDIX B**

**COMPARISON OF  
KENTUCKY LAW TO  
SURROUNDING STATES**

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

Statutory Provision	Kentucky	National Count <sup>1</sup>
Bias-Motivated Violence and Intimidation	X	44
Civil Action		29
Criminal Penalty	X	44
Race, Religion, Ethnicity <sup>2</sup>	X	41
Sexual Orientation	X	24
Gender		20
Other <sup>3</sup>		23
Institutional Vandalism	X	39
Data Collection <sup>4</sup>	X	25
Training for Law Enforcement Personnel <sup>5</sup>	X	11

Source: Anti-Defamation League

### Comparison of Statutory Provisions Regarding Hate Crime, Kentucky and Surrounding States

Statutory Provision	KY	IL	IN	MO	OH	TN	VA	WV
Bias Motivated Violence and Intimidation	X	X		X	X	X	X	X
Civil Action		X		X	X	X	X	
Criminal Penalty	X	X		X	X	X	X	X
Race, Religion, Ethnicity <sup>6</sup>	X	X		X	X	X	X	X
Sexual Orientation	X	X		X				
Gender		X		X				X
Other <sup>7</sup>		X						X
Institution Vandalism	X	X	X	X	X	X	X	
Data Collection <sup>8</sup>	X	X					X	
Training for Law Enforcement Personnel <sup>9</sup>	X	X						

Source: Anti-Defamation League

- 1 Count includes Kentucky and the District of Columbia.
- 2 The following states also have statutes criminalizing the interference with religious worship: CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, OK, RI, SC, TN, VA, and WV.
- 3 “Other” includes mental and physical disability of handicap (AL, AZ, CA, DC, DE, IL, IA, LA, ME, MA, MN, NE, NH, NJ, OK, RI, VT, WA, and WI), political affiliation (DC, IA, LA, and WV), and age (DC, IA, LA, and VT).
- 4 States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, NV, OR, and WA; those which include gender are AZ, DC, IL, IA, MN, and WA.
- 5 Some other states have regulations mandating such training.
- 6 The following states also have statutes criminalizing interference with religious worship: MO, TN, VA, and WV.
- 7 “Other” includes mental and physical disability or handicap (IL), and political affiliation (WV).
- 8 The Illinois data collection statute includes sexual orientation and gender.
- 9 Some other states have regulations mandating such training.

### Hate Crimes Statutory Provisions, Alabama - Idaho

Statutory Provision	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID
Bias-Motivated Violence and Intimidation	X	X	X		X	X	X	X	X	X	X		X
Civil Action				X	X	X	X	X		X	X		X
Criminal Penalty	X	X	X		X	X	X	X	X	X	X		X
Race, Religion, Ethnicity	X	X	X		X	X	X	X	X	X			X
Sexual Orientation			X		X		X	X	X	X			
Gender		X	X		X			X					
Other	X	X	X		X			X	X				
Institutional Vandalism	X		X	X	X	X	X	X	X	X	X	X	
Data Collection			X		X		X	X		X			X
Training for Law Enforcement Personnel			X		X								

Source: Anti-Defamation League

### Hate Crimes Statutory Provisions, Illinois – Missouri

Statutory Provision	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO
Bias-Motivated Violence and Intimidation	X		X		X	X	X	X	X	X	X	X	X
Civil Action	X		X			X			X	X	X		X
Criminal Penalty	X		X		X	X	X	X	X	X	X	X	X
Race, Religion, Ethnicity	X		X		X	X	X	X	X	X	X	X	X
Sexual Orientation	X		X		X	X	X		X		X		
Gender	X		X			X	X			X	X	X	
Other	X		X			X	X		X		X		
Institutional Vandalism	X	X		X	X	X	X	X	X	X	X	X	X
Data Collection	X		X		X	X	X	X	X	X	X		
Training for Law Enforcement Personnel	X		X		X	X			X		X		

Source: Anti-Defamation League

### Hate Crimes Statutory Provisions, Montana – Pennsylvania

Statutory Provision	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA
Bias-Motivated Violence and Intimidation	X	X	X	X	X		X	X	X	X	X	X	X
Civil Action		X	X		X					X	X	X	X
Criminal Penalty	X	X	X	X	X		X	X	X	X	X	X	X
Race, Religion, Ethnicity	X	X	X	X	X		X	X	X	X	X	X	X
Sexual Orientation		X	X	X	X		X					X	
Gender		X		X	X		X		X				
Other		X	X	X	X		X				X		
Institutional Vandalism	X		X		X	X		X		X	X	X	X
Data Collection		X	X		X						X	X	X
Training for Law Enforcement Personnel												X	

Source: Anti-Defamation League

### Hate Crimes Statutory Provisions, Rhode Island – Wyoming

Statutory Provision	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation	X		X	X	X	X	X	X	X	X	X	
Civil Action	X		X	X			X	X	X		X	
Criminal Penalty	X		X	X	X	X	X	X	X	X	X	
Race, Religion, Ethnicity	X		X	X			X	X	X	X	X	
Sexual Orientation	X			X			X		X		X	
Gender	X						X		X	X		
Other	X						X		X	X	X	
Institutional Vandalism	X	X		X	X			X	X		X	
Data Collection	X				X			X	X			
Training for Law Enforcement Personnel	X								X			

Source: Anti-Defamation League

## **APPENDIX C**

# **SUMMARY OF STATE HATE CRIME PENALTY PROVISIONS**

State	Hate Crime Penalty Provisions
<b>Alabama</b>	A person found guilty of a crime that was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows: <b>Felonies:</b> (a) On conviction of a Class A felony, the sentence shall not be less than 15 years. (b) On conviction of a Class B felony, the sentence shall not be less than 10 years. (c) On conviction of a Class C felony, the sentence shall not be less than 2 years. <b>Misdemeanors:</b> On conviction of a misdemeanor, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.
<b>Alaska</b>	If the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin this constitutes an aggravating factor. The court may increase the presumptive term of imprisonment up to the maximum term of imprisonment.
<b>Arizona</b>	A person commits aggravated criminal damage by intentionally or recklessly: defaces, damages, or in any way changes the appearance of any building, structure, personal property or place used for worship or any religious purpose; defaces or damages any building, structure or place used as a school or as an educational facility; defaces, damages or tampers with any cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead. Aggravated criminal damage is a class 4 felony if the person intentionally or recklessly causes damage to the property of another in an amount of \$10,000 or more; aggravated criminal damage is a class 5 felony if the person intentionally or recklessly damages property of another in an amount of \$1,500 or more but less than \$10,000. In all other cases, aggravated criminal damage is a class 6 felony.
<b>California</b>	The commission or attempted commission of a felony hate crime or a felony against the property of a public or private institution because the property is associated with a person or group of identifiable race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation may impose a sentence enhancement of one, two, or three years.
<b>Colorado</b>	A person commits ethnic intimidation if, the intent to intimidate or harass another person is because of that person's actual or perceived race, color, religion, ancestry, or national origin, and he or she: (a) knowingly causes bodily injury to another person; or (b) by words or conduct, knowingly places another person in fear on imminent lawless action directed at that person or that person's property and such words or conduct are likely to produce bodily injury to that person or damage to that person's property; or (c) knowingly causes damage to or destruction of the property of another person. Ethnic intimidation as described in (b) or (c) is a class 1 misdemeanor. Ethnic intimidation as described in (a) is a class 5 felony; except that ethnic intimidation as described in section (a) is a class 4 felony if the offender is physically aided or abetted by one or more persons during the commission of the offense.
<b>Connecticut</b>	Persistent offenders of crimes involving bigotry or bias: <b>Felonies:</b> In lieu of imposing the sentence authorized for a felony, the sentence of imprisonment for the next more serious degree of felony may be imposed. <b>Misdemeanors:</b> If the crime is a misdemeanor, the sentence of imprisonment for the next more serious degree of misdemeanor is authorized, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony.
<b>DC</b>	A person found guilty of a bias-related crime shall be fined not more than 1.5 times the maximum fine and imprisoned for not more than 1.5 times the maximum term.
<b>Delaware</b>	Class A, B, or C misdemeanors become Class G felonies; Class C, D, E, F, or G felonies are bumped up one grade; and A or B felonies have their minimum sentence doubled.

<b>Florida</b>	Evidencing prejudice while committing offense: <b>Misdemeanors:</b> A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree. A misdemeanor of the first degree is reclassified to a felony of the third degree. <b>Felonies:</b> A felony of the third degree is reclassified to a felony of the second degree. A felony of the second degree is reclassified to a felony of the first degree. A felony of the first degree is reclassified to a life felony.
<b>Georgia</b>	A person commits the offense of vandalism to a place of worship when he maliciously defaces or desecrates a church, synagogue, or other place of public religious worship, and shall be punished by imprisonment for not less than one nor more than 5 years.
<b>Idaho</b>	It is unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to: (a) cause physical injury to another person; or damage, destroy, or deface any real or personal property of another person; (b) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in (a) and (b) will occur. Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed 5 years or by fine not exceeding \$5,000 or by both. In addition to the penalty provided, a civil cause of action for malicious harassment is also created. A person may be liable to the victim of malicious harassment for both special and general damages, including but not limited to damages for emotional distress, reasonable attorney fees and costs, and punitive damages.
<b>Illinois</b>	A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined. Hate crime is a Class 4 felony for the first offense and a Class 2 felony for a second or subsequent offense.
<b>Iowa</b>	A hate crime shall be classified and punished as an offense one degree higher than the underlying offense.
<b>Kentucky</b>	The sentencing judge may make a finding that hate was the primary motivation in the commission of an offense and the finding may be used as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in delaying or denying parole. Institutional vandalism is a Class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual, knowingly vandalizes, defaces, damages, or desecrates an object. Desecration of venerated objects, is a Class A misdemeanor when a person intentionally desecrates any public monument or object or place of worship, or desecrates in a public place the national or state flag, or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.
<b>Louisiana</b>	It is unlawful for any person to select the victim of the following offenses against person or property because of actual or perceived race, age, gender, religion, color, disability, sexual orientation, national origin, or ancestry of that person or because of actual or perceived membership or service in, or employment with, an organization: murder, manslaughter, battery, aggravated assault with a firearm, terrorizing, mingling harmful substances, rape, sexual battery, carnal knowledge of a juvenile, indecent exposure with and molestation of juveniles, kidnapping, arson, placing combustible materials, communicating of false information of planned arson, criminal damage to property, contamination of water supplies, burglary, criminal trespass, robbery, purse snatching, extortion, theft, desecration of graves, institutional vandalism, or assault by drive-by-shooting. <b>Misdemeanors:</b> The offender may be fined not more than \$500 or imprisoned for not more than 6 months, or both. <b>Felonies:</b> The offender may be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

<b>Maine</b>	Any person who damages property because of the race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of that person or of the owner or occupant of the property, or if he desecrates a memorial, he is guilty of a Class D crime.
<b>Maryland</b>	A person may not (1) deface, damage, or destroy religious real or personal property that is owned, leased, or used by a religious entity; (2) obstruct, or attempt to obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs; (3) harass or commit a crime upon a person or damage the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution, or (4) deface, damage, destroy, or burn any object on the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution. A person who violates the provisions of this law is subject to the following penalties: (1) If the violation involves a separate crime that is a felony, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 10 years, or a fine of not more than \$10,000, or both. (2) If the violation involves a separate crime that is a felony and results in death to a victim, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.
<b>Massachusetts</b>	Whoever commits an assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 2.5 years, or by both. The court may also order restitution to the victim in any amount up to three times the value of property damage sustained by the owners.
<b>Michigan</b>	A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of race, color, religion, gender, or national origin (a) causes physical contact with another, (b) damages, defaces, or destroys any real or personal property of another, (c) threatens to do any act described in (a). Ethnic intimidation is a felony offense, punishable by imprisonment for not more than 2 years, or by fine of not more than \$5,000, or both. The victim may also bring a civil cause of action against the offender.
<b>Minnesota</b>	A person who commits any offense because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin; shall be guilty of a felony.
<b>Mississippi</b>	Penalty enhancement for hate crimes (up to double the fine or jail sentence or both) for felony or misdemeanor. Prosecutors may elect to prosecute for enhancement separate from original charge. Upon conviction, the court conducts a separate hearing to determine sentence, and the jury must find that beyond a reasonable doubt that the defendant maliciously and with intent targeted the class.
<b>Missouri</b>	For all violations which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may increase the charge to a class C felony or Class D felony depending on the crime.
<b>Montana</b>	The law includes a penalty enhancement for selected felonies and an identified hate crime (causing bodily injury, destruction/defacing or property, as a result of 'malicious intimidation or harassment relating to civil or human rights'). The penalty enhancement is imposition of next higher penalty classification; the penalty for violation of the hate crime law is prison not to exceed 5 years, a \$5,000 fine, or both.

<b>Nebraska</b>	Any person who commits selected criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class B felony or higher classification.
<b>Nevada</b>	Any person who commits selected crimes because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim (so long as different from that characteristic of the perpetrator), may be punished by the imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime. This section does not create a separate offense but provides an additional penalty for the primary offense.
<b>New Hampshire</b>	Penalty enhancement: Felonies, other than murder, the minimum sentence is increased to not more than 10 years, maximum 30 years; for murder and persistent felons, the extended term is increased to a maximum of life imprisonment; for misdemeanors: the minimum is increased to no more than 2 years to a maximum of 5 years; for Class A felonies with a subsequent offense, the maximum is increased to life imprisonment without parole; and for other crimes, a minimum is increased to not less than 90 days nor more than 1 year.
<b>New Jersey</b>	Penalty enhancement - juveniles convicted of criminal mischief, or putting another in fear of bodily harm or defacement of property, in addition to the penalty set down for that violation, may be required to either pay restitution or perform community service.
<b>New York</b>	<b>1)</b> Defines hate crimes as specified offenses committed against persons intentionally selected "because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation" of those persons. <b>2)</b> A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she: strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same. Aggravated harassment in the second degree is a Class A misdemeanor. <b>3)</b> A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, he or she: a) damages premises primarily used for religious purposes, or b) commits the crime of aggravated harassment in the second degree. Aggravated harassment in the first degree is a class E felony.
<b>North Carolina</b>	If any Class 2 or 3 misdemeanor is committed because of the victim's race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 Misdemeanor offense is committed because of the victim's race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class I felony.
<b>North Dakota</b>	A person is guilty of a Class B misdemeanor if, whether or not acting under color of law, he, by force, or threat of force or by economic coercion, intentionally: (1) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin and because he is or has been exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public, (2) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin in order to intimidate him or another person from exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public.
<b>Ohio</b>	Whoever violates selected laws by reason of race, color, religion, or national origin is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

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

<b>Texas</b>	If any person is convicted of a crime, in which he or she intentionally selected the person because of hatred of or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person, he or she shall be subject to the following penalties. <b>Misdemeanor:</b> He or she shall be sentenced to not less than thirty (30) days mandatory imprisonment, nor more than 1 year, and for this penalty, he or she shall not be afforded the provisions of filing, suspension of sentence, or probation. <b>Felony:</b> He or she shall be sentenced for a felony by the court to an additional consecutive term of imprisonment for not less than 1 year nor more than 5 years, but in no case, more than double the original penalty for the crime.
<b>Utah</b>	Any person who commits any primary offense with the intent to "intimidate or terrorize" another person or with reason to believe that his action would intimidate or terrorize that person is guilty of a third degree felony. The act must be accompanied with the intent to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the U.S. Primary offenses are assault and related offenses, any misdemeanor property destruction, any criminal trespass, any misdemeanor theft offense, any offenses of obstructing government operations, any offenses of interfering or intending to interfere with activities of colleges and universities, and misdemeanor offenses against public order and decency, any telephone abuse offense, any cruelty to animals offense, and any weapons offense.
<b>Vermont</b>	Penalty enhancement: for crimes with maximum penalty of less than one year, the maximum penalty becomes 2 years and/or a \$2,000 penalty; for crimes with maximum penalty of 1-5 years, the maximum penalty becomes 5 years and/or a \$10,000 fine; for crimes with a 5+ years sentence, the penalty stays the same but the court shall consider the motivation as a factor in sentencing.
<b>Virginia</b>	<b>A.</b> Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction, color or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part. <b>B.</b> If a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person shall be guilty of a Class 6 felony, and the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.
<b>Washington</b>	A person is guilty of malicious harassment if he or she maliciously and intentionally causes physical injury to the victim or another person, causes physical damage to or destruction of the property of the victim or another person, or threatens a specific person or group of persons and places that person in reasonable fear of harm to person or property because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap. Malicious harassment is a Class C felony.
<b>West Virginia</b>	<b>A.</b> If any person does by force, threat of force, or willfully injure, intimidate or interfere with another in the free exercise of any right secured to him or her by the Constitution or laws of West Virginia or the US, because of such other person's race, color, religion, ancestry, national origin, political affiliation or sex, he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both. <b>B.</b> If any person conspires with another person or persons to willfully injure, oppress, threaten, or intimidate or interfere with any citizen because of such other person's race, color, religion, ancestry, national origin, political affiliation or sex in the free exercise of any right secured to him or her by the Constitution or laws of WV or the US, and in willful furtherance thereof to assemble with 1 or more persons for the purpose of teaching any technique or means capable of causing property damage, bodily injury or death, each person shall be guilty of a felony, and upon, conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.

<b>Wisconsin</b>	If a person intentionally selects another or selects the property that is damaged or otherwise affected in whole or in part because of the belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person, or the owner or occupant of that property, whether or not the belief or perception was correct: the person shall be subject to: for Misdemeanors other than a class A misdemeanor, the revised maximum fine is \$10,000 and the revised maximum period of imprisonment is one year in the county jail; for class A misdemeanors, the penalty increase changes the status of the crime to a felony and the revised maximum period of imprisonment is 2 years; or if the crime is a felony, the maximum fine may be increased by not more than \$5,000 and the maximum period of imprisonment may be increased by not more than 5 years.
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**APPENDIX D**

**KNOWN HATE AND PATRIOT  
GROUPS IN KENTUCKY**

## Hate Groups in Kentucky

<b>Group</b>	<b>Location</b>
Fellowship by God's Covenant People	Burlington
Council of Conservative Citizens	Casey Creek
Imperial Klans of America	Dayton
Imperial Klans of America	Hillview
League of the South	Lebanon
Confederate Knights of the KKK	Lexington
Lord's Work	Louisville
Imperial Klans of America	Powderly

Source: Southern Poverty Law Center Website ([www.splcenter.org](http://www.splcenter.org)).

## Patriot Groups in Kentucky

<b>Group</b>	<b>Location</b>
Take Back Kentucky	Clarkson
United States Citizens' Militia	Edmonton
Free Kentucky	Lebanon
Constitution Party	Louisville
Kentucky State Militia	Nicholasville

Source: Southern Poverty Law Center Website ([www.splcenter.org](http://www.splcenter.org)).



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