March 13, 2017

Via Regular and Electronic Mail

Governor Matt Bevin
700 Capital Avenue, Suite 100
Frankfort, Kentucky 40601
governor@ky.gov

Re: Veto H.B. 14, “Blue Lives Matter” Bill

Dear Governor Bevin:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we urge you to veto H.B. 14, which would extend Kentucky’s hate crimes statute to cover peace officers and other first responders. While LDF supports efforts to advance policing practices that ensure the safety and wellness of both law enforcement and the communities they serve, H.B. 14 is a profoundly inappropriate and misguided proposal for the reasons detailed below.

I. Hate crimes law are intended to address crimes motivated by a person’s status as a member of a historically persecuted group.

Hate crimes are correctly understood as crimes motivated by a victim’s status as a member of a historically persecuted or discriminated-against group. Kentucky’s hate crimes law currently reflects this understanding: It enhances sentencing for certain crimes motivated by the race, color, religion, sexual orientation, or national origin of the victim.1 Congress,2 states,3 the law enforcement community,4 and prosecutors5 share this understanding of the essential nature of a hate crime as one that is motivated by historically entrenched societal biases against individuals or groups. Peace officers and other first responders simply do not suffer from the broad or historical societal discrimination similar to that suffered by the individuals and groups covered by

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1 KY. REV. STAT. ANN. § KRS 532.031 (2017).
Kentucky’s existing hate crimes statute and which have been the predicate for enacting hate crime statutes. The groups covered by Kentucky’s hate crimes statute bear a legacy of violence that is deserving of heightened protection—a protection that would be diluted if groups that do not bear this legacy are included within its coverage.

Indeed, broadening hate crimes protections should be based on evidence demonstrating a need for greater protection. Nationally, there has been a continuing decline in the number of officers killed in the line of duty. Additionally, there does not appear to be a statistical showing of a need for heightened legal protection of police officers in Kentucky. FBI statistics show that six officers have been feloniously killed in Kentucky between 2006 and 2015. While the loss of one first responder is too many, the killing of six officers over nine years does not justify extending Kentucky’s hate crime law to peace officers or first responders.

II. Kentucky law already confers ample protection to law enforcement.

Extending hate crimes protection to law enforcement officers needlessly duplicates Kentucky law that already establishes special offenses and enhanced criminal penalties for crimes of violence against officers. The Kentucky penal code expressly addresses killings or assaults against peace officers and first responders in numerous provisions.

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7 The hate crimes provision of the Civil Rights Act of 1968 was passed by Congress in response to widespread attacks on African-Americans attempting to vote, attend school, apply for employment, and engage in other federally-protected activities. See S. REP. No. 90-721, at 1838-39 (1967). The record leading up to the passage of the Hate Crimes Prevention Act cited FBI statistical evidence showing a copious number of hate-based attacks nationally on protected groups. See H. REP. No. 111-86, at 5 (2009).


III. H.B. 14 is polarizing, harms community-police relations, and does not improve officer safety or wellness.

H.B. 14 threatens to sow division between police and communities and does nothing to improve officer safety or wellness. This bill comes at a moment when our country is in the throes of a national policing crisis. Using hate crimes laws that have historically been developed to give protection to people of color from distinct forms of violence motivated by prejudice, including police violence, is a particularly disconnected and non-responsive policy choice. H.B. 14 also perpetuates a false narrative that police are under attack and exploits the activism of grassroots movements, such as Black Lives Matter, which advocate for policing reform and seek to protect and advance the civil and human rights of victims of police misconduct. Undermining police-community relations in this manner ultimately threatens the safety of both officers and communities. To be sure, the response to this bill has been extremely polarizing.11

Finally, H.B. 14 is not a serious proposal. It does nothing to meaningfully advance officer safety and wellness. It does not call for support services, de-escalation training, improved safety measures, improved supervision, or any of the other multiple measures available to Kentucky's first responders that are widely accepted as promoting safety.12

For the reasons summarized above, we urge you to veto H.B. 14.

Sincerely yours,

Todd A. Cox
Director of Policy

Monique Dixon
Deputy Director of Policy

Sonia Gill Hernandez
Policing Reform Policy Counsel

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As of February 2017