

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.<sup>1</sup> Congress,<sup>2</sup> states,<sup>3</sup> the law enforcement community,<sup>4</sup> and prosecutors<sup>5</sup> 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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<sup>1</sup> KY. REV. STAT. ANN. § KRS 532.031 (2017).

<sup>2</sup> See H. REP. NO. 111-86 at 5 (2009); H. REP. NO. 110-13 at 2, 5-6, 10-13 (2007).

<sup>3</sup> See ALLISON M. SMITH ET AL., CONGRESSIONAL RESEARCH SERVICE, STATE STATUTES GOVERNING HATE CRIMES (2016), <https://fas.org/sgp/crs/misc/RL33099.pdf>.

<sup>4</sup> See INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, HATE CRIME IN AMERICA SUMMIT RECOMMENDATIONS (1998), <http://www.iacp.org/ViewResult?SearchID=140>.

<sup>5</sup> See AMERICAN PROSECUTOR’S RESEARCH INSTITUTE, National District Attorneys’ Association, A LOCAL PROSECUTOR’S GUIDE FOR RESPONDING TO HATE, [http://www.ndaa.org/pdf/hate\\_crimes.pdf](http://www.ndaa.org/pdf/hate_crimes.pdf).

Kentucky's existing hate crimes statute and which have been the predicate for enacting hate crime statutes.<sup>6</sup> 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.<sup>7</sup> Nationally, there has been a continuing decline in the number of officers killed in the line of duty.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

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<sup>6</sup> See e.g., Civil Rights Act of 1968, Pub. L. No. 90-284, §101, 82 Stat. 73, 73 (1968); Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, §280003, 108 Stat. 1796, 2096 (1994); Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, Pub. L. No. 111-84, §§4701-4713, 123 Stat. 2190, 2835 (2009)[hereinafter Hate Crimes Prevention Act].

<sup>7</sup> 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).

<sup>8</sup> See Press Release, Federal Bureau of Investigation, FBI Releases 2015 Statistics on Law Enforcement Officers Killed and Assaulted (Oct. 18, 2016), <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2015-statistics-on-law-enforcement-officers-killed-and-assaulted>.

<sup>9</sup> FEDERAL BUREAU OF INVESTIGATION, LAW ENFORCEMENT OFFICERS FELONIOUSLY KILLED, [https://ucr.fbi.gov/leoka/2015/tables/table\\_1\\_leos\\_fk\\_region\\_geographic\\_division\\_and\\_state\\_2006-2015.xls](https://ucr.fbi.gov/leoka/2015/tables/table_1_leos_fk_region_geographic_division_and_state_2006-2015.xls).

<sup>10</sup> See KY. REV. STAT. ANN. § KRS 508.160 (2017); KY. REV. STAT. ANN. § KRS 508.025 (2017); KY. REV. STAT. ANN. § KRS 439.3401 (2017); KY. REV. STAT. ANN. § KRS 532.047 (2017); KY. REV. STAT. ANN. § KRS 532.025 (2017).



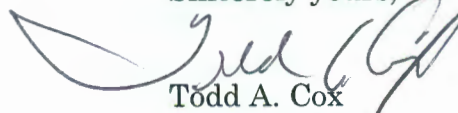
III. H.B. 14 is polarizing, harms community-police relations, and does not improve officer safety or wellness.

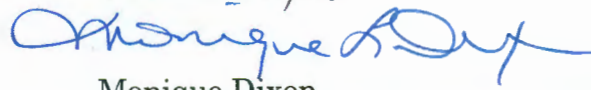
H.B. 14 threatens to sow division between police and communities and does nothing to improve officer safety or wellness. This bill comes at a moment when our country is in the throes of a national policing crisis. Using hate crimes laws that have historically been developed to give protection to people 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.<sup>11</sup>

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.<sup>12</sup>

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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<sup>11</sup> See Ryland Barton, *Amid Protests, 'Blue Lives Matter' Bill Passes Kentucky House*, WFPL (Feb. 13, 2017), <https://wfpl.org/amid-protests-blue-lives-matter-bill-passes-state-house/>.

<sup>12</sup> See e.g., PRESIDENT'S TASKFORCE ON 21ST CENTURY POLICING, FINAL REPORT OF THE PRESIDENT'S TASKFORCE ON 21ST CENTURY POLICING 61-68 (May 2015), [https://cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](https://cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf).

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