



March 10, 2017

The Honorable Matt Bevin  
700 Capital Avenue, Suite 100  
Frankfort, Kentucky 40601

### Veto House Bill 14

Dear Governor Bevin:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we write to express our opposition to Kentucky's House Bill (H.B.) 14, often referred to as the "Blue Lives Matter Law." H.B. 14 would make it a hate crime to threaten, harass, assault, or engage in disorderly conduct toward police officers, firefighters, or emergency medical personnel. The Leadership Conference supports efforts to advance fair policing practices that ensure the safety and wellness of both law enforcement and the communities they protect, but H.B. 14 is duplicative of Kentucky's current law. In addition, H.B. 14 perverts the original intent and importance of hate crimes legislation. The passage of H.B. 14 would also undermine efforts to improve relations and rebuild trust and cooperation between law enforcement and the communities they serve, especially communities of color. Finally, H.B. 14 also damages the progress Kentucky and our country have made to reduce incarceration and reform the justice system.

Violence against any person, including our law enforcement officers, is unacceptable, which is why it is already a serious crime to threaten or use force against police officers. All 50 states already impose harsh penalties for assaulting or killing a police officer.<sup>i</sup> The Kentucky penal code expressly addresses killings or assault against police officers in numerous provisions. For example, injuring or attempting to injure a peace officer is a Class D felony.<sup>ii</sup> Additionally, offenders who have been convicted of killing a peace officer, while the victim was acting in the line of duty, cannot be released on probation or parole until he or she has served "at least eighty-five percent (85%)" of the sentence.<sup>iii</sup> Prosecutors can also seek the death penalty for those who kill a police officer. Therefore, extending hate crimes protection to law enforcement officers needlessly duplicates Kentucky law.

Moreover, establishing a hate crime for violence against police officers perverts the original intent behind hate crime laws. Hate crime laws have been intended to protect individuals and communities who have certain immutable characteristics or have experienced a "long legacy of violence, intimidation, and discrimination."<sup>iv</sup> Thus, such laws address crimes motivated by, for example, the race, color, national origin, religion, sexual orientation, gender, gender identify, or disability of the victim. A chosen profession, no matter how admirable, is not an immutable characteristic, and law enforcement officers do not suffer the kind of discrimination that individuals currently protected under hate crime laws experience.

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Any decision by Kentucky to broaden existing hate crimes protections should be based on evidence demonstrating a need for greater protections. Thus far, there has been no evidence that police officers in Kentucky are vulnerable to the same bias and discrimination as individuals and groups who have been systematically deprived of civil rights or equal treatment due to their status as a member of a minority group. In fact, the number of officers in Kentucky killed in the line of duty has continuously declined. Assault has taken the lives of only 16 officers in Kentucky since 1791, with zero deaths by assault in 2016.<sup>v</sup> Additionally, only six officers have been feloniously killed in Kentucky between 2006 and 2015.<sup>vi</sup> The killing of six officers in nine years does not justify the expansion of Kentucky's hate crime statute.

The designation of "hate crime" gives judges in Kentucky more discretion in denying probation and parole boards more discretion to deny parole, making it harder for those who are deserving and low-risk to be released under supervision. This, combined with stricter sentences for those who commit crimes against police officers, will increase Kentucky's already growing prison population and exacerbate a prison system that is already over-capacity.

The passage of H.B. 14 could also result in hundreds of new offenses and undermines Kentucky's efforts to address over-criminalization and over incarceration by reforming the justice system. Moreover, the language of H.B. 14 raises concerns that the legislation could disproportionately affect people of color and protestors exercising their first amendment right to free speech. Instead of heightening tensions between police officers and communities of color, we should focus on improving police-community relations, and in particular, we should advance the recommendations put forth by the President's Task Force on 21<sup>st</sup> Century Policing, which include trainings and best practices for community policing to promote officer safety.<sup>vii</sup>

The passage of H.B. 14 will not further protect our men and women in blue, and we urge you to reject and veto this bill. If you have any questions, please feel free to contact Sakira Cook, Counsel, at [cook@civilrights.org](mailto:cook@civilrights.org) or (202) 263-2894 or Leslie Paluch, Policy Fellow at [paluch@civilrights.org](mailto:paluch@civilrights.org) or (202) 263-2853.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President

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<sup>i</sup> See Anti-Defamation League, *Statutes Providing Enhanced Penalties for Crimes Against Police* (2016).

<sup>ii</sup> See [KRS 508.025\(1\)\(a\)\(1\)](#)

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<sup>iii</sup> See [KRS 439.3401\(3\)\(b\)](#)

<sup>iv</sup> Bernie Auchter, “Study of Literature and Legislation on Hate Crime in America,” National Institute of Justice, March 31, 2005 available at <https://www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf>.

<sup>v</sup> Office Down Memorial Page, available at

<https://www.odmp.org/search?name=&agency=&state=Kentucky&from=1791&to=2017&cause=Assault&filter=all>

<sup>vi</sup> Federal Bureau of Investigation, Law Enforcement Officers Feloniously Killed, 2006-2015, available at

[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>vii</sup> Final Report on the President’s Task Force on 21<sup>st</sup> Century Reporting, May 2015, available at

[https://cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](https://cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf)