

Bias and Bigotry in Kentucky

Perceptions from: Louisville, Lexington, and Bowling Green

Kentucky Advisory Committee to the United States Commission on Civil Rights

A Summary Report

September 1997

This summary report of the Kentucky Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the briefing meetings where the information was gathered.

The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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Letter of Transmittal

Kentucky Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission

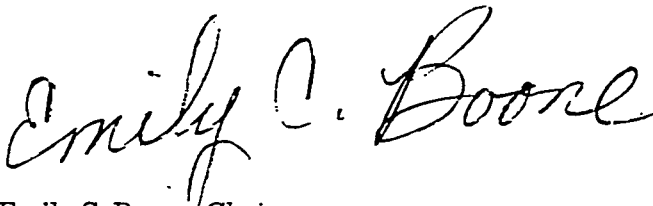
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Attached is the summary report of the edited transcripts of a series of three briefing meetings held by the Kentucky Advisory Committee in Louisville, Lexington, and Bowling Green, on racial tensions in Kentucky.

The Advisory Committee is troubled by the refusal of some of the public officials, white and black, in all three cities to participate in the briefing meetings and to respond to letters requesting responses from Bowling Green officials. There was a general consensus among briefing meeting participants that, while racial tensions in recent years have proven to be less volatile in the State, they, nevertheless, remain severely problematic. Perceptions of alienation, fortified by isolation and exclusion based on race, were the order of the day in all of the briefing meetings.

Although the information provided does not result from an exhaustive review, it will be of value to the Committee for further program planning, and we hope it will be of interest to the Commissioners.

Respectfully,

A handwritten signature in cursive script that reads "Emily C. Boone". The signature is written in black ink and is positioned above the typed name and title.

Emily C. Boone, *Chairperson*
Kentucky Advisory Committee

Kentucky Advisory Committee to the U. S. Commission on Civil Rights

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Acknowledgments

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Executive Summary

This report on bias and bigotry in Kentucky is based on three briefing meetings sponsored by the Kentucky Advisory Committee to the U.S. Commission on Civil Rights. The statements and viewpoints reported solely represent the opinions of those participating in the briefing meetings. This Executive Summary reflects the Advisory Committee's consensus views of the nature of bigotry and related violence in Kentucky; factors influencing bigotry and related incidents, including official responses to such incidents; and, suggestions for mitigating the underlying causes of bigotry and related violence.

The Nature and Characteristics of Bigotry-Related Incidents

1. The Committee finds the deliberate targeting of middle and high school students as recipients of hate materials to be particularly disturbing. In all three community briefing meetings, information was presented to indicate that hate materials are being distributed near schools. In Bowling Green, information also was presented that hate materials and symbols have appeared on school grounds. Equally disturbing was the apparent absence of school-based programs or any other efforts to respond to these incidents or to nurture positive race relations.
2. Information presented suggests persistence of discriminatory decisionmaking and activities in the areas of economic development, including access to credit, rental housing, and employment opportunities. The persistence of these conditions leads to race-based economic exclusion in these communities.
3. There appears to be an expansion in the groups targeted for bigotry-related violence (e.g., Jews, Asians, African Americans, interracial couples, black-on-white, white-on-black). The increasing numbers of new eth-

nic minorities (e.g., Vietnamese refugees in Louisville, Asians in Lexington, Hispanic migrant workers in Bowling Green) appears to trigger increased bias and bigotry related incidents.

The Role of Public Officials

1. Public officials should take leadership roles and acknowledge the existence of a social climate that enables bigotry-related incidents and violence to occur. When it occurs, officials should provide effective responses. There also appears to be an effort to ignore or explain away incidents that have a clear origin in bigotry. This effort is evidenced by:
 - a. The failure of State and local officials to respond promptly and to the fullest extent of the law to bias and bigotry related violence.
 - b. The absence of official uniform programs designed to track and evaluate the number and characteristics of bias and bigotry related violence is problematic.
 - c. The existence of police procedures (e.g., stopping individuals who "fit a profile" or, who appear to be in neighborhoods where "they don't belong") that contribute to poor relationships with minorities. This appears to increase inter-group tensions within communities.
 - d. In university communities, the absence of a working relationship between the university and local police departments to monitor and share information about bigotry-related incidents.
 - e. The failure of boards of education to take into account cultural diversity issues in curriculum development.

Other Factors Contributing to Bias and Bigotry Related Incidents

1. Few educational programs and materials to assist children and youth in understanding racial and ethnic relations in a democratic society or to understand the history of racial and ethnic relations in American society.
2. Lack of media attention to the existence, diversity, and character of bigotry-related incidents which contributes to the lack of knowledge about the state of intergroup relations within the community.
3. The failure to initiate, nurture, and maintain channels of communication among racial, ethnic, and economic groups and citizens and local officials that could serve as mechanisms for defusing potentially volatile situations.

Suggestions for Community to Mitigate the Factors Underlying Bigotry-Related Violence

1. Local officials, private organizations, and citizens need to:
 - Recognize the concerns, fears, needs, and interests of racial and ethnic minorities in their communities and the sense of disenfranchisement from local decisionmaking that deepens these concerns.
 - Recognize the existence of racial, ethnic, religious; and other types of bias and bigotry related beliefs and attitudes that contribute to a climate of intolerance that can breed bias and bigotry related violence.

- Develop a broad range of programs and activities to foster better inter-group relations, with efforts beginning in the earliest grades to address bias and bigotry related incidents and violence among youth of all races and ethnic groups.
 - Foster a long-term commitment to nurturing tolerance of diversity within their communities.
 - Sponsor and coordinate prejudice-reduction workshops for public agencies, public employees, and private organizations.
2. Local officials need to fully fund human relations commissions to provide an identifiable agency with the following responsibilities:
 - To receive and investigate complaints of bigotry-related incidents that do not meet criminal statutes;
 - To monitor trends in the number and characteristics of bigotry-related incidents;
 - To gather data from community institutions, such as universities, as to the number and characteristics of bigotry-related incidents.
 3. Local officials need to explore the benefits of establishing police-community relations boards as well as other types of nonprofessional ties with minority communities to improve police-minority community relationships.
 4. State officials need to revisit the adoption of a uniform hates crime bill modeled after that adopted by the Louisville Board of Aldermen.

Demographic Trends in Kentucky: An Overview

Kentucky's population remains predominately white despite changes in the racial composition of the Nation's population. In 1990, 293,464 minorities lived in Kentucky, representing 8 percent of the population. While this is the largest absolute number of minorities in the history of the Commonwealth, the proportion of minorities has only increased slightly in recent years. The largest minority group in Kentucky is African Americans, who account for 7.1 percent of the total population and 90 percent of all minorities. The remaining minority population is composed of 6 percent Asian or Pacific Islanders, 2 percent Native American (American Indian, Eskimo, or Aleutian), and 2.4 percent are other racial categories. The total number of minorities who are not African Americans accounts for less than 31,000 of Kentucky's population (appendix A, table 1). In addition to the minority population, there were 21,984 Hispanics (of any race), primarily Mexicans, in Kentucky in 1990.¹

Regional Variations

Thirty-six of Kentucky's counties are over 99 percent white and only five counties have minority populations over 15 percent (Jefferson, Fayette, Christian, Hardin, and Union). The largest number of African Americans live in Jefferson (113,435), Fayette (30,143), Christian (16,929), and Hardin (9,914). Together, these four counties comprise 65 percent of Kentucky's African American population.² These counties are either metro-

politan core counties (Jefferson, Fayette) or host a major military base (Christian, Hardin).³

In 1900, 13.3 percent of the population of Kentucky were minorities. During the early part of this century, the minority proportion declined steadily until it reached a low of 6.9 percent in 1950. Since that time, the proportion of minorities in Kentucky has increased to a modern-day high of 8 percent in 1990. Despite the slow increase in the proportion, the absolute number of minorities is the largest in recorded history, exceeding the 284,865 minorities in 1900. Recent increases in the number of Asian Americans have contributed to the growth in the minority population, primarily through in-migration.⁴

Between 1900 and 1950, the African American population declined by 4 to 10 percent per decade. The turnaround for the African American population began in 1950. From this time, the African American population increased 7.0 percent during the fifties, 6.9 percent during the sixties, 12.4 percent during the seventies, and 1.3 percent during the eighties.⁵

Over time there have been dramatic changes in the African American population for particular counties and regions. For example, several eastern Kentucky counties experienced rapid increases in African Americans during the early 1900s due to recruitment by coal mine operators. In Harlan county, there were only 564 African Americans in 1910, but by 1920 the number had increased to 2,901. The number of African Americans increased steadily over the next two decades

1 University of Kentucky, Department of Sociology, Population Laboratory, *Racial Trends in Kentucky*, p. 1 (September 1992) (hereinafter cited as KY Racial Trends 9/92).

2 KY Racial Trends 9/92, pp. 1-2.

3 Ibid, p. 5.

4 Ibid, p. 2.

5 Ibid, p. 3.

to a peak of 7,534 in 1950, but since then, the number has steadily decreased until only 1,212 African Americans remained in 1990. Bell, Letcher, and Pike counties experienced similar trends in their African American populations during the same time period.⁶

Today, most African Americans in Kentucky live in urban areas, as do most other minorities. As a result, rural areas of Kentucky, particularly those that are not near urban areas, are least likely to have minority populations.⁷

These demographic trends indicate that, in Kentucky, racial diversity is not as pronounced as in other parts of the country. Indeed, in many rural counties, the minority population is so small that individuals can spend most of their lives

without encountering someone of another race. Yet it is also true that in the last four decades, the absolute number and the proportion of minorities has been increasing, reversing a long-standing decline. Moreover, the composition of the minority population is changing. Asians represent a growing share of the minority population, and the number and proportion of Hispanics has also increased dramatically.⁸ If we assume that demographic shifts in the composition and distribution of racial and ethnic minorities are a factor in racial tensions and violence, then these trends suggest the potential for bias and bigotry in Kentucky will grow as whites and minorities encounter each other more frequently and in more aspects of their daily lives.

6 Ibid, p. 4.

7 Ibid, pp. 4-5.

8 Ibid, pp. 4-6.

Bias and Bigotry in Kentucky

Background Information

Bias and bigotry related harassment, violence, and intimidation is a growing national problem with no easy solution. It is not limited to any particular region or class of people. Human rights organizations and justice agencies report that hate violence has increased to crisis proportions, with bias related shootings, assaults, murders and cross burnings recorded in 40 States and the District of Columbia during the last decade. The lack of systematic reporting procedures has made it difficult to determine the extent to which such activities may be increasing. Passage of the Federal Hate Crimes Statistics Act⁹, which requires such reporting, should make it easier to define more precisely the nature of the problem. The Klanwatch Project of the Southern Poverty Law Center in Montgomery, Alabama, noted that we have in our midst the most violent group of white supremacists this country has seen in a quarter century—neo-Nazi Skinheads. They have been responsible for the worst racial assaults that have occurred in the past 2 years. Skinheads and those who share their cult of violence are part of the nightmarish outcome of a trend toward militancy and violence that has been growing among white supremacists during the 1980s.¹⁰ Although the efforts of organized white supremacists failed for the most part, some dangerous developments of the 1980s have been sustained: the geographical expansion of the white supremacist movement; the use of cable technology to spread the radical racist message; the development of a “religion” that endorses white supremacy; the indoctrination of youth in extreme racism; and the general rise in hate violence throughout the coun-

try.¹¹ Media reports also point to embattled farm communities as fertile recruiting grounds, and the Internet has become a new international source for the dissemination of hate materials.

However, not all bias and bigotry related incidents are related to organized efforts. Incidents are often the work of individuals or small groups who have no known ties to local or national organizations. Some incidents result from spontaneous clashes between neighborhood groups or students. Nor are all such incidents physical in nature. Verbal abuse, harassment, intimidation and lack of equal opportunity sometimes result in even more harmful psychological and economic damage.

In the process of collecting background information, the Kentucky Advisory Committee interviewed 12 people throughout Kentucky. Those interviewed included State legislators and representatives from educational institutions, human rights agencies, industry and community-based organizations. In Kentucky, as in the rest of the nation, bias-related incidents are not limited to any particular region of the Commonwealth. The Louisville-Jefferson County Human Relations Commission reported 21 incidents of neighborhood racial violence within its jurisdiction in fiscal year 1990. These incidents included racial harassment and intimidation and other forms of violence such as cross burnings and arson fires in black churches. Other incidents reported throughout the State involved racially-motivated fights among students, racial slurs made by public officials and a controversial police shooting of a black man.

Two bills seeking legislation against hate crime, bias related offenses and capital sentenc-

9 28 U.S.C. § 534 note (Supp. V 1993).

10 The Southern Poverty Law Center, *Klanwatch Intelligence Report*(December 1989/#47), p. 1. (Hereinafter cited as *Klanwatch Report*)

11 *Klanwatch Report*, p. 22.

ing have been introduced to the General Assembly since 1990. One is Senate Bill 225¹², sponsored by State Senator Gerald Neal, failed by one vote to receive approval in the 1990 legislative session. In 1992, Senate Bill 8, ¹³an act sponsored by Senator Neal relating to bias related conduct passed along with a floor amendment filed to it. That bill calls for keeping statistics on biased crime, the training of police, and for a study by the Justice Cabinet and the Department of Public Advocacy to present to a future General Assembly. By 1996, both Lexington and Louisville¹⁴ created ordinances requiring the reporting of bias-related crimes in a manner that would complement the Federal Hate Crimes Statistics Act.¹⁵

Briefing Meetings

In 1992, the Kentucky Advisory Committee to the U.S. Commission on Civil Rights sponsored briefing meetings in Louisville, Lexington, and Bowling Green, Kentucky, to provide an opportunity for citizens and officials to present their perspectives on this issue. Letters of invitation were sent to local public officials (e.g., mayors, chiefs of police, superintendents of the local school districts) and representatives of community organizations with an interest in civil rights and human relations (e.g., churches, Human Rights Commission, local chapters of the National Conference of Christians and Jews (now known as The National Conference)). In addition, local media were notified of the forums, and notices were placed in the local newspapers. A diverse group of public officials, organizations, and individuals participated in these forums, providing compelling informa-

tion on bias and bigotry related harassment, violence, and intimidation in their respective communities.

Louisville Briefing Meeting May 13, 1992

Louisville is the largest metropolitan area in Kentucky, representing 20 percent of the State's total population. While the metropolitan area is comprised of three counties, the focus of the public forum is the central county, Jefferson, whose 664,937 persons represent 89 percent of the metropolitan area's population. Eighteen percent of Jefferson county's population is non white: 15 percent are African American, 0.7 percent are Hispanic, and 1.5 percent are foreign born. While 22 percent of the county's white population is under the age of 18, within the minority population, 28 percent is under the age of 18. Whites are more likely to have a high school diploma than blacks (75.8 vs. 64.3 percent), while blacks have a higher rate of poverty than whites (34.3 vs. 9.3 percent of all persons).

Among white family households, eight out of ten are married couples, and 43 percent of these married couples have children. Among black family households, 44 percent are married couples, and 48 percent of these married couples have children. Fifteen percent of white family households are single mother families and nearly half have dependent children. One half of the black family households are single parent families and more than two thirds have dependent children. Black families are more than five times as likely

12 KY Senate Bill 225, sponsored by Senator Gerald Neal, was intended to prevent racial bias in capital sentencing, failed by one vote due to opposition on the Senate Judiciary Committee. A substitute was filed calling for two State agencies to study the issue to have an independent study done. That passed in the Senate, but the House Chair of the Judiciary Committee refused to waive a 3-day posting rule and the bill was not acted upon and died in the committee.

13 KY Senate Bill 8, sponsored by Senator Gerald Neal, is now a law in the State of Kentucky, specifying that the State provide a unit of training relating to identifying, responding to, investigating and reporting bias-related crimes, and bias-related crimes related to race, color, religion, sex or national origin, and includes attempts to victimize or intimidate another due to those foregoing reasons.

14 Louisville Code of Ordinances, Ordinance 281, passed 11/12/91, effective 2/10/92. Sponsored by Alderman Bather (see app. B, pp. 32-41).

15 See footnote 9.

to be in poverty as white families (32.0 vs. 6.8 percent). Whites are more likely than blacks to be home owners (68.9 vs. 42.3 percent), and the value of white-owned homes is nearly twice that of black owned homes (\$74,613 vs. \$39,919). Similarly, white renters pay an average of \$318 while black renters pay an average of \$222 month¹⁶ Other socio-demographic characteristics of Jefferson County can be found in appendix A.

Paul Bather, Alderman, Board of Aldermen, Louisville

Mr. Bather is the author and sponsor of Louisville's Hate Crimes Ordinance,¹⁷ which has recently been declared constitutional in an opinion issued by the Attorney General of Kentucky. However, a similar ordinance adopted by St. Paul, Minnesota, is currently being reviewed by the U.S. Supreme Court. Louisville's Hate Crimes Ordinance is not a criminal ordinance, but a civil ordinance. It calls for actual civil penalties and permits victims to receive compensation for actual damages as well as mental distress. Moreover, a victim of assault, battery, emotional distress, or property damage may lodge a complaint with the Louisville Human Relations Commission (HRC). Under this ordinance, the HRC is granted civil court powers to appoint an individual who is a judge or has the qualifications to be a judge to conduct a "trial type" hearing on the complaint and is granted the power to assess damages. Also, the HRC's membership is expanded to insure representation from all city wards.

Mr. Bather stated that he feels that it is important to continue to legislate in this area to send the message that the community will not tolerate violence of any sort, and that there is a civil administrative remedy that would provide opportunities for victims to recover damages for any losses they might incur. He recommended that a similar ordinance be adopted statewide.¹⁸

Dr. Joseph McMillan, Chair, Kentucky Rainbow Coalition

Dr. McMillan began by defining the difference between bigotry and racism. He stated that bigotry only means sticking to an opinion, a belief, without reason [and that] prejudice is a prejudgment based on race. He looks upon racial stereotypes as an attitude. He says racism is an act [action]. He stated that when you look at the history of violence in the U.S., your looking at a history of institutional racism and oppression. His comments also focused on violence. "Violence comes in many forms, there's institutional violence, international violence, personal violence... So violence and oppression and violence and racism go hand in hand . . ."

He has worked at the University of Louisville (U of L) for 16 years (on the faculty for 5 years). He noted that the university trains all those who manage and administer all other institutions in society and it is at the university that affirmative action is being systematically dismantled. He illustrated facets of university life that reflect poor racial attitudes:

- a. The Confederate soldier statue on campus;
- b. An African American woman student living at Confederate Hall was the target of racial slurs from a football player and this led African American students to boycott classes;
- c. The U of L accepted a Fiesta Bowl bid despite an informal boycott by most universities due to Arizona's failure to adopt Martin Luther King's birthday as a State holiday;
- d. In the late 1970s, the U of L set a goal, not yet achieved, of having 11 percent of the student population come from African American community;
- e. The U of L does not approach the national average graduation rate for African American students;

16 U.S. Department of Commerce, Bureau of the Census, *Kentucky Population and Housing by Racial Group, 1990 Census*.

17 See footnote 14.

18 Presentation before the Kentucky Advisory Committee to the U.S. Commission on Civil Rights, briefing meeting, Louisville, KY, May 13, 1992, transcript, pp. 5-13. (Hereinafter cited as Louisville Transcript).

- f. The failure to graduate African American athletes in significant numbers; over 16 years, only 9 of 37 African American athletes received degrees;
- g. There are over 1000 faculty members at the U of L, but in his 16 years there, the number of African American faculty has hovered between 20 to 35; and,
- h. African American faculty are denied tenure at a higher rate than white faculty.

He was asked to comment on the standards colleges and universities currently use to evaluate faculty performance, Dr. McMillan suggested that the tenure denial rates among African American faculty in Kentucky institutions should be examined.¹⁹

Reverend Patrick Delahanty, Director of Migration and Refugee Services, Catholic Charities, Louisville.

Reverend Delahanty noted that since assuming his current position in 1988, he has seen ample evidence of bigotry, prejudice, and violence against Southeast Asians and African Americans. He cited the following as examples:

- a. Many Southeast Asians resettled in two apartment complexes that are separated by several blocks of privately owned, typically white, homes. These homeowners demanded that the city close off street access to slow down speeders and prevent tractor trailers from cutting through their neighborhood streets. The city acquiesced and erected a gate, effectively limiting contact between the two apartment complexes housing Southeast Asians.
- b. Currently, there are 4,100 to 4,500 Southeast Asian refugees in Louisville. At the 700 unit Americana complex, about 100 units are occupied by Southeast Asian refugees. The

welfare dependency rate for all refugees, regardless of time in America, is about 25 percent, compared to 50 percent or more in most other cities of resettlement.

- c. A few years ago, a young white woman was attacked by several Vietnamese males. At the time, the arresting police officer stated that this incident was similar to several others that had occurred at parties of all races with heavy drinking that weekend. Yet, a white resident of the apartment complex called a newspaper reporter and stated that this was another example of the refugees "terrorizing" white residents of the apartment complex.

Rev. Delahanty did note that some good things are happening. A task force has been formed to address the needs of the people in these apartment complexes who typically are low income and from diverse ethnic backgrounds. Moreover, the local public school is using the entry of diverse ethnic groups as a learning opportunity for all students.

A key problem he cited is that Louisville doesn't recognize that it is becoming culturally diverse and, therefore, is not adjusting to the real problems and needs that arise from this diversity. For example, social service agencies do not provide funding for translators. This places refugees at a disadvantage in accessing social services.

Finally, he raised a concern as to the presence of racial bias in the application of the death penalty. A survey conducted in October and November of 1989 the Urban Research Institute at the U of L, found that 92 percent of Kentuckians want a guarantee that racial bias is not a factor in capital sentencing, and I think it is safe to presume that the majority of citizens of Kentucky believe that racial bias does not play a role.²⁰ A bill to study this issue further was defeated in 1990, but passed in 1992.²¹

¹⁹ Louisville Transcript, pp. 13-28.

²⁰ Ibid, pp. 28-50.

²¹ See footnotes 12-13.

**Edward Douglas Hamilton,
Chief of Police, Louisville.**

Chief Hamilton began by describing the tracking system for "bigotry-related incidents" within the Louisville Police Department. He defined a bigotry-related incident as "an attack, a threatened or attempted act which constitutes an expression of hostility toward a person because of their race, ethnic origin, or sexual orientation."

He noted that new recruits are trained to cross-reference factors that may lead to a conclusion that an incident is bigotry-related. Such factors may include: victim claims; the use of words, acts, or symbols that have historically been associated with bigotry-related incidents; the timing of the event around significant dates; the victim and the offender are of the same or different groups; etc. However, training of currently employed officers on these factors has not yet been initiated.

In the past year, there were 30 documented bigotry-related criminal acts and other incidents preceded by verbal slurs, however the actual incidents were not defined as bigotry-related crimes. Twenty-five of these incidents were racially based, and two others involved bias based on religion/gender.

In response to a question regarding the increased demands for staffing to implement the tracking system, Chief Hamilton said that since the department already had a computer-based management system, implementing this program simply involved developing additional categories for information.

Chief Hamilton also noted that the department had hired more minority officers in the last 18 months than they had in the prior three years.

In response to a question concerning citizen complaints of brutality by police officers, he stated that the number of citizen complaints increased by 39 percent in the last year, and the police administration disposition of these cases validating citizen complaints increased by 100 percent. Approximately 4 percent of the complaints related to excessive use of force by police officers.²²

**Shelby Lanier, President,
NAACP, Louisville**

Mr. Lanier began by stating that in addition to having served as the President of the Louisville NAACP for the past 4 years, he has also served as a police officer for the past 30 years with the Louisville Police Department (retired February, 1992). He further noted that he is past chair of the National Black Police Officers Association.

Mr. Lanier indicated that in May 1972, he helped form the Louisville Black Police Officers Organization in response to both discriminatory practices within the police department, and the discriminatory treatment of the African American community by the police. He commented that when the police abuse African Americans, the consequences [i.e., distrust, mistrust, alienation, etc.] affect African American officers, to a greater degree, than white officers. The solution to police abuse of powers, he argued, must come from the top administrators of the police department and the city.

When the Black Police Officers Organization formed in 1972, they sent a letter to the mayor (Mayor Frank Burke) requesting that five action items be implemented. To date, they still have not been enacted:

1. The practice of charging victims of auto theft for towing cars and impounding them in police lots be ended since this was penalizing the victims for being victims;
2. Establish a recruitment department with a black director;
3. Establish a community relations department with both black and white commanders;
4. Involve black officers and civilians in investigations of harassment complaints; and,
5. Establish a Civilian Review Board.

Mr. Lanier expressed the following concerns regarding police-community relations today:

²² Ibid, pp. 50-64.

- a. A high number of complaints of excessive force by police suggest the police are perceived as oppressors in minority communities;
- b. There have been numerous complaints of failure to provide adequate police protection in African American neighborhoods. This reflects a failure to exercise the moral authority of police to discover criminal activity, and leads to a sense that white officers' racism is leading to a "planned genocide of African Americans."
- c. The rise in complaints of selective enforcement, or a tendency to stop and harass African American males just because they are who they are.
- d. There appears to be a tendency to demote African American officers as a method of "forcing" retirement.
- e. There has been a failure to deal with the presence of KKK members on the police force.
- f. No administrative action has been taken against officers convicted of assaulting citizens.

Mr. Lanier called for the following actions:

- a. The mayor and chief of police must demand better performance from police officers and must take disciplinary action against officers found guilty of excessive use of force or harassment;
- b. There must be administrative support for officers who speak out about and act against police violence or abuse of powers; and,
- c. A real community relations board must be established, and it must include community involvement with the police department and police activities.

Finally, Mr. Lanier stated that in the seventies, the Black Police Officers Organization obtained a consent decree for greater hiring of black officers within the Louisville Police Department. During the years the consent-decree was in effect, for every two white recruits there would be one

black recruit. However, in 1988 when the consent decree ended, the recruit class had no blacks. Mr. Lanier then noted that during the years of the consent decree, the population of black officers was about 25 to 30 percent; today it averages around 13 percent.²³

Gwendolyn Young, Executive Director, Louisville-Jefferson County Human Relations Commission (HRC)

Ms. Young began by describing the 21-member commission appointed by the mayor of the city of Louisville and the Jefferson County judge-executive to investigate complaints of discrimination in housing and employment. The Commission is also mandated to: (1) work to prevent group polarization, (2) promote intergroup relations in the city of Louisville and in Jefferson county; and (3) investigate "acts of hatred" motivated by bigotry, which include: name calling, vandalism, threats, arson, graffiti, assaults, etc.

The bulk of the commission's efforts are directed at investigating charges of discrimination. Ms. Young provided a list of some recorded acts of hatred for the period 1988-1992:

- 1988—11 reported incidents including assaults, cross-burnings, and arson;
- 1989—9 reported incidents including assaults, arson, and racial slurs;
- 1990—10 reported incidents including assaults, arson, and cross-burnings;
- 1991—31 reported incidents including attacks on gays, and 25 incidents of African American teens attacking whites;
- 1992—during the first 4 months, 10 reported incidents including attacks by skinheads, attacks on gays, arson, and racial attacks.

Ms. Young noted further that when a bias-related incident is reported, the HRC will: (a) contact the victim, (b) contact law enforcement, (c) contact local government officials, and (d) contact local neighborhood leaders, civic leaders, reli-

²³ Ibid, pp. 64-96.

gious leaders, etc. in an effort to develop a climate of harmony.

Ms. Young concluded her comments by reporting that increased activity involving skinheads has emerged during the last year following distribution of literature by a group calling itself "White Warriors." This group appears to be targeting middle and high school students. In one case, they were actually distributing literature outside the school. The HRC is working with local school officials to prevent this type of activity from occurring on or near school property and, to encourage the development of in-school programs to counteract the effects of racism and bigotry.²⁴

Senator Gerald Neal, Representative, 33rd State Senatorial District.

Senator Neal is presently the only African American in the State Senate. Senator Neal indicated he feels that most members of the State legislature and, in fact, most white Kentuckians do not understand the reality of the problem of bias and hate crimes. He said that most Kentuckians do not come into daily contact with African Americans and so, it becomes easy to say that this is not a problem.

He then commented on the difficulties associated with attempting to pass a bill in 1990²⁵ calling for the reporting and investigating of bias crimes related to race, religion, and ethnic origin and, the training of law enforcement officials to recognize such crimes. The bill called for a Uniform Offense Report to contain an evaluation of these crimes²⁶ and for the development of a training unit by State police for new recruits on these crimes.²⁷

The legislature eventually passed a modified version of the original bill, but according to Sena-

tor Neal, several major points, listed below, were lost from the original version:

- A provision making housing discrimination a Class D felony;
- A provision increasing the penalties for bias-related crimes by creating significant civil penalties for punitive and actual damages as well as reasonable attorney fees; and,
- A provision for civil liabilities for parents whose children performed bias crimes.²⁸

The Senator concluded that the legislative response to the issue of bias crimes has not been forceful; rather meager, and laden with denial.²⁹

Myles McCabe, Executive Director, Peace and Justice Center, Archdiocese of Louisville

Mr. McCabe began by stating that we do live in a prejudiced and violent community, one that is marked by the absence of integrated neighborhoods. Therefore, he reasoned, people are isolated from each other producing fear of the unknown. Furthermore, persons in power in Louisville do not come from integrated multicultural settings and have no experience base for evaluating and acting in relationship to minority communities other than from their prejudices.

He acknowledged that there are *some* attempts to come together, citing groups such as NETWORK, Many People-One Community, and the Commission on Racial Justice which attempt to generate community discussion on racial issues. However, he concludes that little dramatic action has come from these groups.

Mr. McCabe stated that neither African American leaders nor white "leaders" are in touch with

24 Ibid, pp. 97-114.

25 Passed in 1992 as Senate Bill 8, sponsored by Senator Gerald Neal. See footnote 13.

26 KY. Rev. Stat. Ann. § 17.1523 (Michie Butterworth 1995).

27 KY. Rev. Stat. Ann. § 15.331 (Michie Butterworth 1995) (See footnote 13).

28 See footnote 25.

29 Louisville Transcript, pp. 114-25.

the poor of the community and consequently, the poor have no effective representation. He offered the following observations and suggestions for actions:

- **Schools**—Most white teachers are fearful of blacks, especially young black men and this influences their interactions with these students. The schools are not effective in providing equal education, and teachers need training in how to work with children from other racial and ethnic groups.
- **Housing**—Unless we have integrated neighborhoods, we cannot reduce bias. There needs to be financing for home ownership.
- **Police/Community Relations**—There needs to be a civilian review board and more comprehensive efforts at improving community relations.
- **Louisville-Jefferson County Human Rights Commission**—The HRC needs to be strengthened with more resources and an expanded scope of powers.³⁰

Fran Thomas, Executive Director, Kentucky Alliance Against Racist and Political Repression

As director of this multicultural organization for the past 9 months and as a resident of Louisville for 17 years, Ms. Thomas states: "I see Louisville as a slow smoldering volcano and the volcano is going to erupt in the west end." She feels the city is in denial about the potentially explosive atmosphere in the west end, refusing to admit to the anger of African Americans in this area. Recent racial remarks quoted in the *Courier-Journal* newspaper, made by the county sheriff and the lack of response to these remarks by other community leaders tend to exacerbate already poor race relations.

Ms. Thomas indicated that she felt the educational system is controlled by whites for whites, and labeled the current efforts at dealing with "cultural diversity" as a farce. She noted that the

Alliance is involved in organizing efforts to establish a Civilian Review Board for the police department.

In conclusion, she noted the lack of city investment in low income housing or urban renewal of the existing low income housing in the community represents another example of the blind eye to racial problems in the city.³¹

Lexington Briefing Meeting, August 19, 1992

Lexington, with a seven-county metropolitan area, is located in the central part of Kentucky and has 11 percent of the State's population. The public forum took place in Fayette, the central county of the Lexington metropolitan area. Fayette's 225,366 persons, represent 56 percent of the metropolitan area's total population. Just over 15 percent of Fayette county's population is minority, 1 percent is Hispanic, and 2.9 percent is foreign born. While 21 percent of the county's white population is under the age of 18, within the minority population, 31 percent is under the age of 18. Whites are more likely to have a high school degree than blacks (82.5 vs. 63.1 percent), while blacks have a higher rate of poverty than whites (34.0 vs. 10.9 percent).

Among white family households, just over 8 in 10 are married couples, and 45 percent of these married couples have children. Among black family households, 46 percent are married couples, and 51 percent of these married couples have children. Fourteen percent of white family households are single mother families and over half have dependent children. One-half of the black family households are single parent families and nearly three-quarters have dependent children. Black families are more than five times as likely to be in poverty as white families (32.1 vs. 6.7 percent). Whites are more likely than blacks to be home owners (55.9 vs. 35.6 percent), and the value of white-owned homes is nearly twice that of black-owned homes (\$95,365 vs. \$51,963). Sim-

30 Ibid, pp. 126-42.

31 Ibid, pp. 142-51.

ilarly, white renters pay an average of \$369 while black renters pay an average of \$258 a month.³² Other sociodemographic characteristics of the population in Fayette County can be found in appendix A.

Mayor Scotty Baesler, Lexington-Fayette Urban County Government

Mayor Baesler opened his remarks by stating that "he did not think there are serious problems or hostilities between races or different types of people in our community," although he acknowledged there are occasionally brief flare-ups of racial tensions. Racial tensions in communities cannot be solved by the private sector alone, he commented, governments must lead, albeit sometimes after some prodding. He then spoke of several actions taken by his administration over the last 8 years to try to lead the community towards better race relations:

- The establishment of the Committee on Race Relations approximately three years earlier;
- The appointment, in the summer of 1992, of the Committee on Youth to study the needs and concerns of youth in the community and to make recommendations for government action;
- The funding of a program on prejudice reduction that is targeted to youth;
- Continuous efforts to insure that all minorities have access to local government jobs and opportunities for promotion;
- The Roots and Heritage Festival to acknowledge and honor the cultural diversity of the community;
- Since the early 1980s, the urban government has obtained over \$40 million in public housing funds to develop new [housing] units spread throughout the community; and,

- Working with the local police chief to develop new approaches for improving police-community relations.

Mayor Baesler concluded by saying that although he feels race relations are very good in the community, he also believes that there is still a way to go.³³

Larry Walsh, Chief of Police, Lexington-Fayette Urban County Government.

Chief Walsh indicated that in 1990, after receiving incident reports of violent crimes, he recognized an emerging pattern: most were occurring in public housing areas. After some discussion with residents of these areas, he felt there was a problem with poor police-community relations as well as some negative attitudes toward the police. Based on these discussions and a review of incident reports, he concluded the following: first, in a 12-month period, there had been 13,000 calls for police service in the Bluegrass-Aspendale neighborhood, a public housing area; second, residents of this area felt they did not get the same rigorous policing as given to other neighborhoods; and third, he agreed with the residents of the Bluegrass-Aspendale area that they needed the police more than the residents of most other neighborhoods. As a result, he worked to implement the following:

- The police department formed a partnership with the Lexington-Fayette Urban County Housing Authority (LFHA) and began asking the people in this neighborhood what they perceived as the major problems confronting them.
- Recognizing that young people were an at-risk group, both as victims and perpetrators of violence, a partnership was developed with Micro-City Government which was already working with youth

32 U.S. Department of Commerce, Bureau of the Census, *Kentucky Population and Housing by Racial Group, 1990 Census*.

33 Presentation before the Kentucky Advisory Committee to the U.S. Commission on Civil Rights, briefing meeting, Lexington, KY, August 19, 1992, transcript, pp. 5-16 (hereinafter cited as Lexington Transcript).

people were an at-risk group, both as victims and in the public housing projects.

Chief Walsh now believes that public housing residents are the most enthusiastic supporters of the police department.

Chief Walsh next spoke on the issue of hate crimes indicating that over the years they have received some reports of hate crimes; however, although the reports have not been analyzed separately since they are not yet maintaining separate records, there does not seem to be a pattern to the incidents. He noted a few incidents in 1991 where black youths attacked whites, apparently after the exchange of words with racial overtones. Those involved were apprehended and no other incidents had occurred since that time.

Chief Walsh then discussed police discipline and attitudes. He very clearly stated that his officers know that he will not tolerate any abuse of force and he has yearly in-service training for his officers. Yet, since there are 384 sworn officers in the department, it is always possible that there will be some who act inappropriately, in which case, you must discipline or fire an officer to reinforce the standards of the department. Chief Walsh indicated that in 1991, police responded to 292,000 calls resulting in 38 official complaints against officers; he estimated that 40 percent of these were initiated internally and only one represented a report of abuse of force. He cited statements attributed to Urban County Council member Robert Johnson that, "there is not a pattern of police abuse in Lexington today although it wasn't always that way."

When asked if 384 officers are sufficient to provide services to Lexington, Chief Walsh said a review of this situation is currently being done, but at this point, he felt that with all but 15 officers actively involved in police work, there are enough. As Lexington grows, however, there will be a need for more officers. He further noted that at this point, they do most of their recruiting at state universities.

Chief Walsh was questioned about the stopping of individuals who "fit a profile" and are found in

areas where "they don't belong." He responded that sometimes such individuals are stopped and questioned. However, he argued this occurred with over-eager young officers or in areas that had recently been experiencing some criminal problems.

When asked his assessment of "hate groups," Chief Walsh responded that there are some individuals in the community about whom they know and monitor, those who have been involved in some "hate-type" activities; however, organized groups appear to come from outside the area, most typically from outside the state. He said that the hate crimes he could remember being reported did seem to center on race. He also felt that high school and college age youth are the primary targets of hate group literature, and suggested that rap music and popular movies seemed to foster these kinds of activities.

Chief Walsh also responded to questions about gang activities. He stated that in 1991, the beginnings of a gang appeared to have developed with the arrival of some individuals from Detroit, who hoped to organize a drug distribution ring; however, working with tips, all those involved are now in the criminal justice system. He felt there was a lot of "pseudo-gang" activity, but the most visible of these, the "Mount Tabor Posse" had been dealt with in July 1992.

When asked about Civilian Review Boards, he responded that when the police administration was not doing its job appropriately, honestly, and effectively, then such boards were needed; however, "I don't think its something that's needed here."³⁴

**Alan S. Katchen, Regional Director,
Anti-Defamation League of B'nai B'rith**

(Lexington Transcript, pp. 39-56)

Mr. Katchen was joined by two members of the Anti-Defamation League Regional Advisory Board, David Rose (Regional Vice Chair) and Jack Miller (Regional Civil Rights Chair), a Lexington businessman and an attorney, respectively.

34 Lexington Transcript, pp. 16-31.

Mr. Katchen noted that for the last 13 years, his group had been conducting an annual audit of antisemitic activities. In 1991, there were 1,879 reported incidents in the U.S., which represented an 11 percent increase over 1990. Not all these incidents could be classified as crimes. In Kentucky, there were five reported incidents, up from three in 1990. He stated that for the first time, in 1991, acts against persons (threats, physical assaults, harassment) were greater than acts against property.

He further noted that, although local members of the ADL would agree that Lexington is a good community, we cannot comfort ourselves that there is a fortress in Lexington. He indicated that every episode represents pain to the victim and a psychological blow to the community. Mr. Katchen offered the following recommendations for action:

- The State should count hate crimes laws despite the Supreme Court's recent decision against the St. Paul, MN ordinances. At this time, Kentucky only has statutes relating to "institutional violence" which focus on vandalism of monuments and public buildings.
- Kentucky should enact a law mandating training of police on how to treat hate crimes; and,
- Kentucky should enact legislation mandating that the State develop its own system of collecting information on hate crimes.

When asked about the current Federal law on hate crime information collection, he stated that the acts' provisions are well written and the concept is good, but not enough States and local jurisdictions are implementing the law.

Mr. Katchen was questioned about the activities of the Klan. He said the Ku Klux Klan (hereinafter cited as the "Klan" was more active in eastern and western Kentucky than in the central counties. While the number of Klan members is down because of aggressive law enforcement ef-

forts, the potential for violence remains high, and the Klan is now trying to move into the mainstream. Most of the Klan activities in Kentucky, he noted, are initiated by groups from outside the Commonwealth.

Finally, Mr. Katchen noted that more hate literature is appearing in schools, even middle schools, and the ADL has developed a program called "A World of Difference" to educate children on tolerance.³⁵

Reverend Mike Wilson, Community Representative

Rev. Wilson began by stating that violence takes many different forms, and many of these do not receive the public attention they merit.

The justice system strikes fear in the hearts of many people of color, he stated. There is a phrase in the "street," which is called "white time, black time" that reflects the sense that there are differences in how justice is applied in Lexington. He referred to a July 19, 1992, article in the *Lexington Herald-Leader* entitled, "The Color of Justice,"³⁶ which reported that for cocaine trafficking, blacks are more likely to be arrested, convicted, and to serve longer sentences than whites. The issues are who gets arrested and, what happens to persons arrested for the same crime. This, he argued, is bias in its highest form since it occurs in the system that is supposed to be protecting all equally. He asked, who is going to deal with this type of violence, the failure of the justice system?

Rev. Wilson further stated that a gang or hate group is not always the perpetrator of violence. Attitudes also lead to violence, especially when some members of the community are not empowered to control their lives. He cited examples such as stores in low income areas where African Americans are more likely to do their shopping, which charge higher prices for lower quality goods and service, and the existence of disrespectful attitudes and behaviors. He noted a recent example in a report of a shopkeeper who slapped a 10-year-old girl. When asked if this was a white

35 Ibid, pp. 39-56.

36 *Lexington Herald-Leader*, 7/19/92 article, The Color of Justice.

on black incident, he stated that it involved two minority groups., then noted that there are efforts to improve relations between African Americans and Arab Americans in Lexington.

When asked about police-community relations, he stated that they are good but could be better, because some incidents are often not formally reported, or, when reported, not always followed-up. When asked if the African American community receives adequate police protection, he said yes.³⁷

William Wharton, Executive Director, Lexington Human Relations Commission (HRC)

Mr. Wharton was accompanied by two of his board members, Ms. Katie Jefferson and Ms. Priscilla Johnson. Mr. Wharton began by identifying the HRC as an independently chartered agency of the Urban County Government, charged with enforcing local ordinance 190-83 which generally prohibits discrimination based on race, color, sex, age, ethnic origin, or religion in public accommodations, employment, and housing. He noted that for the past several years they have been monitoring hate crimes based on race, religion, and gender. Sexual orientation is not included in the reports because they are not reported to the HRC, although he felt that these incidents occurred and are increasing.

Mr. Wharton then offered some examples of the kinds of incidents reported to the HRC, including: two Asians walking in a south Lexington neighborhood where a white resident released some dogs to attack them; racial hate literature sent to an African American male after his suit on employment discrimination was reported in the media; windows of African American residents broken; harassing phone calls; and, receipt of hate mail. The hate literature seemed to be the same article from the Klan recycled with minor modifications and distributed around the same time that the Klan arrived in Kentucky.

Mr. Wharton responded to a question concerning contact and relationship with the universities saying the HRC does not gather data from local schools or the University of Kentucky on hate crimes. He then noted that discrepancies between what his agency reports as hate crimes incidents and what the police report may be based on the fact that the victims do not make formal police complaints. He also agreed with earlier presenters that the State should have its own hate crimes legislation.³⁸

Shahied Rashid, Lexington Businessman.

Mr. Rashid began by stating that observing the African American community may lead to different conclusions than one would reach if one lived in the community. For example, perhaps the calm that exists is because people lock themselves in their homes for fear of crime and maybe there is no overt white-African American violence because African Americans have learned "their place" and never step out.

The very visible presence of police in the African American neighborhoods, according to Mr. Rashid, creates a sense or climate of fear, of being watched. All men want to have control over their lives and their communities, and to have outsiders controlling the economic resources (i.e., non-African American shopkeepers) is disturbing and angering.

He then stated that he felt that, in some ways, bigotry is declining because there are fewer bigots today than in the past. Yet, there also is a movement to make violence a more acceptable way of solving problems or arguments. There is, he suggested, a growing tolerance or acceptance of violence in society.

Mr. Rashid concluded by saying, "What you have to do as an advisory committee or as individuals, is stop all this glossing over things and get to the basic fundamental problems that are plaguing the psychology of American people, both African American and European."³⁹

37 Lexington Transcript, pp. 56-70.

38 Ibid, pp. 70-81.

Theresa Isaac, Council Member, Lexington-Fayette Urban County Government

(Lexington Transcript, pp. 90–106)

Ms. Isaac began by addressing a 1987 report on race discrimination in housing in Louisville and Lexington and the actions of local realtors to set up their own committee to monitor complaints against realtors. Some examples of complaints included: stating higher mortgage rates to African Americans; failure to show homes (as many and of same quality in different parts of the community to prospective African American buyers); and, failure to gather sufficient information to qualify prospective African American buyers. The realtors' Equal Opportunity Committee handles these complaints. She stated that complaints against realtors were down, but complaints against mortgage companies had increased.

Ms. Isaac spoke about the criminal justice system and referred to the recent newspaper article titled, "The Color of Justice."⁴⁰ She noted that more African Americans are charged with cocaine trafficking, but more whites are charged with trafficking marijuana and LSD. She indicated the article was somewhat misleading. For example, while there are differences in sentencing among whites and African Americans, often this is due to prior criminal records.

On the issue of conflict between African Americans and Arab Americans, she believes that all grocery stores on the north side of town, regardless of whether chain or mom and pop, are more likely to offer inferior quality goods than do the grocery stores on the south side of Lexington. She further noted that although the stores located in central city neighborhoods, such as Minit Mart, may charge higher prices, they are offering convenience. She stated that she is working with Reverend Wilson to begin a dialogue on this issue.

When asked about police-community relations, she stated that young African American males do

feel they are stopped and questioned simply because of who they are, and the cumulative effect of such incidents can be disturbing and create angry feelings. She added the proviso that sometimes an incident or a series of incidents in some neighborhoods can lead to pressure by residents for aggressive policing that may lead to such incidents.

Finally, Ms. Isaac noted that she felt the police department is providing opportunities for minority hiring and promotions. This assessment was based on her experiences as a member of the Police Personnel Review Board.⁴¹

Katie Jefferson, Lexington Human Rights Commission

Ms. Jefferson began her statement with the comment that many things must occur in a community to facilitate bias and bigotry related incidents. As an example, she noted that in Lexington, there is a pretense that people want to improve race relations, but "when you look under the surface, that really doesn't seem to be so." She further noted however, that some organizations claim to be interested in improving race relations, but don't act boldly. They only take "safe steps" but do nothing that would alienate their neighbors or friends. One in particular is the media, which she feels only portrays African Americans in a negative light. "The media is one of the culprits here (in Lexington) . . . The only time you see something in the paper about accomplishments, something positive that blacks have done, well, there's very seldom anything positive. If someone is murdered, black on black, or if someone commits a robbery, that's usually front page. But the media never really comes around to write about the positive things going on in our community... When people keep seeing [African Americans] in this negative light, eventually [others] begin to believe that's all that is out there . . . You would think that blacks in this community never make

39 Ibid, pp. 81–90.

40 See footnote 36.

41 Lexington Transcript, pp. 81–90.

any positive contributions to the city; and I know many who do . . .” She also noted that the treatment of African Americans in department stores reflected the bigotry in the community. They are ignored, or worse, they are followed by store clerks.

Ms. Jefferson commented on lending institutions and how they treat African Americans. As a member of the Community Reinvestment Alliance, she noted they found that a very high proportion of African American applicants were not qualifying for mortgage loans although they felt that they should have qualified. She mentioned that she, along with others, recently established the Lexington Home Ownership Program to assist African Americans in preparing for home ownership and insuring that they reach lending institutions fully qualified. When asked if all lending institutions in the community are a problem, she said that some are trying to improve. When asked if insurance companies are a problem, she said there is no data, but noted that there are anecdotal reports suggesting there is a problem with insurance companies and that this issue is on the agenda of the HRC for future research.

Ms. Jefferson pointed out that some community institutions actually contribute to the building of racial tensions. She mentioned the National Conference of Christians and Jews (NCCJ, now known as The National Conference). “They are serious in working to improve race relations in Lexington . . . NCCJ established ‘Anytown’ and ‘Green Circle,’ activities targeting youth to reduce racial stereotypes and improve racial understanding.”

Ms. Jefferson was asked her opinion of race relations in Lexington at this point in time. She responded: “I feel there haven’t been any improvements in race relations in the city. . . But I just feel that it could improve if people were willing to stand up . . . You’d be surprised at the number of people in this community who don’t feel we’ve got a problem. They don’t see a problem.” When asked who in the community does not feel

there are race relations problems in Lexington, she responded that it is mainly whites.⁴²

Bowling Green Briefing Meeting, December 9, 1992

The site of the third briefing meeting, Bowling Green (population 40,643), is located in Warren County (population 76,673) in the south central part of Kentucky. Warren County is the home of just over 2 percent of Kentucky’s black population. Just over 9 percent of Warren county’s population is minority, one-half percent are Hispanic, and 1.2 percent are foreign born. While 23.5 percent of the county’s white population is under the age of 18, within the minority population, 30.9 percent is under the age of 18. Whites are more likely to have a high school degree than blacks (71.8 vs. 60.7 percent), while blacks have a higher rate of poverty than whites (38.9 vs. 15.5 percent of all persons).

Among white family households, just over 8 in 10 are married couples, and 48 percent of these married couples have children. Among black family households, 57 percent are married couples, and 56 percent of these married couples have children. Twelve percent of white family households are single mother families and over half (55.4 percent) have dependent children. Over a third (37.5 percent) of the black family households are single parent families and two thirds (67.4%) have dependent children. Black families are more than three times as likely to be in poverty as white families (34.9 vs. 11.4 percent). Whites are more likely than blacks to be home owners (67.2 vs. 41.5 percent), and the value of white-owned homes is one and a half times that of black owned homes (\$67,906 vs. \$45,211). Similarly, white renters pay an average of \$270 while black renters pay an average of \$222 a month.⁴³ Other socio-demographic characteristics of the population in Warren County can be found in appendix A.

42 Ibid, pp. 107–19.

43 U.S. Department of Commerce, Bureau of the Census, *Kentucky County Population by Racial Group, 1990 Census*.

Joseph Denning, Bowling Green City Commissioner

Mr. Denning, provided welcome and introductions on behalf of Mayor Johnny Webb, who had a previous commitment.⁴⁴

Marki Moore, Student, Department of Social Work, Western Kentucky University (WKU)

Ms. Moore spoke on behalf of Dr. Saundra Ardry of the Department of Social Work. She began by noting that there are specific acts of racism, sexism, and hetero-sexism on campus, but most are the more subtle forms of violence, e.g., racial slurs, labeling, and social isolation.

Ms. Moore further stated that WKU has a junior African American faculty program to support more active hiring of African American faculty, but the racial composition of faculty has changed little. She also noted that although there are women's studies courses and a program called "Women in Transition," the campus remains a white male-dominated place.

She also indicated that a university policy on sexual harassment has been approved by the Board of Regents, but its specific points are still not known by most departmental chairs. She stated that she feels that it is an unwritten institutional policy to avoid the filing of formal charges. Rather, the university encourages complainants to use informal channels for charges of sexual harassment.

Ms. Moore indicated that she felt that statistics on campus incidents are not released and there appears to be no uniformity in reporting procedures. For example, if a student is raped off campus, it is not included in campus police figures, even though such events are a factor in the overall safety of women students. She noted that the Rape Crisis Center has dealt with 65 WKU students since the beginning of the fall semester, and

the number of sexual abuse cases keep rising and now overwhelm the ability of the Center staff to handle these cases effectively.

Ms. Moore did note that campus security does keep reports on hate crimes on campus and concluded by stating that she felt that the university administration is not committed to fostering diversity on campus and this was illustrated by the failure to deal effectively with student complaints on this issue.⁴⁵

Jim Fishback, Adjustment Counselor, Lifeskills Industries

Mr. Fishback began by explaining that Lifeskills Industries is involved in mental health and physical rehabilitation, working to develop vocational skills and to place clients in jobs with local employers. He noted that employment of the physically handicapped and emotionally disabled is very difficult, but the race and gender of the client complicates placement even more. Mr. Fishback acknowledged bigotry in the Bowling Green community. He noted that most persons who work in local industries are fairly open and accepting, but African Americans are mobile only to mid-management positions, not to top management positions.⁴⁶

Reverend Ron Whitlock, Past President, NAACP of Bowling Green

Rev. Whitlock began by stating that there are racial tensions and biases in the community. Some evidence for this, he noted, were the results of a survey his son conducted for a high school paper, which indicated that about one-quarter (25 percent) of the students held strongly biased views on race relations. Rev. Whitlock also noted that flyers from the Klan have been handed out in his son's high school. He said that he had brought this to the attention of the principal but wasn't aware of any investigation of this situation. He

44 Presentation before the Kentucky Advisory Committee to the U.S. Commission on Civil Rights, briefing meeting, Bowling Green, KY, Dec. 9, 1992, pp. 4-5 (hereinafter cited as Bowling Green Transcript).

45 Bowling Green Transcript, pp. 5-17.

46 Ibid, pp. 18-20.

further noted that, in the last 3 years, there have been four cross burnings, one against an interracial couple, one against an older African American woman, and two against deacons of local churches. However, when he checked with the local FBI, there were no reports of hate crimes on file.

He spoke of racism in the judicial system, noting that he had spoken to the new Commonwealth Attorney in the area regarding the differentials in the severity of complaints and the length of prison terms between white and black youthful offenders.

Rev. Whitlock then spoke on race relations from the perspective of a local businessman. Even recently, he had racial slurs used to describe him to potential customers by competitors. He further stated that there is very little summer employment available for youth, especially minorities.

Rev. Whitlock stated that black neighborhoods are physically depressed areas of the city. There are no jobs, no public transportation to major employers, and no retail stores in these neighborhoods. He spoke of an old school in a black neighborhood that had been serving as a community center. The city decided to offer this community center to the medical center in Bowling Green in exchange for lowered health insurance rates on the city contract with this health facility for city employees. The city closed down a swimming pool in a black neighborhood and filled it with sand to avoid paying the costs of repairing it. A final example was the public schools' Christmas greeting card and a TV commercial which included a picture of a whole group of local children; no children of color were represented.

Rev. Whitlock was questioned by the committee regarding his assessment of police-community relations especially in the context of the black/minority community. He indicated that he felt that African Americans could be and were stopped at any time by police without cause (this had even happened to a deacon in his church). He and many others felt their lives were at risk during such stops. He also noted that despite a request by the NAACP, there is no citizen review board, al-

though the local State police post does have one. He stated that the number of African American city employees hired and promoted is declining, but acknowledges that the local police department has two African American detectives.

When asked about African American representation in local organizations and public agencies, he indicated African Americans were members of the Chamber of Commerce and the United Way Board, but none were on the Board of Education. He commented that once educated, African American youth leave the Bowling Green community and refuse to return.

Rev. Whitlock commented on the city government. He felt local government was insensitive to issues of civil rights. This was demonstrated by a recent vote to not fund the local Human Rights Commission which had offered to conduct prejudice-reduction workshops for local government employees and the police department. He also noted that he didn't see any formal effort by local government to promote minority businesses, although he felt that some local white businessmen were willing to hire African Americans but were afraid that, to do so, would hurt their businesses. "We have to do things to change that attitude," he concluded.⁴⁷

Gwendolyn Downs, Executive Director, Bowling Green Human Rights Commission (HRC)

Ms. Downs' opening statement indicated she felt that there are a lot of problems in Bowling Green, and they are not getting better. Equal employment opportunities in city government and local businesses are not available for women nor African Americans. Her office had 25 formal complaints of employment discrimination filed in November (1992) and 22 complaints already filed in December. The problems of finding employment for young minority professionals who are often told they are not qualified, but then, find employment as soon as they leave the area, reflect the employment discrimination in Bowling Green. African American males cannot be found

47 Ibid, pp. 20-34.

in a large number of agencies and businesses in the community and certainly not at the management level.

Ms. Downs shared other problems that come through her office and noted that the local police department does not maintain separate files on hate crimes.

She recounted the mayor's presentation of certificates to 16 youths who were members of his Youth Council as another example of the racial climate in the community. No blacks served on the Mayor's Youth Council which is composed of two students from each of the local schools (15 whites and 1 Indian are members of this council). She further noted that local African American neighborhoods are physically isolated from major employers, and since most minority youth do not own cars or have access to them, they cannot find employment and thus, are less likely to be involved in volunteer work.

Ms. Downs then discussed examples of the kinds of complaints filed with the Human Rights Commission.

- An African American employee who reported an incident at a high school where he worked involving an African American student given a toothbrush by the white principal to clean around the commode. The employee suffered employment retaliation.
- An African American male, a chemist with Dow Elanco, traveling on I-65 in a new Jaguar automobile, was stopped by police because he "fit" the profile of a drug dealer. He was searched and subjected to racial slurs.
- In June 1992, the Commission sponsored 36 rental housing tests for discrimination and found some bias in all cases; 10 were of sufficient seriousness that they are considering filing formal racial discrimination charges.
- An African American teacher was hit in the face with an object by an angry white parent. The incident was witnessed by the principal and his secretary, yet no action was taken against the parent nor does she believe anything was even said to the parent about this behavior.
- The Commission received a report from a white employee of a public agency who was beaten by two other white employees for having African American friends.

- On the WKU campus, an African American couple were crossing the street when a pick-up truck with three whites swerved and tried to hit them. The couple reported the incident to campus police, but she does not know what action, if any, had been taken. She does know that the campus police implied that the couple had been at fault.
- An African American woman eating at a local mall was confronted by police who demanded that she return to a store for identification as a shoplifter. However, the store clerk noted that the original report had indicated that the shoplifter was white.

Over the last 16 months (August 1991 through December 1992), the HRC has had 116 complaints filed: 112 related to race, 7 related to sexual harassment, and 3 documented cases of discrimination. Typical complaints are illustrated by the following:

- Employment—failure to promote, racial slurs in the work place, hiring discrimination, and failure to obtain interviews.
- Migrant farm labor—not paid agreed upon wages.
- Housing—a white female tenant with two children was asked by the manager if it was true that an African American male had been visiting her apartment. After saying yes, she was told that her water bed violated her lease.
- Harassment of biracial couples, including raising their rents but not the rents of other tenants. An apartment manager with numerous complaints of housing discrimination lodged against her has not had any repercussions for her behavior.
- Justice—differences in how white and African American college students are treated by the police.

The distribution of KKK flyers at a local high school was brought to the attention of the HRC. She called after being shown the flyer, and the principal indicated they were taking care of the problem.

Ms. Downs noted that the Bowling Green City Council recently voted to no longer fund the HRC, along with 14 other city-sponsored agencies. The

Warren County Fiscal Court will continue partial funding, but if alternative sources of revenue are not found, the HRC will be forced to end operations in 1995. She feels that the city council's decision to end funding for the HRC sends a signal to local employers that it is okay to discriminate. Chamber of Commerce officials recently questioned her for having spoken to a local businessman who has had three sex discrimination complaints filed against him. The chamber implied that it was *she* who was harassing the employer.

With respect to hate crimes, Ms. Downs feels that the number of hate crimes reported to the HRC represent approximately only one-quarter of the actual number occurring because many people don't realize that the HRC exists, do not understand its responsibilities or, are afraid to file a formal complaint for fear of retribution.

Ms. Downs' general impression is that over the last 12 years, race relations in Bowling Green have not improved and bigotry and violence seem to be increasing. Local officials do not appear to be concerned about the situation since the city council did vote to not fund the Bowling Green HRC even after seeing its annual report which documented the increasing incidence of hate crimes. Perhaps, she concluded, the nature of race relations in the community is symbolized by a T-shirt that is being worn at the county high school. The T-shirt says: "Friends don't let friends date niggers."⁴⁸

Dr. F.O. Moxley, Parliamentarian, Local Chapter of the NAACP

Dr. Moxley has lived in Bowling Green all his life (since 1931) and he feels that after making great progress, the community has lost its "charm" for African Americans during the last decade. He has been a member of the Bowling Green Chamber of Commerce and many other civic organizations. In the 1960s and 1970s, people trusted each other and talked to each other. But today, there is rising indifference, intolerance, and insensitivity.

Dr. Moxley stated that he had spent 18 years on the NAACP Board, and only twice in those 18 years did blacks report to him anything about having their rights infringed upon. "We just sort of take it. . . . And our rights are infringed on a lot, and we don't even know it."

Dr. Moxley also noted the absence of any African American youth on the Mayor's Youth Council. He stated that it is frightening to see that many of the youth who commit bigotry-related acts of violence or harassment are getting younger, in fact, most had not even been born during the Civil Rights Movement of the '60s, so consequently, have little or no memory of the nature of race relations before, during, or immediately following this period.

Dr. Moxley indicated that the Bowling Green schools had been forced to integrate by court order. Prior to the court ordered desegregation, he had been the head coach at the black school. Following the ordered desegregation, even though he had taken his team to the state tournament twice, he was appointed assistant coach while the white head coach with whom he served had never had a championship qualifying team.

When questioned about race relations in Bowling Green, Dr. Moxley attributed some of the negative changes to the following:

- The increase in single parent families, both white and African American, leading to breakdown in the transmission of social values.
- Most of the hate crimes being done by those under 20, indicate a failure to transmit the importance and value of cultural diversity to the next generation; and,
- No commitment by community leaders to create and sustain racial harmony nor to take into account the needs, interests, and concerns of the African American community.

In response to a question as to whether the minority community was asking to be heard and subsequently ignored, he stated that perhaps the minority community was not being vocal enough,

48 Ibid, pp. 35-60.

and that there were not enough linkages among African American organizations to create a united front.

Dr. Moxley noted the transfer of ownership of the old school that had been serving as a community center for the African American neighborhood from the city to the private hospital as an

example of the failure to take into account the needs and interests of African Americans in local political decision-making. Yet, he concluded he felt that many whites probably did not know about many incidents of bigotry and racial hatred and violence because they were not widely nor publicly reported.⁴⁹

49 Ibid, pp. 63-75.

Summary of Meeting of the Kentucky Advisory Committee Immediately Following the Bowling Green Briefing Meeting

1. There was a general discussion of the demoralizing and discouraging nature of this briefing meeting. None of the invited public officials participated, nor in fact were any present, unlike the briefing meetings in Lexington and Louisville. As a result, there was no way to assess the attitudes of public officials about race relations or, to assess the kinds of actions local officials were taking to address bigotry-related incidents.
2. There was grave concern for the level of racial violence in the community; the relative impunity with which the KKK operated in the community, especially near the schools; and, the apparent lack of intervention on the part of local officials in bigotry-related incidents. Indeed the atmosphere of racial tension within the community was so strong that some SAC members expressed concern for their personal safety.
3. The committee requested that Robert Knight of the regional office send a letter to the following public officials requesting them to submit the information that they would have presented had they attended the meetings. The letters were to note the topics of concern that were raised at the meeting and to urge them to respond to these points directly.
 - a. **Gary Raymer, Chief of Police, Bowling Green Police Department**
Topics: Procedures for reporting hate crimes, number of hate crimes, methods for handling complaints of racial discrim-

ination/sexual harassment in police-citizen encounters, methods of handling complaints of racial discrimination/sexual harassment/gender discrimination in hiring and promotion practices within the police force, brief descriptions of content/frequency of professional training for officers on these topics.

Response: The Bowling Green Police Department has adopted the procedures for reporting hate crimes recommended by the Kentucky State Police Commissioner.⁵⁰ The response included a copy of the department's yearly report on hate crimes, as well as the reporting form used by officers. The *Bowling Green Police Department General Orders Policy and Procedures Manual*⁵¹ as well as the City of Bowling Green Administrative Personnel Policy and Procedures Manual⁵², identify the methods of handling complaints of racial/gender discrimination and sexual harassment in hiring and/or promotion practices within the Police Department. The Kentucky Department of Criminal Justice Training provides yearly mandatory training in the area of hate crimes as part of the officers in-service training program. In addition to this, the department provides roll call training for officers as needed.

- b. **Horace Johnson, Director of Public Safety, Western Kentucky University**

50 Letter to Law Enforcement Administrators from Billy G. Wellman, Commissioner and Secretary of Justice, Kentucky State Police, Frankfort, KY, July 6, 1992. (see app. C, item 1, pp. 72-77).

51 *Bowling Green Police Department General Orders Policy and Procedures Manual*, General Order 209.01 and 209.02 (see app. C, pp. 84-89).

52 City of Bowling Green *Administrative Personnel Policy and Procedures Manual*, Chapter IX, EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PROGRAM, Section 9-4 Complaint Procedures (see app. C, item 3, p. 83).

Topics: Procedures for reporting hate crimes, number of hate crimes, methods for handling complaints of racial discrimination/sexual harassment in police-citizen encounters, methods of handling complaints of racial discrimination/sexual harassment/gender discrimination in hiring and promotion practices within the police force, brief descriptions of content/frequency of professional training for officers on these topics.

Response: None

c. **Sheriff Jerry "Peanuts" Gaines, Warren County Sheriff's Department**

Topics: Procedures for reporting hate crimes, number of hate crimes, methods for handling complaints of racial discrimination/sexual harassment in police-citizen encounters, methods of handling complaints of racial discrimination/sexual harassment/gender discrimination in hiring and promotion practices within the police force, brief descriptions of content/frequency of professional training for officers on these topics.

Response: None

d. **Johnny Webb, Mayor of Bowling Green**

Topics: Mechanisms that currently exist within city government to deal directly with bigotry-related violence, the most recent number and disposition of race/gender discrimination complaints filed with/against city, description of training employees receive concerning discrimination in hiring and promotion practices, and an assessment of police-community relations and race relations within city.

Response: None

e. **Judge Griffin, Warren County Judge Executive**

Topics: Mechanisms that currently exist within city government to deal directly with bigotry-related violence, the most recent number and disposition of race/gen-

der discrimination complaints filed with/against city, description of training employees receive concerning discrimination in hiring and promotion practices, and an assessment of police-community relations and race relations within city.

Response: None

f. **Joel Brown, Superintendent of Bowling Green City Schools**

Topics: Number of bigotry-related incidents in schools, official procedures for handling actual incidents or reports of such incidents within schools, school policies on the distribution of race/gender discriminatory materials on school grounds, and the display of race/gender discriminatory symbols by students/faculty.

Response: The Board of Education has an official grievance procedure for handling actual incidents or reports of racial/gender harassment and/or discrimination complaints. He stated there have been no bigotry-related incidents in the city schools in the last year. There are four board policies that address the distribution of race/gender discriminatory materials on school grounds and/or the display of race/gender discriminatory symbols by students and faculty. Finally, he concluded: "I believe that we have excellent race relations in our schools. We have students of all races and they respect one another's rights and persons."

g. **Leonard McCoy, Superintendent of Warren County Schools**

Topics: Official procedures for handling actual incidents or reports of bigotry-related incidents, the number of such incidents within the last year, system policies on the distribution/display of race/gender discriminatory materials on school grounds, by students or faculty, and an overall assessment of race relations in county schools.

Response: None

Addendum

An Update on Lexington and Bowling Green

Lexington

The briefing meeting was held in Lexington Kentucky in August 1992. On October 25, 1994, Sgt. Phil Vogel, a white 22-year veteran of the police force, shot and killed Tony Sullivan, a black 18-year-old, a suspect in a driveby shooting. Sullivan was shot as he came out of a closet where he had been hiding. According to Vogel and other witnesses, Sullivan had his hands raised, and as Vogel attempted to de-cock his weapon, it discharged, striking Sullivan in the head and killing him instantly. Sullivan's death sparked hours of rioting in which demonstrators threw rocks and bottles and assaulted some bystanders in the streets of downtown Lexington. Persons were arrested, and eventually five were tried and convicted for rioting.

The officer involved in the shooting was placed on administrative leave pending an investigation. Separate investigations were conducted by the Lexington Fayette Urban County Police Department, the Fayette County grand jury, and the FBI. All three concluded that the shooting was the result of an accidental discharge of the officer's weapon, and both the police department and the grand jury suggested a malfunction in the officer's weapon contributed to the incident. After the grand jury decided not to indict Sgt. Vogel (February 2, 1995), he retired from the force.

A local group demanded the release of the grand jury transcripts, but an attorney general opinion indicated this was neither required nor appropriate. The group then demanded that the Lexington Fayette Urban County Council conduct a public hearing on the shooting, but given the

conclusions of three separate investigations, the request has been viewed as unnecessary.

Racial tensions in Lexington have remained high since this incident. There have been several melees (no one is willing to use the word "riot") between police and black youths in the north end of Lexington, where most African Americans live. Ambulances and fire trucks responding to emergency calls in this area have been pelted with rocks, and in two cases fired upon; it has been reported that taxicabs will no longer go into the area after dark; and, several other fatal shootings have occurred in the area.

The optimistic assessment of the Lexington police Chief Larry Walsh as to the improving relationships between police and members of the minority community, especially the residents of the Bluegrass-Aspendale area, has been seriously undermined by the fatal shooting of a black youth by a white police officer. Suspicion, hostility, anger, and violence seem to mark nearly all police-minority youth interactions. Several articles in the *Lexington Herald-Leader*, including a series based on personal commentaries from community members, discredit the "pretense that people want to improve race relations" noted by Ms. Katie Jefferson of the Lexington Human Rights Commission.¹

Bowling Green

Ms. Gwendolyn Downs, executive director of the Human Rights Commission of Bowling Green, responded to a request for an update on events in this community since the 1992 forum. Her letter and accompanying comments are abstracted here.

With the city of Bowling Green deciding to no longer fund the HRC, the office closed to the general public on May 1, 1995. The HRC has

¹ Lexington Transcript, p. 107.

submitted a budget to the Warren County Fiscal Court, and if the county decides to fund the HRC, it will remain open through the end of 1995. As of July 26, 1996, the office was closed.

Ms. Downs goes on to note that after reviewing the summary of the 1992 forum on bigotry and related violence, she is sorry to report there have been few improvements in the situation in Bowling Green. Conditions at the local schools remain unacceptable, with reports made to her office concerning the continued distribution of Klan materials at many of the local schools. However, the 1994 televised greeting from the local Warren County School District did reflect the diversity of the students within the district. Not only summer employment but any employment for minority youth is still lacking in the community, and she emphasizes that a part of the problem continues to be the absence of affordable public transportation.

Employment discrimination continues to be the most commonly reported HRC complaint. They are coming "in alarming numbers and the sad part is there seems to be no end in sight." Employment discrimination is followed by complaints of housing discrimination and problems in the educational system. There is still a very small percentage of African Americans from the community who graduate from college and are successful in finding gainful employment in the area. Within the city of Bowling Green, she states, there are probably fewer than 10 African American males, out of a population of more than 4,950 African Americans, working as white collar professionals outside of Western Kentucky University and General Motors. She believes that employment discrimination will continue until there is a significant number of minorities working in upper management decisionmaking positions.

Conclusions

This report represents the experiences of those who participated in the three briefing meetings in Kentucky in 1992. It does not represent a comprehensive documentation of bigotry-related violence, harassment, or confrontations in Kentucky; nor, does it represent a scientific sample of public opinion on these topics. It does, however, mirror the everyday world in which these participants live and work. Clearly, the reflections of everyday life seen by public officials are substantially different from those seen by minorities and others in these communities. Public officials see communities with improving race relations, infrequent bias and bigotry related incidents, and greater opportunities. Minorities and others see communities where bias, bigotry, intolerance, and discrimination continue to fester and breed mistrust and, occasional eruptions of violence.

The challenge for these communities and Kentucky as a whole is not to debate the scientific validity of the personal testimony presented here. The challenge is to begin building bridges of understanding so that all of us can accept the possibility that while we may live in the same communities, our life experiences are different, and these differences are consequential. Nothing can speak more powerfully to the human impact of the persistence of bias and bigotry than comments of

Gwendolyn Downs of Bowling Green. The conclusion of her 1995 letter merits full presentation here, for it highlights the level of concern and despair members of the Kentucky Advisory Committee heard at the briefing meetings in 1992:

As an African American mother of two sons and the grandmother of two grandsons, the facts are devastating to me. But the real tragedy lies in the fact that in the year of our Lord, 1995, we are still faced with this problem and there seems to be no light at the end of the tunnel. And society wonders why cities are burned and people seem to be out of control? What else do you expect when people are not allowed something so basic as hopes and dreams, and feel trapped with no future in sight? What else do you expect when one group of people are denied basic opportunities that are afforded so generously to others, and all because of their skin color? My feelings are the same today as they were two and a half years ago concerning race relations in Bowling Green. It is obvious that the local white community feels that the majority of African Americans and other minorities are inferior, unqualified, lazy, don't want to work, expect handouts, lack morals, are promiscuous, and dominate the welfare system. Is this why our concerns never seem of importance? The problems we are faced with will continue until the doors of opportunity are opened to all citizens within this community, and when a whole race of people are no longer judged by the actions of a few.

Appendix A

Table 1

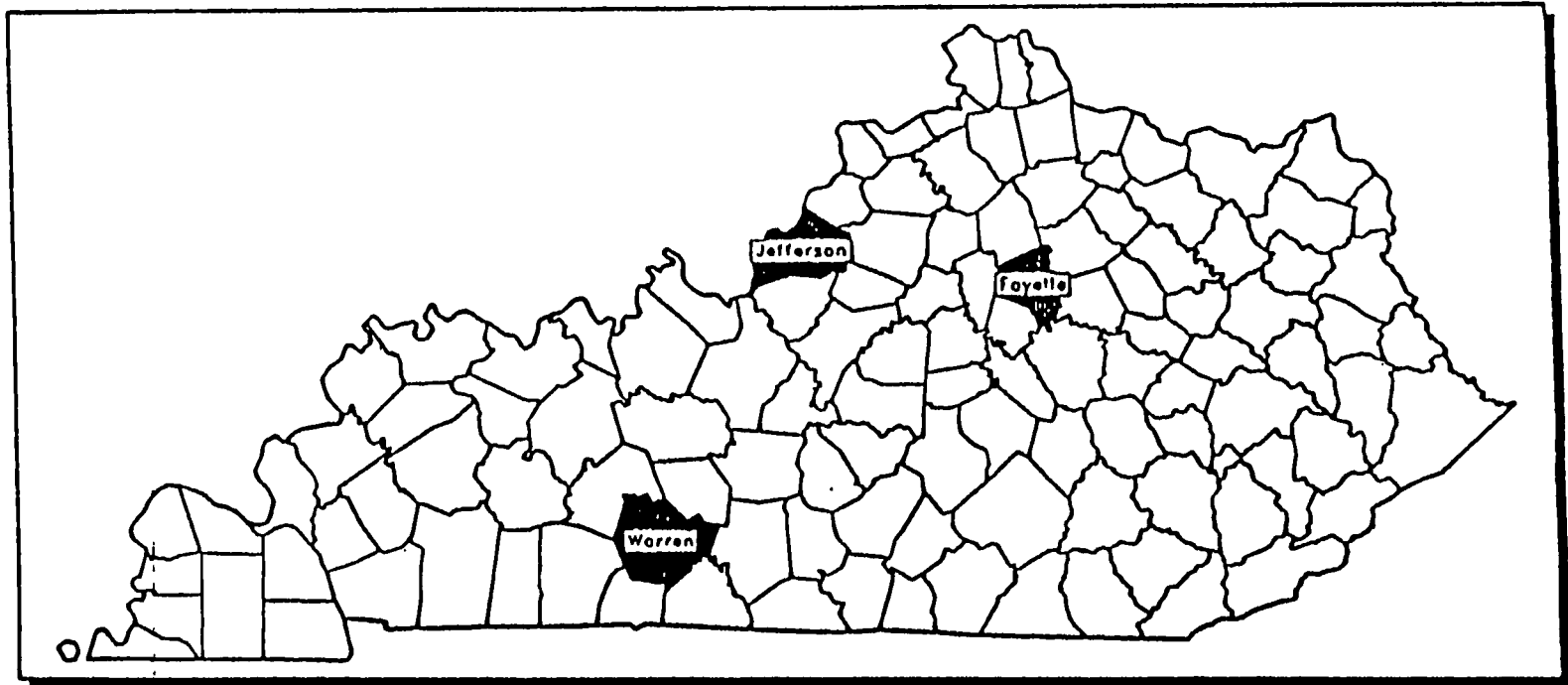
	Jefferson		Fayette		Bowling Green	
	White	Black	White	Black	White	Black
Total Population	544,401	113,280	190,795	30,712	69,725	6,154
% Population by age						
Under 18	22.7	32.5	20.9	30.5	23.5	30.9
18-64	63.0	57.5	68.9	59.7	65.1	58.7
Over 65	14.3	9.9	10.2	9.1	11.4	10.3
% High school degree	75.8	64.3	82.5	63.1	71.8	60.7
% Bachelor's degree	20.9	9.2	32.8	10.3	20.1	8.4
% in Labor force	65.4	62.3	70.1	61.3	66.3	65.6
% Employed persons 16 + in management and professional specialties	27.5	14.7	34.0	16.3	24.5	10.2
Median Income (dollars)						
Households	29,473	15,390	30,273	15,184	25,052	13,734
Families	35,708	18,466	38,563	17,952	30,877	16,067
Married couple families	39,442	32,367	42,215	34,572	33,654	26,765
Female headed families	19,632	9,484	20,861	8,324	13,578	7,297
Poverty status						
% All persons	9.3	34.3	10.9	34.0	15.5	38.9
% All families	6.8	32.0	6.7	32.1	11.4	34.9
Married couple families	3.8	10.0	3.9	9.1	7.8	18.6
Female headed families	22.3	53.0	21.8	53.7	34.2	61.3
# of families	150,468	28,694	48,429	7,535	18,464	1,526
% Married couples with children	81.3 43.5	44.9 47.8	82.2 45.2	46.2 51.4	83.7 48.0	56.7 56.0
% Female headed families with children	15.0 49.3	49.0 68.5	14.1 55.5	49.6 70.8	12.4 55.4	37.5 67.4
% Persons under 18 living with both parents	75.7	30.3	77.3	31.3	77.8	39.4
Persons per household	2.44	2.66	2.35	2.57	2.51	2.56
Persons per family	2.99	3.27	2.95	3.15	3.02	3.17
% No workers in - married couples households female headed households	12.8 16.9	13.1 24.4	8.4 14.0	7.0 25.5	9.5 23.6	8.9 26.2
% Homeowners	68.9	42.3	55.9	35.6	67.2	41.5
Average value of homes (\$)	74,613	39,919	95,365	51,963	67,906	45,211
Average monthly rent (\$)	318.00	222.00	369.00	258.00	270.00	222.00

Source: U.S. Department of Commerce, Bureau of the Census, Kentucky Population and Housing by Racial Group, 1990 Census.

Table 2

	Jefferson	Fayette	Warren
% Children receiving AFDC	11.0	7.6	8.4
% Children in poverty	20.4	18.6	22.0
Teen birth rate (per 1,000 families)	26.6	23.0	21.6
Children in household with mother in labor force	63.8	63.1	61.2
Children under 6 in household with mother in labor force	58.0	57.0	52.2
Youth (16-19) unemployed	9.7	8.0	8.4

Source: U.S. Department of Commerce, Bureau of the Census, Kentucky Population and Housing by Racial Group, 1990 Census.



Sites of Community Forums on Bigotry-Related Violence in Kentucky

Appendix B

ORDINANCE 281, SERIES 1991

AN ORDINANCE CREATING A NEW SUBCHAPTER OF CHAPTER 98 OF THE LOUISVILLE CODE OF ORDINANCES AND EMPOWERING THE LOUISVILLE AND JEFFERSON COUNTY HUMAN RELATIONS COMMISSION TO HEAR COMPLAINTS BY PERSONS ALLEGING TORTIOUS INTERFERENCE WITH THEIR PERSON AND/OR PROPERTY MOTIVATED BY DISCRIMINATION

(Sponsored by Alderman Bather)

BE IT ORDAINED BY THE CITY OF LOUISVILLE:

Section 1. Pursuant to the authority vested in the City of Louisville by KRS 83.420 and KRS 344.300, KRS 344.320 and other applicable provisions of KRS Chapter 344, Chapter 98 of the Louisville Code of Ordinances is hereby amended by adding additional sections 98.48 through 98.56 as follows:

98.48 Policy

It is hereby declared to be the policy of the City of Louisville for the preservation of the peace, protection, comfort, health, safety and welfare of persons in the City to protect all persons from tortious acts of interference with their person and/or their property motivated by hate or bias directed at classes of persons which historically have been victimized by such acts, as specifically set forth in section (b)(1) of the federal Hate Crimes Statistics Act (public law 101-275) and, in addition, classes of persons identifiable by gender and/or disability or health related condition. Persons victimized by such acts in the City of Louisville must have adequate remedies for redress of their grievances. The City of Louisville recognizes that such acts are often punishable as crimes. Criminal statutes undoubtedly have had a desirable effect in diminishing the number of these acts of discrimination, intimidation and terror and in punishing the perpetrators of such acts. However, the City of Louisville finds that many such acts are not reported as crimes because victims are frightened and feel they have little to gain by reporting them. The City of Louisville further finds that its experience of providing civil redress for

civil rights violations in the areas of public accommodations and housing through the Louisville and Jefferson County Human Relations Commission provides a promising model for diminishing acts of discrimination, intimidation and terror and for affording civil remedies for victims of such acts.

98.49 Prohibition of Discriminatory Interference With Another Person or the Property of Another Person

(a) No person shall discriminate against another person by intentionally interfering with another person or the property of another person with the motive to intimidate or interfere with or oppress the other person because the other person is a member of one or more classes of persons referenced in paragraph (b)(1) of the federal Hate Crime Statistics Act (Public Law 101-275) and/or, in addition, classes of persons identifiable by gender and/or disability or health related condition.

(b) A person intentionally interferes with another person by committing a tortious battery, assault, imprisonment or infliction of mental distress. A person intentionally interferes with the property of another person by trespassing on the other's land or by tortiously and deliberately damaging, defacing or destroying the real or personal property of the other person.

(c) A person is shown to have acted intentionally when his conduct is such that a reasonable person in his position would believe that the particular wrongful result of his conduct which did in fact occur was substantially certain to follow from his said conduct.

(d) A person is shown to have acted with the motive of intimidating, interfering or oppressing another person because the other person is a member of one or more of the classes of persons referenced in paragraph (b)(1) of the federal Hate Crimes Statistics Act (Public Law 101-275) and/or, in addition, classes of persons identifiable by gender and/or disability or health related

condition when it is shown by a preponderance of evidence that a material factor in the commission of the act was the person's underlying purpose to cause such intimidation, interference or oppression of the other person and/or of others in the same protected class as the other person.

(e) Except for the list of protected classes set forth in paragraph (b)(1) thereof, no section of the federal Hate Crimes Statistics Act is incorporated herein.

98.50 Complaints to Human Relations Commission; Procedure; Conciliation Agreements; Enforcement.

(a) An individual claiming to be aggrieved by an act prohibited by 98.49 above (hereinafter, an "unlawful act") may file with the Louisville and Jefferson County Human Relations Commission (hereafter, the "Commission") a written sworn Complaint setting forth the facts upon which the Complaint is based, and setting forth facts sufficient to enable the Commission to identify and serve notice to the person charged (hereafter the "Respondent"). The Commission staff shall promptly investigate the allegations set forth in the Complaint and shall within ten (10) days furnish the Respondent with a copy of the Complaint. The Complaint must be filed within one hundred eighty (180) days after the alleged act upon which the Complaint is based is alleged to have occurred.

(b) The Commission shall determine within sixty (60) days after the Complaint has been filed, unless impracticable to do so, whether there is probable cause to believe that an act prohibited by Subsection 98.49 has been committed against the Complainant. If it is determined that there is no probable cause to believe that the Respondent has committed an unlawful act against the Complainant, the Commission shall issue an order dismissing the Complaint and shall furnish a copy of the Order to the Complainant, the

Respondent, and such other public officers and persons as the Commission deems proper.

(c) The Complainant within ten (10) days after receiving a copy of the order dismissing the Complaint may file with the Commission an application for reconsideration of the order. Upon such application, the Commission shall make a new determination within ten (10) days whether there is probable cause to believe that the Respondent has committed an unlawful act under Section 98.49 against the Complainant. If it is determined that there is no probable cause to believe that the Respondent has committed an unlawful act as described in the Complaint, the Commission shall issue an order dismissing the Complaint and shall furnish a copy of the order to the Complainant, the Respondent, and such other public officers and persons as the Commission deems proper.

(d) If the staff determines, after investigation, or if the Commission determines after the review provided for in Subsection (c) above that there is probable cause to believe that the Respondent has committed an unlawful act, the Commission staff shall endeavor to provide proper redress for the Complainant by conference, conciliation and persuasion with the Respondent. The terms of a conciliation agreement reached with a Respondent may require the Respondent to refrain from the commission of similar unlawful acts in the future and make such further provisions as may be agreed upon between the Commission or its staff and the Respondent. If a conciliation agreement is entered into, the Commission shall issue and serve on the Complainant an order stating its terms. A copy of the order shall be delivered to the Respondent, and such other public officers and persons as the Commission deems proper. Except for the terms of the conciliation agreement, neither the Commission nor any officer or employee thereof shall make public, without the written consent of the Complainant and the Respondent, information concerning efforts in a particular case to reach an

agreement with the Respondent by conference, conciliation, or persuasion, whether or not there is a determination of probable cause or a conciliation agreement.

(e) At the expiration of one (1) year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission staff may investigate whether the terms of the agreement have been and are being complied with by the Respondent. Upon a finding that the terms of the agreement are not being complied with by the Respondent, the Commission shall take such action as it deems appropriate to assure compliance.

(f) At any time after a Complaint is filed, the Commission may file an action in the Jefferson Circuit Court seeking appropriate temporary relief against the Respondent, pending final determination of proceedings under this Subchapter, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the Commission may enter with respect to the Complaint.

(g) Insofar as they are not inconsistent or in conflict with the procedure and practice provided by this chapter, the Kentucky Rules of Civil Procedure will apply to proceedings under this sub-chapter.

98.51 Notice And Bearing, Procedure

(a) Within ninety (90) days after a Complaint is filed, unless the Commission has issued an order dismissing the Complaint or stating the terms of a conciliation agreement or within thirty (30) days after an application for review is filed under subsection (3) of KRS 344.200, the Commission shall serve on the Respondent by certified mail a written notice, together with a copy of the Complaint as it may have been amended, requiring the Respondent to answer the allegations of the Complaint at a hearing before a hearing officer appointed by the Commission at a time and place specified in the notice. A copy of the

notice shall be furnished to the Complainant, and such other public officers and persons as the Commission deems proper. The hearing officer shall be a person qualified to be a District Court Judge and shall be appointed by the Commissioner for a term not to exceed one year. The hearing officer shall rule on all questions of law and fact and after the hearing shall issue written Findings of Fact and Conclusions of Law.

(b) A member of the Commission who files the Complaint or endeavors to eliminate the repetition of the alleged unlawful act by conference, conciliation or persuasion, shall not participate in the hearing or in the subsequent deliberation of the Commission.

(c) The Respondent shall file an Answer with the Commission by certified mail not less than twenty (20) days before the hearing date. The Commission or the Complainant may amend a Complaint and the Respondent may amend an Answer at any time prior to the issuance of an order based on the Complaint, but no order shall be issued unless the Respondent has had the opportunity of a hearing on the Complaint or amendment on which the order is based.

(d) The case in support of the Complainant shall be presented before the hearing officer by one of the attorneys of the City Law Department. Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(e) A Respondent who has filed an Answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the Complainant, and may offer evidence. The Complainant, and, in the discretion of the hearing officer, any person may intervene, examine and cross-examine witnesses, and present evidence.

(f) If the Respondent fails to answer the Complaint, the Commission may enter his default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the Complaint.

(g) Testimony taken at the hearing shall be under oath and transcribed.

98.52 Findings Of Commission; Order; Nature of Affirmative Action

(a) If the hearing officer determines that the Respondent has not engaged in an unlawful act, he/she shall state his/her Findings of Fact and Conclusions of Law and shall tender to the Commission an order dismissing the Complaint. A copy of the order shall be delivered to the Complainant, the Respondent, and such other public officers and persons as the Commission deems proper.

(b) If the hearing officer determines that the Respondent has engaged in an unlawful act, he/she shall state his/her Findings of Fact and Conclusions of Law and shall tender to the Commission an order requiring the Respondent to cease and desist from the commission of unlawful acts and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the Respondent, the Complainant, and to such other public officers and persons as the Commission deems proper.

(c) Affirmative action ordered under this section may include but is not limited to:

(i) Payment to the Complainant of damages for injury caused by an unlawful act including compensation for humiliation and embarrassment.

(ii) Payment to the Complainant of property damages caused by an unlawful act.

(iii) The Commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful act.

(iv) Within twenty (20) days after receipt of the order tendered to the Commission by the hearing officer pursuant to paragraphs (a) or (b) of this Section 98.52, the Commission shall either approve the hearing officer's order

and issue the Order as an Order of the Commission or disapprove the Order and send to the hearing officer a written statement of the reasons for its disapproval and its instruction that a new hearing be held in light of the Commission's expressed reasons for disapproval. The failure of the Commission to act within the twenty (20) day period prescribed hereby shall constitute approval of the hearing officer's tendered Order and said Order at the expiration of said period shall be an Order of the Commission.

98.53 Judicial Review, Scope, Procedure, Order For Enforcement

(a) A Complainant, Respondent, or intervenor aggrieved by an order of the Commission, including an order dismissing a Complaint, may obtain judicial review, and the Commission may obtain an order of the court for enforcement of its order, in a proceeding brought as provided by KRS 344.240.

(b) The proceeding for review or enforcement is initiated by filing a Complaint in the Jefferson Circuit Court. Copies of the Complaint shall be served upon all parties of record. Within thirty (30) days after the service of the Complaint upon the Commission or its filing by the Commission, or within such further time as the court may allow, the Commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Commission, or remanding the case to the Commission for further proceedings.

(c) If the Commission has failed to schedule a hearing in accordance

with subsection 98.51 or has failed to issue an order within one hundred eighty (180) days after the Complaint is filed, the complainant, respondent, or an intervenor may petition the circuit court in a county in which the alleged unlawful act set forth in the Complaint is alleged to have occurred or in which the petitioner resides or has his principal place of business for an order directing the Commission to take such action.

(d) The court shall not consider any matter not considered by, nor any objection not raised before, the Commission, unless the failure of a party to present such matter to or raise such objection before the Commission is excused because of good cause shown. A party may move the court to remand the case to the Commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the Commission.

(e) The jurisdiction of the circuit court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedure. The Commission's copy of the testimony shall be available to all parties for examination without cost during business hours of the Commission.

(f) A proceeding under this section must be initiated within thirty (30) days after a copy of the order of the Commission is received. If no proceeding is so initiated, the Commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

98.54 Investigations, Powers, Confidential Nature Of

(a) In connection with an investigation of a Complaint filed under this chapter, the Commission or its designated representative at any reasonable time

Unlawful Act While Same Claim Pending Before The Other Body; Final Determination Exclusive

As provided by KRS 344.270, the Commission shall not take jurisdiction over any claim of an unlawful act under this chapter while a claim of the same person seeking relief for the same unlawful act under KRS 344.450 is pending. As provided by KRS 344.270, a state court shall not take jurisdiction over any claim of an unlawful act under this chapter while a claim of the same person seeking relief for the same unlawful act is pending before the Commission. As provided by KRS 344.270 a final determination by a state court or the Commission of a claim alleging an unlawful act under this subchapter of Ordinance 98 shall exclude any other action or proceeding brought by the same person based on the same unlawful act.

Section 2. This Ordinance shall be effective ninety (90) days after its passage and approval.

[Signature] C.B.A. [Signature] P.B.A.

11-13-91

Approved as to Form
F. David Banks, Board Counsel
IC0/52

MAYOR

Will be effective

2-10-92

BOARD OF ALDERMEN
READ AND PASSED
Nov 12 1991

Appendix C



BOWLING GREEN HUMAN RIGHTS COMMISSION, INC.

(502) 782-7900

1032 COLLEGE STREET - HUDDLESTON BLDG
BOWLING GREEN, KY 42101

JOHNNY D WEBB
MAYOR

Board of Directors

BRENDA WILLOUGHBY
CHAIRPERSON

LAWRENCE WHITE
VICE-CHAIRPERSON

SHARON DIXON
SECRETARY

MARI HARRIS
TREASURER

Commissioners/ COMMITTEES

HUGO BECKER
EDUCATION

TERRY CARTER
EMPLOYMENT

PEGGY CLARK
EMPLOYMENT

JANE DRUMMOND
EMPLOYMENT

BETTIE ESTERS
HUMAN RELATIONS

LYNNE HOLLAND
HUMAN RELATIONS

PAULINE JONES
EDUCATION

ANNE LLOYD
HOUSING

THOMAS MITCHELL
HOUSING

ANNE MURRAY
EMPLOYMENT

BETTIE WHITLOCK
HUMAN RELATIONS

Staff

GWENDOLYN DOWNS
EXECUTIVE DIRECTOR

DENNIS REY JONES
PUBLIC RELATIONS DIRECTOR

June 29, 1995

Lorraine Garkovich
2790 McCovan's Ferry
Versailles, Kentucky 40383

Dear Ms. Garkovich,

I talked to Heidi Huddleston last week, concerning follow-up information on the 1992 forum held here in Bowling Green, and we felt it would be easier if I sent the information directly to you to help speed up the process.

Going over the report brought back feelings I haven't had since the sixties, when I was actively involved in the civil rights movement in my hometown, St. Louis, Mo. I have tried to touch on as many of the subjects as possible to give you a good perspective of where we are. Please keep in mind that this report only reflects my personal views.

Due to the city's decision to no longer fund our agency, we closed our office to the general public on May 1st. We have submitted a budget to the Warren County Fiscal Court and if we are funded, we can remain open until the end of the year.

If I can be of further assistance or if you need additional information please contact me at (502) 782-7900 or 796-2777.

Sincerely,

Gwendolyn Downs
Executive Director

After reviewing the summary of the 1992 Forum on Bigotry and Related Violence, I am sorry to report that I feel there has been very few changes in this regard.

I feel confident that if another survey was conducted in our local schools, it also would indicate a high percentage of students have strong bias views on race relations

Our office has not been contacted during this period concerning the distribution of Klan materials at any of the local schools.

There are still a number of complaints coming from inmates at the local jail but it is hard to assess those complaints.

In the area of housing discrimination let me assure you that it is alive and maybe on the increase.

The new community center is up and running and things seem to be going well. The hundreds of residents in the area are still without a swimming pool.

A police officer informed me that it had been decided to place a uniformed officer at the community center since it was close to an establishment that they felt could have a negative affect on the youth attending the center. When I inquired if the residents in the area had been a part of the decision, the officer said no and did not understand why they should be. I explained that with all the controversy surrounding the community center it would be a dreadful mistake not to and would only serve to widen the gap between the African American community and the local police.

I further tried to explain that anytime a decision is made that will affect the residents or the image of a community the decision making body should definitely include representation from that community.

This is a prime example of how " things work " here and why the African American community feels the way it does about the " powers to be".

I am happy to report that the 1994 televised greeting from the local Warren County School District reflected the diversity of the students within the district.

Not only summer employment but employment as a whole for minority youth is lacking. Please keep in mind that part of the problem lies in the fact that there is no affordable public transportation.

There is still no Citizens Review Board to monitor, advise and help bridge the gap between the city police department and the local community.

I am uncertain as to the number of African Americans serving on public boards and commissions but I would venture to say there are probably some that have no minority representation.

There is still a very small percentage of African Americans from this community who graduate from college and are successful in finding gainful employment in the area.

I spoke to the mayor and expressed my disappointment in his lack of sensitivity and concern regarding his youth council. He stated that even though this was the Mayor's Youth Council he had very little input and had delegated the task to someone else.

I explained that that was no excuse and I would think anything coming directly from his office would not be acted upon without his personal approval. My comments also addressed the apparent need for him to remind his staff that he represented the entire community and the need for them to be sensitive to that.

Local discrimination complaints are continuously being reported to our office in alarming numbers and the sad part is there seems to be no end in sight.

Employment complaints continue to take first place followed by housing and education. My personal feeling is the trend in employment discrimination will continue until there is a significant number of minorities working in upper management decision making positions.

Within the city of Bowling Green, there are probably fewer than ten (10), (and I don't mean 10% but the number 10,) African American males working as white collar professionals outside of Western Kentucky University and General Motors, this is out of a population of more than 4,950 African Americans.

As an African American mother of 2 sons and the grandmother of 2 grandsons these facts are devastating to me, but the real tragedy lies in the fact that, in the year of our lord 1995, we are still faced with this problem and there seems to be "no light at the end of the tunnel."

Footnote: And society wonders why cities are burned and people seem to be out of control? What else do you expect when people are not allowed something so basic as hopes and dreams and feel trapped with no future in sight. When one group of people are denied basic opportunities that are afforded so generously to others, and all because of their skin color.

My feelings are the same today as they were two and a half years ago concerning race relations in Bowling Green. It is obvious that the local white community feel that the majority of African Americans and other minorities are inferior, unqualified, lazy, don't want to work, expect handouts, lacking in morals, promiscuous and dominate the welfare system. Is this why our concerns never seem to of importance?

The problems we are faced with will continue until the doors of opportunity are opened to all citizens within this community and when a whole race of people are no longer judged by the actions of a few.

City of Bowling Green

POLICE DEPARTMENT

GARY A. RAYMER
CHIEF OF POLICE

P. O. BOX 1287

BUSINESS 847 4244
EMERGENCY 911

BOWLING GREEN, KENTUCKY 42102-1287



January 18, 1994

Mr. Robert L. Knight
Civil Rights Analyst
U.S. Commission on Civil Rights
101 Marietta Tower, Suite 2821
Atlanta, GA 30303

Dear Mr. Knight:

The Bowling Green Police Department is pleased that you are interested in our views and assessments of race relations in our community. In response to your letter dated October 27, 1993, we are providing you with the following information for your review.

Item 1: What are the procedures for reporting hate crimes in your organization?

We have adopted the procedure recommended by the Kentucky State Police Commissioner, Billy G. Wellman, in his letter dated July 6, 1992. (See copy attached.)

Item 2: What are the most recent number of reported hate crimes?

We have attached a copy of our yearly report for your review and a recent newspaper article directed toward 'hate crimes' in the Bowling Green area.

Item 3: What are the methods of handling complaints of racial/gender discrimination and sexual harassment in hiring and/or promotion practices within the work force of your organization?

These procedures are located within the Bowling Green Police Department General Orders Policy and Procedures Manual, General Order 209.01 and 209.02; and City of Bowling Green Administrative Personnel Policy and Procedures Manual, Section 9-4. We have enclosed copies for your review.

ROBERT L. KNIGHT
JANUARY 18, 1994
Page 2

Item 4: Are officers provided any diversity/professional training on the preceding topics? Please give brief descriptions of the content and frequency of professional training for officers on those topics.

The Kentucky Department of Criminal Justice Training provides yearly mandatory training in the area of 'Hate Crimes' as part of the officers in-service training program. We also provide roll call training for the officers as needed. Major Beckham, Captain Waltrip, and Records Supervisor Bernadette Stanley attended a Human Rights Commission training session on October 11, 1993, which contained information on the following topics: EEO Compliance, Sexual Harassment-Identification and Prevention, and the American Disabilities Act. (A copy of the agenda is attached.)

If we can provide you with any further information, please feel free to contact us.

Sincerely,


Gary A. Raymer
Chief of Police

GAR/wp



ITEM # 1

COMMONWEALTH OF KENTUCKY
KENTUCKY STATE POLICE
919 VERSAILLES ROAD
FRANKFORT 40601

BRERETON C. JONES
GOVERNOR

BILLY G. WELLMAN
COMMISSIONER
AND
SECRETARY OF JUSTICE

July 6, 1992

Dear Law Enforcement Administrators:

The Kentucky Legislature, in its 1992 Regular Session, enacted Senate Bill 8, which requires the reporting and data collection of bias related crimes - also known as "hate crime". As defined by the Legislature, "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."

Kentucky's legislation follows a growing national concern about bias crime. The United States Congress, in April of 1990, enacted the "Hate Crime Statistics Act of 1990", which requires the collection of bias crime data as a part of the Uniform Crime Reporting (UCR) program. Senate Bill 8 becomes effective July 14, 1992. If investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's criminal act was motivated, in whole or in part, by bias, then the offense will be classified as a "bias crime."

The FBI's "Hate Crime Incident Report" (enclosed) should be used by agencies who submit UCR data in summary form.

Complete the "Hate Crime Incident Report" for each offense occurring during the reporting month and submit the forms along with the regular monthly UCR submission. Please make copies of the forms for your officers' use

If it is determined after submission of a bias crime report that the crime was not "bias related", forward a copy of the initial report and indicate "DELETE AS BIAS".

AN EQUAL OPPORTUNITY EMPLOYER M/F/H

There are, of course, many kinds of bias. The type of bias to be reported will be limited to those which fit the National and State mandates. The specific types of bias to be reported are:

RACIAL BIAS

Anti-White
Anti-Black
Anti-American Indian/Alaskan
Anti-Asian
Anti-Multi-Racial Group

RELIGIOUS BIAS

Anti-Jewish
Anti-Catholic
Anti-Protestant
Anti-Islamic (Moslem)
Anti-Other Religion (Buddhism, Hinduism, Shintoism,
etc.)
Anti-Multi-Racial Group
Anti-Atheist/Agnostic/etc.

SEXUAL ORIENTATION BIAS

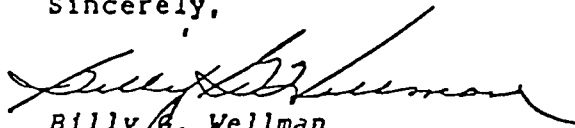
Anti-Male Homosexual (Gay)
Anti-Female Homosexual (Lesbian)
Anti-Homosexual (Gay and Lesbian)
Anti-Heterosexual
Anti-Bisexual

ETHNICITY/NATIONAL BIAS

Anti-Arab
Anti-Hispanic
Anti-Other Ethnicity/National Origin

Senate Bill 8 assigns the Department of Criminal Justice Training with the responsibility of training police officers in the identification, response, investigation, and reporting of bias related crime cases. Until such time that training is available, the enclosed examples may be of assistance in understanding bias crime reporting. Please direct any questions regarding bias crime reporting to Sgt. James Agee, KSP Records Section at 502-227-8700..

Sincerely,



Billy B. Wellman
Commissioner, Kentucky State Police

TCF/als

enclosures

cc: Major Neal Brittain
Captain Tommy C. Fields

Examples of Reporting Hate Crime Incidents

Example (1): While driving through a predominantly Mexican-American neighborhood, a black male stopped his car to repair a flat tire. A group of Mexican-Americans leaving a bar across the street accosted the driver and then attacked him with bottles and clubs. During the attack, the offenders called the victim by a well known and recognized epithet used against blacks and told him that blacks were not welcome in the neighborhood. This incident would be reported as Anti-Black because the victim and offenders are of different races, the offenders used a racial epithet, and the facts reveal no other reason for the attack than the stated one, i.e., to keep blacks out of the neighborhood.

Example (2): A white juvenile male snatched a Jewish woman's purse, and in doing so, knocked her down and called her by a well known and recognized epithet used against Jews. The offender's identity is not known. Although the offender used an epithet for Jews, it is not known whether he belongs to another religious group or whether his motive was anything more than robbery. Because the facts are ambiguous, agencies should not report this incident as bias motivated.

Example (3): Overnight, unknown persons broke into a synagogue and destroyed several religious objects. The perpetrators left a large swastika drawn on the door and wrote "Death to Jews" on a wall. Although valuable items were present, none was stolen. Report this incident as Anti-Jewish because the offenders destroyed religious objects, left anti-Semitic words and graffiti behind, and theft did not appear to be the motive for the burglary.

Example (4): A 29-year-old Chinese-American male was attacked by a 51-year-old white male wielding a tire iron. The victim suffered severe lacerations and a broken arm. The incident took place in a parking lot next to a bar. Investigation revealed that the offender and victim had previously exchanged racial insults in the bar, the offender having initiated the exchange by calling the victim by a well known and recognized epithet used against the Japanese and complaining that the Japanese were taking away jobs from Americans. An Anti-Asian/Pacific Islander offense would be reported based on the difference in race of the victim and offender, the exchange of racial insults, and the absence of other reasons for the attack.

Example (5): An adult white male was approached by four white teenagers who requested money for the bus. When he refused, one of the youths said to the others, "Let's teach this [epithet for a gay person] a lesson." The victim was punched in the face, knocked to the ground, kicked several times, and robbed of his wristwatch, ring, and wallet. When he reported the crime, the victim advised he did not know the offenders and that he was not gay. The facts are ambiguous. Although an epithet for a gay person was used by one of the offenders, the victim was not gay, such epithets are sometimes used as general insults regardless of the target person's sexual orientation, and in this case the offenders' motivation appeared to be limited to obtaining money from the victim. Therefore, the incident would not be designated bias motivated.

Example (6): A small neighborhood bar frequented by gays burned down after being closed for the night. Investigation revealed that the fire was deliberately set, but there were no witnesses or suspects. Although the fire was deliberately set, the fact that the bar was frequented by gays may have

been coincidental. Therefore, the incident is not reported as bias motivated. Two weeks later, three white adult males were arrested on a tip from an informant. They admitted burning down the bar, saying they did it to keep gays out of the neighborhood. As a result, this incident should now be reported as a bias crime.

Example (7): Six black men assaulted and seriously injured a white man and his Asian male friend as they were walking through a residential neighborhood. Witnesses said that the victims were attacked because they were trespassing in a "black" neighborhood. An Anti-Multi-Racial Group bias incident should be reported because the victims and offenders were of different races and witnesses reported that the victims were attacked because they were not black.

Example (8): Overnight, an auditorium, which was being used by representatives of several religious denominations to hold an ecumenical conference, was vandalized by unknown subjects. Extensive damage was caused and statements, such as "There is but one true religion" and "Down with the nonbelievers," were spray painted onto the walls. An Anti-Multi-Religious Group incident should be reported because the offenders clearly evidenced their hostility against a group representing more than one religion.

INSTRUCTIONS FOR PREPARING QUARTERLY HATE CRIME AND HATE CRIME INCIDENT REPORT

GENERAL

This report is separate from and in addition to the routine Summary UCR submission and the Hierarchy Rule does not apply. Also, in the Summary UCR system, the offenses of Intimidation and Destruction/Damage/Vandalism of Property are reported only when arrests occur. On this form, all are to be reported when they have been determined to have occurred and are bias-motivated, regardless of whether arrests have taken place. Refer to the Hate Crime Reporting Guidelines for additional information, clarification, and explanation.

SUMMARY PAGE

1. At the end of each calendar quarter, a single Summary Page, along with an individual Incident Report for each hate-motivated incident identified during the quarter (if any), should be jointly submitted. If none occurred, submit only the Summary Page.
2. The Summary Page should be used to identify your agency, to state the number of hate-related incidents being reported for the calendar quarter, and to delete any incidents previously reported which were determined during the reporting period not to be hate related.

HATE CRIME INCIDENT REPORT

3. The Incident Report should be used to report initially a hate-related incident or to adjust information in a previously reported incident.
4. Provide an identifying incident number which preferably will be your "case" or "file" number.
5. Provide codes for all offenses within the incident determined to be hate related and the number of victims for each such offense. In multiple offense incidents, report only those offenses determined to be hate related. Should more than six offenses be involved in one incident, use additional Incident Reports and make appropriate entries in the "page of " portion of the form.
6. Provide the most appropriate location for each hate-related offense.
7. Provide the nature of the hate/bias motivation for each hate-related offense.
8. Provide the victim type for each offense identified within the hate-related incident.
9. Where the victim type is an "individual," indicate the total number of individual victims (persons) involved in the incident irrespective of the number of offenses in which they were involved.
10. Provide the number of offenders, if known, or report that such is unknown.
11. Provide the suspected offender's race, if known. If there was more than one offender, provide the race of the group as a whole.

HATE CRIME INCIDENT REPORT

Initial Adjustment ORI Date of Incident / /
Month Day Year

Incident No. Page of of Same Incident

UCR Offense		Offense Code	
UCR Code	# of victims	UCR Code	# of victims
#1 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		01 Murder	
#2 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		02 Forcible Rape	
#3 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		03 Robbery	
#4 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		04 Aggravated Assault	
#5 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		05 Burglary	
#6 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>		06 Larceny-Theft	
		07 Motor Vehicle Theft	
		08 Arson	
		09 Simple Assault	
		10 Intimidation	
		11 Destruction / Damage / Vandalism	

Location (Check one for Offense #1)

- | | |
|---|---|
| <p>01 <input type="checkbox"/> Air / Bus / Train Terminal</p> <p>02 <input type="checkbox"/> Bank / Savings and Loan</p> <p>03 <input type="checkbox"/> Bar / Night Club</p> <p>04 <input type="checkbox"/> Church / Synagogue / Temple</p> <p>05 <input type="checkbox"/> Commercial / Office Building</p> <p>06 <input type="checkbox"/> Construction Site</p> <p>07 <input type="checkbox"/> Convenience Store</p> <p>08 <input type="checkbox"/> Department / Discount Store</p> <p>09 <input type="checkbox"/> Drug Store / Dr.'s Office / Hospital</p> <p>10 <input type="checkbox"/> Field / Woods</p> <p>11 <input type="checkbox"/> Government / Public Building</p> <p>12 <input type="checkbox"/> Grocery / Supermarket</p> <p>13 <input type="checkbox"/> Highway / Road / Alley / Street</p> | <p>14 <input type="checkbox"/> Hotel / Motel / etc.</p> <p>15 <input type="checkbox"/> Jail / Prison</p> <p>16 <input type="checkbox"/> Lake / Waterway</p> <p>17 <input type="checkbox"/> Liquor Store</p> <p>18 <input type="checkbox"/> Parking Lot / Garage</p> <p>19 <input type="checkbox"/> Rental Storage Facility</p> <p>20 <input type="checkbox"/> Residence / Home</p> <p>21 <input type="checkbox"/> Restaurant</p> <p>22 <input type="checkbox"/> School / College</p> <p>23 <input type="checkbox"/> Service / Gas Station</p> <p>24 <input type="checkbox"/> Specialty Store (TV, Fur, etc.)</p> <p>25 <input type="checkbox"/> Other / Unknown</p> |
|---|---|
- Enter Location Code if Different from Offense #1
- #2
- #3
- #4
- #5
- #6

Bias Motivation (Check one for Offense #1)

- | | |
|---|---|
| <p>Racial</p> <p>11 <input type="checkbox"/> Anti - White</p> <p>12 <input type="checkbox"/> Anti - Black</p> <p>13 <input type="checkbox"/> Anti - American Indian / Alaskan Native</p> <p>14 <input type="checkbox"/> Anti - Asian / Pacific Islander</p> <p>15 <input type="checkbox"/> Anti - Multi - Racial Group</p> <p>Ethnicity / National Origin</p> <p>31 <input type="checkbox"/> Anti - Arab</p> <p>32 <input type="checkbox"/> Anti - Hispanic</p> <p>33 <input type="checkbox"/> Anti - Other Ethnicity / National Origin</p> | <p>Religious</p> <p>21 <input type="checkbox"/> Anti - Jewish</p> <p>22 <input type="checkbox"/> Anti - Catholic</p> <p>23 <input type="checkbox"/> Anti - Protestant</p> <p>24 <input type="checkbox"/> Anti - Islamic (Moslem)</p> <p>25 <input type="checkbox"/> Anti - Other Religion</p> <p>26 <input type="checkbox"/> Anti - Multi - Religious Group</p> <p>27 <input type="checkbox"/> Anti - Atheism / Agnosticism / etc.</p> <p>Sexual</p> <p>41 <input type="checkbox"/> Anti - Male Homosexual (Gay)</p> <p>42 <input type="checkbox"/> Anti - Female Homosexual (Lesbian)</p> <p>43 <input type="checkbox"/> Anti - Homosexual (Gay and Lesbian)</p> <p>44 <input type="checkbox"/> Anti - Heterosexual</p> <p>45 <input type="checkbox"/> Anti - Bisexual</p> |
|---|---|
- Enter Bias Motivation Code if Different from Offense #1
- #2
- #3
- #4
- #5
- #6

Victim Type: For each offense code listed above, check all applicable victim types.

Victim Type:	Offense Code #1	Offense Code #2	Offense Code #3	Offense Code #4	Offense Code #5	Offense Code #6	Offense Code #7	Offense Code #8	Offense Code #9	Offense Code #10
1 Individual*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Financial Institution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Religious Organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Society / Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Indicate the total number of individual victims involved in the incident.

Number of Offenders (Use "00" for "Unknown")

Suspected Offenders' Race as a Group (Check one)

- | | | |
|----------------------------------|---|---|
| 1 <input type="checkbox"/> White | 3 <input type="checkbox"/> American Indian / Alaskan Native | 5 <input type="checkbox"/> Multi - Racial Group |
| 2 <input type="checkbox"/> Black | 4 <input type="checkbox"/> Asian / Pacific Islander | 6 <input type="checkbox"/> Unknown |

Daily News



YEAR 140—NO. 4

BOWLING GREEN, KENTUCKY

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WEDNESDAY, JANUARY 5, 1994

60 PAGES 3 SECTIONS

BG had 13 reported 'hate crimes' in '93

By ANDY DENNIS
The Daily News

Bowling Green police ended 1993 with 13 reported "hate crimes" in the city — those crimes that occur because of a person's race, gender or religious or sexual preference.

There were an even number of crimes reported to the state as "black against white" and "white against black," according to police statistics. Five crimes were logged in each of those categories. The other reports were two against homosexuals and one against a Hispanic.

It's hard to compare the number against previous years, however, because 1993 was the

first full year law enforcement agencies throughout Kentucky were required to identify and report the crimes.

The decision to label the crime as a hate — or bias — crime is based on police officers' observations and interviews with the victim and those arrested to determine the motivation for the crime. The crime could range from intimidation to killing.

Six of those reported in the city involved intimidation, according to police records. Three others involved assaults, two involved vandalism or destruction of property, one involved an aggravated assault and the other was through a robbery,

police reports indicated.

City police media relations Officer Pat Thomas said determining what crimes are related to racial or other types of discrimination can be difficult.

At the request of police Chief Gary Raymer, Thomas in 1991 spent more than three days diving into police reports to determine how many were hate or bias crimes.

Thomas did not keep a record of what he found, but said he realized during his review that

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HATE

continued from Page 1

it often is difficult to determine whether hatred toward another based on ethnic, religious or some other criteria was a motivating factor.

"We didn't have that many" during 1991, Thomas said. "But, for example, you go through a report and it was a fight between a white and a black, it might have been race-related, but there might not have been any indication of it in the narrative" of the report.

WKU Police Capt. Richard Kirby said while records are not organized and filed under hate crimes at WKU Police headquarters, there were in

reported to Frankfort.

"I'm thinking we had something like a half a dozen," Kirby said. An exact number, however, was unavailable.

Kirby said after statistics are available from 1994, a more complete analysis can be made in connection with what statistics point to in terms of trends.

"It's going to take some time before we really can tell what's going on," he said.

There were no hate crimes reported to the Warren County

TO: CAPT. BILL WALTRIP
FROM: PATRICK H. THOMAS, CRIME ANALYSIS
RE: HATE CRIME ANALYSIS FOR 1993
DATE: JANUARY 11, 1994

Bowling Green Police Department records list thirteen incidents labeled as HATE CRIMES. Of the thirteen incidents, there were six by intimidation, one by robbery, one by aggravated assault, three by simple assault and two by vandalism. Three of the incidents occurred on the street, two in residences, two in schools, three in restaurants, one in a mall eating area, one in a city park and one in a parking lot. There were five anti-black incidents, five anti-white, one anti-Hispanic and two anti-male homosexual. In all thirteen incidents, the victims were individuals. The offender's race per incident showed eight incidents by whites and five incidents by blacks. The total number of offenders in the thirteen incidents were sixteen whites and twenty-eight blacks. There was no apparent Ku Klux Klan activity in any of these incidents, although in one incident a note was placed on a residence which was signed "KKK Jr.'s". In five of the incidents, one or more members of a group calling themselves "The Hit Squad", (a group consisting of twelve black Bowling Green High School students), were listed as suspects. Apparently, the attention given to this group by Bowling Green Police Department personnel, has resulted in the diminishing activity of The Hit Squad. We also continue to monitor and gather Klan activity information and now receive the KLANWATCH Intelligence Report.

In conclusion, we experienced 1.08 hate crimes per month in 1993. Although any hate crime is an extremely serious event, I do not see

this rate of hate crimes as being alarming. From studying each of the thirteen incidents, I do not believe there is any way to predict future trends or patterns in this area, nor do I have any way of predicting future specific events.

CHAPTER IX

EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PROGRAM9-1 Policy

9-1.1 Statement of Support - In all personnel transactions, the City of Bowling Green will adhere to the Equal Employment Opportunity guidelines and to those additional provisions and guidelines set forth in this Chapter.

In order to strengthen equal employment opportunity within this city, the City has voluntarily developed and implemented an Affirmative Action Program. The City will continue a policy of equal opportunity in all areas of personnel management without discrimination on the basis of race, creed, religion, color, national origin, sex, age or handicap, except where any of these are bona fide occupational qualifications. While presently complying with the Civil Rights Act of 1964 as well as the Equal Employment Act of 1972, this government reaffirms the right of all its residents to be full participants in its development and future by implementing this Affirmative Action Program.

9-1.2 Formal Dissemination of Policy - The City will ensure that all current and prospective employees are advised of this policy by methods such as the following:

- a. This policy has been incorporated into the current Administrative Personnel Policy and Procedures Manual of the City of Bowling Green, a copy of which has been given to all employees.
- b. A copy of this policy will be distributed to all current and future employees.
- c. Internal communications media such as bulletin boards, employee meetings, employee newsletters, and employee orientations will be used to inform all employees of this policy.
- d. Periodic sessions will be held with department and division heads to review progress and reinforce methods to ensure success of this program.
- e. The City will, in all employee recruitment notices and solicitation, include language appropriate to the intent of this nondiscriminatory policy.

9-2 Responsibility for Policy Implementation

9-2.1 City Manager - The City Manager is responsible for administration of all affairs of the City, which includes responsibility for the overall administration of the Affirmative Action Program. The City Manager shall:

- a. Establish, administer, and provide policy direction for the Affirmative Action Program so that equal opportunity exists in each department in all classifications. This will include directing all subordinate officials and employees to carry out all the provisions of this program.

- b. Submit an annual report to the Mayor and Board of Commissioners on the status of meeting affirmative action goals. Copies of this report will be available to interested citizens upon request.
- c. Designate a member of the City Manager's staff as Affirmative Action Officer.
- d. Budget for the expenditure of reasonable resources for the successful implementation of this program.
- e. Direct those agencies, boards, and commissions which receive City funding and employ five or more persons to develop, maintain, implement and update their own affirmative action and equal opportunity plans in order to continue to receive funding support.
- f. Direct those agencies which employ fewer than five persons to adopt and follow a policy of equal opportunity employment. Previously adopted affirmative action plans that have been approved by the City may be used in lieu of such a policy.

9-2.2 Affirmative Action Officer - The City Manager will appoint a member of the staff as Affirmative Action Officer. This person will have the firm support of the City administration for enforcing the legal and moral requirements involved in equal employment opportunity and affirmative action and will report directly to the City Manager on all issues relating to these responsibilities. The duties of the Affirmative Action Officer include:

- a. Monitoring the City's progress in achieving its affirmative action goals as set forth in this plan.
- b. Responsibility for advising the City Manager on changes in personnel policies or practices that will facilitate the attainment of all Program objectives.
- c. Responsibility for developing realistic goals and timetables essential to the attainment of all Program objectives.
- d. Disseminating to the City Manager and other responsible officials new legal guidelines on affirmative action and equal employment opportunity.
- e. Monitoring City contractors, agencies, boards and commissions and others who receive city funding to be certain that they are following the legal guidelines of affirmative action and equal opportunity, as agreed to in their contracts with the City.
- f. Investigating and reviewing each discrimination complaint and recommending actions to alleviate and prevent further discrimination.
- g. Preparing and recommending to the City Commission actions to be taken to insure the enforcement of affirmative action policies in City departments, agencies, boards and commission receiving City funding.
- h. Actively participating in the preparation of the annual revisions to the Affirmative Action Program.

9-3.3 Reports and Audits - This plan is incorporated by resolution and reference into the Administrative Personnel Policy and Procedures Manual of the City of Bowling Green and shall be a matter of public knowledge and records. This plan, as well as any additional reports required by state or federal law, will be made available for submission to state and federal funding and regulatory agencies as required in the operation of the City.

9-4 Complaint Procedure

9-4.1 Employee or Applicant Complaint - An employee or applicant for employment with the City who feels he has experienced discrimination has a number of options within the framework of this plan:

- a. Discuss the problem with the Affirmative Action Officer, to try to informally reach a solution.
- b. Set forth in writing, within five working days from the alleged date of discrimination, the specific charge of discrimination, including the following information:
 - (1) The date, time, and place of the alleged act of discrimination;
 - (2) The person or persons alleged to have discriminated against the employee or applicant;
 - (3) The basis of the discrimination: race, color, religion, national origin, sex, age, or handicap; and
 - (4) All other circumstances surrounding the alleged act of discrimination, with documentation.

This written complaint with supporting data should then be sent to the Affirmative Action Officer in care of the City Personnel Office, P. O. Box 430, Bowling Green, KY 42101.

Upon receipt of the written complaint, the Affirmative Action Officer shall forward a copy of same to the person or persons alleged to have discriminated against the employee or applicant. They shall have five working days to respond in writing to the charge and forward said response to the Affirmative Action Officer.

The Affirmative Action Officer shall review all written statements and conduct such hearings as may be necessary in order to render a written decision within seven working days from the date of receipt of all facts from both sides.

If a charging party is not satisfied with the decision rendered by the Affirmative Action Officer, the complaint may be processed under any of the other complaint options set forth in this plan.

- c. Within three working days of the ~~decision of the~~ Affirmative Action Officer, the complaint may be presented to the City Manager, who shall hold a hearing thereon within seven working days. The complainant may be represented by any individual of his choosing in the hearings before the City Manager and a written decision shall be rendered within eight working days after the conclusion of the hearing.

GENERAL ORDER

209
Number

SUBJECT: GRIEVANCE PROCEDURES

EFFECTIVE DATE: January 1, 1991

AMENDMENTS ISSUED: September 30, 1992

PURPOSE:

This General Order sets forth the Department's grievance procedures. Policies are intended to form viable procedures in accordance with contemporary personnel administration practices. This order consists of the following numbered sections:

- 209.01 Definitions and Goal (p. 1)
- 209.02 Department Grievance Procedures (p. 2-4)

209.01 Definitions and Goal

I. Definitions (Ky 11.1; CALEA 25.1.1)

- A. Grievance: A complaint or dispute relative to an employee's employment; a circumstance or condition which a member feels to be unjust or unfair and which cannot be resolved by his immediate supervisor to the satisfaction of the member. (A complaint or superior/subordinate conversation involving some area of subordinate dissatisfaction is not considered a formal grievance within the meaning of these procedures unless an impasse regarding disposition of the issue has been reached between the member and the immediate supervisor.) Grievances may include the following:
1. an issue of a personal nature relating to a problem between members;
 2. disciplinary actions, including dismissals, demotions, and suspensions;
 3. an issue of a technical nature relating to Department or City policy or procedures, including the proper application or interpretation of personnel policies, procedures, rules and regulations;
 4. acts of reprisal for using the grievance procedure; or for participation in the grievance of another employee; or
 5. any other issue which is not precluded from the grievance process.
- B. Grievant: A Department member who feels unjustly or unfairly affected by a circumstance and who desires to bring the matter to higher authority for resolution.
- C. Grievance procedure: An element of the City and Department's formal personnel system designed to resolve differences between the employee and the employer. This procedure shall not apply when the following procedures are used:
1. Any employee aggrieved by a City Manager decision relating to suspension, demotion, or dismissal may appeal to the Personnel Board as provided in Chapter VI of the Administrative Policy and Procedures Manual.

2. Appeals based on alleged discrimination on the basis of race, religion, color, national origin, sex, age, handicap, or other protected classifications shall be handled by the procedures outlined in the City's Affirmative Action Plan.

II. Goal

The Department's grievance procedures seek to allow employees to resolve their grievances with management fairly and expeditiously.

209.02 Department Grievance Procedures

I. General Guidelines (CALEA 25.1.1)

- A. It is the desire of the City and the Department to resolve grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. It is expected that grievances will not be initiated unless the member believes that the situation has merit and is appropriate to the grievance process. The following matters are not subject to the grievance process:
 1. pay schedules, or
 2. individual job assignment unless a member feels that a particular assignment is unfair and is part of a pattern of such assignments.
- B. The procedure, general provisions, and conduct of the personnel board hearing sections of the City's Administrative Personnel Policy and Procedures Manual shall apply to the Police Department except any portions in conflict with KRS Chapter 95 for sworn police personnel shall be superseded by state law, and the remedies provided in said statutes shall apply.
 1. Under certain conditions specified in KRS 95.450, charges must be preferred and a hearing conducted before a police officer may be reprimanded, dismissed, suspended or reduced in grade or pay. Charges must be filed with and the hearing conducted by the Board of Commissioners.
 2. Administrative due process rights are specified in KRS 15.520, relating to the manner of investigating and hearing complaints against police officers.

3. Law enforcement officers have the option to resolve their grievances through either the grievance procedure, or the provisions in KRS 95.450 and/or KRS 15.520, depending on the specific circumstances and applicability of State law.
- II. Procedure (Ky 11.1; 11.2; CALEA 25.1.1; 25.1.2; 25.1.3; 25.1.4; 25.1.5; 25.1.6)
- A. Within thirty calendar days after the occurrence or condition giving rise to a grievance, the affected employee shall first discuss the grievance with his immediate supervisor, who shall make careful inquiry into the facts and circumstances of the complaint. The Supervisor shall attempt to resolve the problem promptly (within three working days) and fairly.
 - B. In the event an employee is dissatisfied with the decision of his supervisor he may submit the grievance to the Chief and shall specify the remedy he expects to obtain through use of this procedure. Supplemental to the City administrative manual, the following written communication procedures apply:
 1. A formal grievance shall be submitted to (1) the Chief of Police (2) through the chain of command. It shall include the following elements:
 - (a) a written statement of the grievance and the facts upon which it is based;
 - (b) a written allegation of the specific wrongful act and harm done; and
 - (c) a written statement of the remedy or adjustment sought.
 2. The grievant shall use the specified Departmental written communication system, i.e., memoranda, for the submission of any formal grievance.
 3. Each supervisor between the writer and the Chief shall read, review, and initial the memorandum.
 4. Each supervisor between the writer and the Chief may add attachment(s) to the communication containing concurring information, dissenting information, or additional information.

5. Each supervisor between the writer and the Chief shall keep the communication only long enough to read, review, add to if necessary, and initial (no more than three working days). It shall then be sent immediately to the next person in the chain of command.
 6. The Chief shall:
 - (a) acknowledge receipt by noting time and date;
 - (b) analyze the facts or allegations;
 - (c) affirm or deny, in writing, the allegations in the grievance;
 - (d) identify the remedy or adjustments, if any, to be made; and
 - (e) reply in writing within three working days after receipt of the employee's grievance, setting forth the reasons for rendering his decision.
 7. If the Chief is unavailable during the specified amount of time indicated above, the next lower person in the chain of command shall inform the sender of that fact.
 8. A grievance may bypass a person in the chain if that person's absence exceeds one day.
 9. See also 102.04, Written Communication; 102.05, Other Communication should also apply.
- C. If the employee is dissatisfied with the decision of the Chief, he may, within three working days following the receipt of the Chief's decision, submit the grievance in writing to the City Manager.
- D. Any employee aggrieved by the City Manager's decision may appeal to the City's Personnel Board within five working days after receipt of that decision. The composition of the City's Personnel Board and criteria for the appointment of its members is described in Code of Ordinances 17-1.04. Its function is described in Administrative Personnel Policy and Procedures Manual 6-7.5. A grievant may be represented by legal counsel. However, if he chooses to be represented by legal counsel at any meeting regarding the grievance, the City likewise has the option of being represented by counsel.
- E. An employee may be represented by counsel at any meeting regarding a grievance. However, if the grievant is represented by counsel, the City likewise has the option of being represented by counsel.

III. Grievance Files (CALEA 25.1.7; 25.1.8)

- A. The Chief of Police is responsible for maintaining the Department's grievance file. At a minimum, the file should contain:
 - 1. copies of grievances received and related supporting or investigative reports;
 - 2. copies of supervisor's reports; and
 - 3. attendant dispositions.

- B. The Chief conducts an annual analysis of grievances to detect any trends so that steps may be taken to minimize the causes.

Seminar Agenda

11:30 - 12:30 Lunch

12:30 - 1:20 EEO Compliance

Q & A

1:20 - 1:30 BREAK

1:30 - 2:20 Sexual Harassment

Identification & Prevention

Q & A

*2:20 - 3:15 The American with
Disabilites Act*

3:15 - 3:30 Wrap - Up

*Weekend Give-A-Way
& other door prizes*

(you must be present to win)

Bowling Green Independent Schools

JOEL C. BROWN, SUPERINTENDENT
1211 CENTER STREET
BOWLING GREEN, KENTUCKY 42101
Phone: (502) 781-2254

BOARD OF EDUCATION

BECKY TOMBLINSON, Chairman
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Assistant Superintendent, W. BASIL JONES
Assistant Superintendent, DR. SARAH H. LAWS
Treasurer, DANNY L. SPILLMAN
Secretary, JOEL C. BROWN

November 3, 1993

Mr. Robert L. Knight
U.S. Commission on Civil Rights
101 Marietta Tower Ste. 2821
Atlanta, GA 30303

Dear Mr. Knight:

I received your letter dated October 27, 1993, asking me to respond to questions 1, 2, 3, and 5. The responses are as follows:

1. The Board of Education has an official grievance procedure that is followed.
(03.162 Harrassment/Discrimination)
2. None
3. Four Board policies refer to number 3: (10.4 Distribution of materials in schools) (08.1353 Controversial Issues) (09.422 Hazing) (09.42 Student Conduct)
5. I believe that we have excellent race relations in our schools. We have students of all races and they respect one another's rights and persons.

Sincerely yours,



Joel C. Brown, Superintendent
Bowling Green City Schools

JCB:jt

Enclosure

Fax Machine Number (502) 782-7123

The Bowling Green Independent School District provides equal educational and employment opportunities

U.S. COMMISSION ON CIVIL RIGHTS
Southern Regional Office
101 Marietta Street
Atlanta, GA 30303

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300