

# Hate Crimes, Religious Discrimination, and Fair Housing



The nation's first hate crime law was passed in 1968 making it a crime to use, or threaten to use, force to willfully interfere with any person because of race, color, religion, or national origin and because the person was participating in a federally protected activity, such as public education, employment, jury service, travel, or the enjoyment of public accommodations, or helping another person to do so.

In 1996, Congress passed the Church Arson Prevention Act, 18 U.S.C. § 247. Under this Act, it is a crime to deface, damage, or destroy religious real property, or interfere with a person's religious practice, in situations affecting interstate commerce. The Act also bars defacing, damaging, or destroying religious property because of the race, color, or ethnicity of persons associated with the property.

Then, in 2009, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, was passed which expanded the federal definition of hate crimes to also include gender, disability, gender identity, or sexual orientation.

## What is a hate crime?

A "hate crime" is a criminal act against a person or property in which the perpetrator chooses the victim because of the victim's real or perceived race, color, religion, national origin or ethnicity, disability, sexual orientation, gender identity, or gender. According to the U.S. Department of Justice (DOJ), these criminal activities could include incidents such as vandalism, assault, arson, murder, or threats to commit such crimes. Conspiring or asking another person to commit such crimes, even if the crime was never carried out, may also qualify. **Thought or speech would not qualify as a hate crime unless accompanied by criminal action.**

What makes hate crimes different from other criminal acts is that, often, the victim's entire community is left feeling victimized, vulnerable, fearful, isolated, and unprotected by laws. Such crimes can also lead to reprisals and a dangerous spiral of escalating inter-group tension and violence. Thus, the impact of this type of bias-motivated crime is far greater than the already terrible impact on the individual.

## Indiana's Hate Crime "Law"

In the 2019 Indiana General Assembly, SB 12, a bill supported by businesses and advocates, was introduced and heard

## JUNE 2021

**A Lawrence, Indiana man burned a cross above the fence line facing his Black neighbor's property; created and displayed a swastika on the outer side of his fence facing his neighbor's property; created and displayed a large sign containing a variety of anti-Black racial slurs next to the swastika; visibly displayed a machete near the sign with the racial slurs; loudly played the song "Dixie" on repeat; and threw eggs at his neighbor's house, in an attempt to harass his neighbor. He pleaded guilty and was eventually sentenced to jail.**

## DECEMBER 2024

**An 18-year-old woman of Chinese descent enrolled at Indiana University-Bloomington, was riding a Bloomington Transit bus. As the student was exiting the bus, a woman reached for a folding knife from inside her pocket and stabbed the student in the head approximately seven to ten times. The woman used racial and gender-based slurs later stating she attacked the victim because she was of Chinese descent and so that there was "one less enemy." The woman was later sentenced to six years in federal prison.**

before the Senate Public Policy Committee. This comprehensive and inclusive bias crimes bill was passed by the Committee in a 9-1 vote with bipartisan support. After the process of going to the Senate floor and then to the House floor, the end result was that SB 12's bias crimes language was amended into SB 198, an unrelated sentencing bill. However, SB 198 did not include gender, gender identity, age, or ancestry in its list of personal characteristics and included language noting that offenses also included "bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider." This broad language likely makes the bill unenforceable and, possibly, unconstitutional, due to rulings and actions in other states with similar language.

**Because of this, as of 2025, advocates identify Indiana as one of just four states without a comprehensive hate crime law.**

## Hate Crimes in Indiana, by bias type

The FBI/U.S. Department of Justice releases annual data from across the United States on hate crimes documented by local law enforcement agencies. Based on data available, the total number of hate crimes in Indiana has increased over the past three years (2021-2023). There were 184 hate crimes reported in 2023, up 30% from 2021. The top three bias categories for these reports were:

### 58% Race / Ethnicity / Ancestry

- Anti-Black or African American (59 incidents)
- Anti-White (22 incidents)
- Anti-Hispanic or Latino (10 incidents)

### 18% Sexual Orientation

- Anti-Gay (Male) (20 incidents)

### 11% Religion

- Anti-Jewish (11 incidents)

Religion-based hate crime reports have fluctuated slightly over the last decade between 11-14%, while hate crimes based on sexual orientation doubled in 2023 when compared to 2021.

Because hate crime data relies on local reporting, such crimes are likely significantly underreported.

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## Hate Crimes in Indiana, by offense and location

According to the FBI Crime Data Explorer, bias crimes are broken down into several different types. For the year 2023, the top four types across all reported bias crimes are as follows:

<b>Intimidation</b>	<b>36%</b>
<b>Simple Assault</b>	<b>25%</b>
<b>Aggravated Assault</b>	<b>14%</b>
<b>Destruction/Damage/Vandalism of Property</b>	<b>12%</b>

The crimes are also broken down by location type and, of specific interest, the data show that the most common location for these crimes is a residence or home—which is of specific interest when it come to fair housing concerns:

<b>Residence/Home</b>	<b>35%</b>
<b>Highway/Road/Alley/Street/Sidewalk</b>	<b>14%</b>
<b>School-Elementary/Secondary</b>	<b>7%</b>
<b>Commercial/Office Building</b>	<b>4%</b>

## Hate Crimes & Fair Housing Laws

The federal Fair Housing Act protects housing consumers from discrimination in their housing transactions and services (rental, sales, lending, insurance, zoning) based on:

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (presence of minor children)
- Disability

Anytime a hate crime is conducted in or around the home of the victim, their property is damaged at the home, or the conduct is meant to impact the victim or targeted group's ability to live in a neighborhood or community, that could also violate fair housing laws.

Specifically, the federal Fair Housing Act makes it unlawful to "threaten, intimidate, or interfere with persons in their enjoyment of a dwelling because of their protected class or the

## FEBRUARY 2022

A man was driving through a residential area of Paola, Kansas, when he saw the victim, an African American man, walking on the sidewalk. The man stopped, got out of the car, and approached the victim while brandishing a knife. He threatened the victim, yelled racial slurs, and told the victim that Paola is a "white town." At the time, Paola was almost 90% white and 4% African American. He eventually pleaded guilty to intimidation and interference with the man's right to fair housing and was sentenced to jail and fined.

## FEBRUARY 2024

**A Jewish family found a large swastika and Star of David stomped into the snow outside of their home in Carmel, Indiana.**

*"Carmel police investigating after swastika found drawn in the snow outside Jewish family's home," FOX59.*

protected class of visitors/associates." Examples of the overlap between hate crimes and fair housing harassment protections could include:

- A neighbor yelling racial slurs and burning a cross on or near the property of a Black neighbor
- A landlord vandalizing a Jewish tenant's property with Nazi propaganda and swastika symbols
- A tenant in a complex threatening physical harm to a neighbor because they are dating a person with a disability
- A neighbor spray painting slurs on the vehicle of a gay resident
- A real estate agent purposely damaging the door of a Muslim resident while showing a condo unit
- A person threatening bodily harm to a white homeowner if they had Asian guests visit
- An individual sending social media messages saying "go back to their country" and stating they are outside a Muslim family's residence waiting for them
- Someone at a community park threatens to kill a Latino family for speaking Spanish and tells them to go back to their country

## Why do we need a state bias crimes statute?

Unfortunately, federal authorities may not have the capacity of local enforcement, who are active in the community of the reported incident, to timely investigate when a hate crime occurs. There also may be jurisdictional barriers because the types of crimes which would qualify as a hate crime very often are violations that fall under state law jurisdiction instead of federal law.

## What to do

Despite Indiana's lack of a comprehensive hate crime law, Hoosiers do have some protections should they experience harassment, hate, or bias-oriented crimes.

- Contact local law enforcement
- Contact your area's FBI field office
- If housing-related, contact the FHCCI

Please support your neighbors when they are targeted—it may be easier for you to speak up than it is for them. You can also help by advocating that the Indiana General Assembly pass an inclusive and comprehensive hate crime law.

Contact us:

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