

Hate

Bias

Crimes



OACP

## A Review of Policies, Practices, & Challenges



The Ontario Association of Chiefs of Police



## **Hate/bias crimes affect not only individual victims, but also the larger community.**

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**Original research for this project was undertaken by Dr. Tim Bryan on behalf of the OACP's Equity, Diversity, and Inclusion Committee. We are grateful for Dr. Bryan's assistance on this important project.**

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## Introduction

The Ontario Association of Chiefs of Police's (OACP) Equity, Diversity, and Inclusion Committee is pleased to provide *Hate/Bias Crime: A Review of Policies, Practices, and Challenges* as a resource document for police services across Ontario. It is our hope that this document, which is the first OACP research project to examine hate/bias crime, will assist law enforcement organizations in countering the negative effects of hate/bias crimes in our communities.

This document focuses on hate/bias crime as it is defined in the Criminal Code of Canada in sections 318, 319, 430(4.1) and the purposes and principles of sentencing (718.2(a)(i)). Our aim is to assist police services by providing information and practical resources to address challenges related to the investigation and frontline policing of hate/bias crimes and to provide strategies for more effective interventions to prevent their occurrence. As the number of hate/bias crime increases in Canada and internationally, it is vital that police organizations be equipped with the requisite skills and knowledge to effectively respond to bias-motivated occurrences. This resource for Ontario police services should be regarded as a living document; as research into this important area of policing evolves and as police services in Ontario develop, operationalize and/or evaluate hate/bias crime prevention and enforcement initiatives, we will ensure those developments are reflected in this document.

We invite OACP member services, community organizations and community members throughout the province to submit information about the impact of hate motivated crimes and incidents, along with resources and services aimed at prevention and community support, to the OACP's EDI Committee. New information will be included in future versions of this document.

This is the first document of its kind to be published in Canada and the OACP Equity, Diversity, and Inclusion Committee hopes that it will serve as a model for other jurisdictions in Canada. By synthesizing “what we know” from the research literature, coupled with and complemented by the knowledge, experiences, and on-the-ground strategies of Ontario police services, the OACP seeks to provide a forum for dialogue on hate/bias crime and to equip Ontario’s police leaders and their police officers to better serve all members of our communities.

*Hate/Bias Crime: A Review of Policies, Practices, and Challenges* seeks to complement and consolidate past research and contribute to more effective law enforcement practices. We urge police services to make hate/bias crime a priority provincially and nationally, to recognize its effects both locally and within society at large, and to understand its increasing complexity.

Please contact the OACP office at [oacpadmin@oacp.on.ca](mailto:oacpadmin@oacp.on.ca) to inquire about our equity, diversity, and inclusion initiatives.

## Approach

Between September 2014 and March 2015, the OACP EDI Committee consulted widely with hate/bias crime officers representing police services from across the province.

The following organizations assisted with this research. They assisted in facilitating access to police personnel, provided space for interviews and focus group sessions, submitted research materials, described both successes and challenges related to policing hate/bias crimes and incidents, and reviewed/contributed to iterations of this guidebook.

Anishinabek Police Services  
Barrie Police Service  
Brantford Police Service  
Cobourg Police Service  
Durham Regional Police Service  
Guelph Police Service  
Halton Regional Police Service  
Hamilton Police Service  
Hate/bias crime & Extremism Investigative Team  
Kingston Police  
London Police Service  
Niagara Regional Police Service  
Ontario Provincial Police  
Ontario Police College

Ottawa Police Service  
Owen Sound Police Service  
Peel Regional Police  
Royal Canadian Mounted Police  
Sarnia Police Service  
South Simcoe Police Service  
Stratford Police Service  
Strathroy-Caradoc Police Service  
Toronto Police Service  
Thunder Bay Police Service  
Woodstock Police Service  
Waterloo Regional Police Service  
York Regional Police  
Windsor Police Service



# The OACP Equity, Diversity, and Inclusion (EDI) Committee

The OACP's EDI Committee was established with a clear mandate to:

- Identify current and emerging equity, diversity, and inclusion trends impacting policing in Ontario and their communities.
- Advance equity, diversity, and inclusion in policing through the development of strategies and recommendations.
- Raise the profile, build capacity, and influence positive change for policing in Ontario.
- Lead the development of tools and resources that provide effective policing in Ontario on equity, diversity, and inclusion.
- Direct and support the work of the EDI Sub-Committee Network including programming and educational initiatives.

In addition to its mandate, the EDI Committee applies equity, diversity, and inclusion stewardship to all Board activities with the goal of fostering collaborative and respectful relationships amongst policing agencies and partners in Ontario, to promote, educate and personify the values of diversity and inclusion in police leadership and policing in general. This best practices document is one such example of the importance of the EDI Committee for the Province of Ontario.

## Key Terminology & Considerations

### Hate/bias Motivated Crime

“Hate/bias crime” is a broad legal term that encompasses a diversity of motives, perpetrators, victims, behaviours and harms. Research has identified individuals and groups that are at a particular risk of hate/bias crime victimization, including Indigenous peoples and those targeted because of race, religion, ethnicity, national orientation, sexual orientation, gender, disability, or an intersection of more than one of these identities (Chongatera, 2013; Leber, 2015).

Hate/bias crimes affect not only individual victims, but also the larger community. Hate/bias crimes also have consequences that reach far beyond a specific incident and are particularly concerning because they:

- Can have uniquely violent and assaultive characteristics;
- Cause trauma to victims, family, and friends;
- Can cause fear of being targeted for future crimes;
- Can escalate and prompt retaliation;
- Can foster community unrest; and
- Threaten national values of tolerance and inclusion.

It is important to note that while hate can be a motivator in these types of offences, it is often not the sole motivating factor. Research demonstrates that hate/bias crimes are often motivated by multiple factors, including ignorance, fear, anger and social/political grievances (Janhevich, 2001; Tetrault, 2019), which can pose legal challenges for determining and demonstrating hateful motivation.

Legally speaking, hate/bias crimes are criminal incidents that are found to have been motivated wholly or in part by hatred toward an identifiable group. According to s318(4) of the *Criminal Code of Canada*, such groups are distinguishable by race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, among other factors. Simply put: *any criminal act* has the potential to be a hate/bias crime if the hate motivation can be proven.

There are four specific offences listed as hate propaganda or hate/bias crimes in the *Criminal Code of Canada*:

- Advocating genocide (section 318 (1));
- Public incitement to hatred where likely to lead to a breach of the peace (section 319 (1));
- Willful promotion of hatred (section 319 (2)); and
- Mischief motivated by hate in relation to religious property (section 430 (4.1)).

Relevant *Criminal Code of Canada* sections for each of these offences, along with general statutory aggravating factors, are reproduced in Appendix A.

## Hate/Bias Motivated Incident

Non-criminal hate incidents involve the same characteristics as hate/bias crimes but do not meet the threshold to be classified as criminal under *Canada's Criminal Code*. Given the nature of these incidents and their potential to generate widespread fear in affected communities, police have an important 'reassurance' role to play when responding to such occurrences (see discussion of "current practice" post-incident reassurance protocols for more information).

## Attorney General (AG) Consent

There are procedural gateways to hate/bias crime prosecution; under s.319 of the Canadian Charter of Rights and Freedoms, consent of the provincial Attorney General (AG) is required for 2 of the hate/bias crime categories: Willful promotion of hate and Advocating Genocide. AG consent is not, however, required to lay the charge of Public Incitement of Hatred because this refers to someone speaking to a crowd at a public event like a demonstration or rally. In such a case, police need the autonomy to arrest and charge the person immediately, so that the individual may not direct the crowd to commit a specific offence against a specific group.



## Cyberhate

The proliferation of social media has provided additional platforms for the expression of hate. Though there is no universally accepted definition, the term cybercrime generally refers to the use of electronic communications technology to attack people based on their actual or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability or sexual orientation, gender identity, gender expression or similar factor to promote hateful messages or information. These electronic communications technologies include the Internet (i.e., websites, social networking sites, user-generated content, dating sites, blogs, online games, instant messages and email) and other information technologies.

Statistics Canada data (see Armstrong, 2019) shows that between 2010 and 2017, the groups most likely to be targeted online mirror those targeted in person; a disproportionate amount of online hate is directed toward members of Muslim, Jewish, Black, and 2SLGBTQ communities. Over this period, uttering threats was the most common type of reported cyber hate/bias crime (35% of reported crimes), followed by public incitement of hatred (18%), and criminal harassment (15%). Online hate/bias crimes accounted for 11% of overall reported hate/bias crimes, though as previously discussed, these figures grossly underestimate the true number of incidents of cyberhate, as most incidents go unreported.

## Hate Speech and Freedom of Speech



Section 2(b) of the Canadian Charter of Rights and Freedoms enshrines the fundamental freedom of “thought, belief, opinion and expression, including freedom of the press and other media of communication”. Those who wish to peacefully protest or convey a point of view have the right to do so, even if their viewpoints are considered offensive by others. However, these freedoms are not absolute; section 1 of the Charter states: “The Canadian Charter of Rights and Freedoms

guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” The Supreme Court of Canada has upheld restrictions on forms of expression deemed contrary to the spirit of the Charter. More specifically, speech (which can be verbal or written) that incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is a common “restricted speech” category in Canada that may lead to the laying of criminal charges.

## The Hate/Bias crime – Terrorism/Violent Extremism Nexus

Research demonstrates that though conceptually and legally distinct, hate/bias crime and terrorism/violent extremism do share some important similarities (Mills et al., 2017; Deloughery et al., 2012), and should therefore be viewed as “close cousins”. This is because in each case, the target of the offense is selected because of his or her group identity, not because of his or her individual behavior, and because hate/bias crime and terrorism/violent extremism generate fear among a greater number of people than those directly affected by violence. There can also be a temporal association between these types of offending – that is, one can trigger the other. More specifically, some research has demonstrated that hate/bias crimes are often perpetrated in response to acts of terrorism. This appears to be especially the case within the first four weeks of a terrorist attack, though the first week generally appears to be the period of acutely elevated risk for hate/bias crime victimization. It therefore appears that some hate/bias crime is reactionary in nature, serving as a form of vicarious retribution against innocent members of the group thought to be responsible for, or sympathetic to, the terrorist act. This has obvious implications for police services, who can provide important reassurance and community support roles in the wake of such incidents.

## Reporting Hate/Bias Crime Victimization



The statistics discussed in this report represent hate/bias crimes that are reported to or detected by police and are subsequently classified as being motivated by hate/bias. Research shows that a majority (about two-thirds) of people who are victimized by hate motivated crime do not, for a variety of reasons, report their victimization to police (Armstrong, 2019). There are a number of factors that operate on their own or in combination to shape the decision not to report. These include:

- Confusion/lack of knowledge about what hate motivated crime is;
- Fear of escalation and/or retaliation;
- Embarrassment;
- A lack of trust in police and/or skepticism about the police capacity to investigate these crimes;
- A belief that the accused would not be convicted or adequately punished;
- Dealing with the incident in another way; and
- Concerns that a given incident may not be serious enough to report – this is often the case with hate/bias motivated incidents that do not meet the threshold for laying a criminal charge.

To further complicate matters, police services' varying levels of expertise in identifying crimes motivated by hate/bias means that sometimes when victims do report hate/bias motivated crimes to the police, they are not classified as such.

## **Why is it important that Hate/Bias Motivated Crimes and Incidents be reported?**

It is important that hate/bias motivated crimes and incidents be reported to and documented by the police to ensure that operations are calibrated to the scope of the issue. Currently in Canada (as in other nations), hate/bias crime units tend to be under-resourced, in part because reporting rates are generally low. This undermines police services' capacity to respond effectively to hate-motivated crime and incidents, support victims, and offer reassurance to affected communities, and to deploy proactive prevention/intervention-based programs and initiatives.

## **How can police services work to increase hate/bias crime detection and reporting?**

Recent years have seen increased efforts on the part of police services across Canada to facilitate the identification and reporting of hate motivated crimes and incidents. In January 2019, 14 of the 20 largest municipal police services in Canada had dedicated hate/bias crime officers and/or hate/bias crime units (Armstrong, 2019). Training on hate/bias crime and related issues are also becoming increasingly common (see discussion of “current practice” training/education initiatives for more information). In an effort to try to address the under-reporting of hate/bias crimes, a growing number of police services are developing innovative methods to encourage the reporting of hate, including a variety of community engagement, partnership and education initiatives, along with protocols that quell fears and reassure victimized communities in the wake of hate-motivated crimes and incidents (see “current practice” examples for more information).

It is important to note that changes in reporting practices and the provision of additional supports to victimized communities can have effects on hate/bias crime statistics. That is, higher rates of police-reported hate/bias crime in certain jurisdictions may, in part, reflect differences or changes in the recognition, reporting and investigation of these incidents by police and community members. At the same time, increases in hate motivated crimes and incidents likely also reflect actual increases in the crimes/incidents themselves.



# Hate/Bias Crime Victimization & Offending in Canada: Patterns & Trends

## Who are the victims of hate/bias crime in Canada?

Police services are mandated to report the details of all hate/bias crime occurrences to Statistics Canada, which compiles and releases the data. Comparable hate/bias crime data has been collected in Canada since 2009, using data from the Incident-based Uniform Crime Reporting (UCR2) Survey. This survey has enabled the identification of trends in hate/bias crime victimization, including<sup>1</sup>:

- Between 2014 and 2017, police-reported hate crimes in Canada consistently increased, from a low of 611 criminal incidents in 2014 to a high of 878 cases in 2017. In 2018, the number of police-reported hate crimes decreased by 13%, for a total of 780 incidents (275 fewer incidents compared to the previous year). However, with the exception of 2017, the number of reported hate crimes in 2018 was still higher than any other year in the past decade.
- Between 2014 and 2018, race/ethnicity was the most common motivation for police-reported hate/bias crime (on average, constituting about 46% of reported hate crimes), followed by religion (about 36% of reported crimes), sexual orientation (about 11% of reported crimes), and ‘other’ motives (about 6% of reported crimes).
- When hate/bias crime is motivated by race or ethnicity, the Black community is most frequently targeted. In 2018, 16% of reported hate crimes were motivated by race/ethnicity and involved Black victims (283 incidents), Arab or West Asian communities (7% or 111 incidents), South Asian communities (3% or 75 incidents), followed by victims from East/Southeast Asian communities (3% of reported hate crimes or 56 incidents), Indigenous communities (2% or 35 incidents), and ‘other’<sup>2</sup> communities (10% of all reported hate crimes, or 183 incidents).
- When hate/bias crime is motivated by hatred based on religion, Jewish communities are most frequently targeted, followed by Muslim communities. In 2018, police-reported hate crimes against Jewish and Muslim community members declined (by 50% and 4%, respectively) after several years of increases that spiked in 2017.

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<sup>1</sup> Source: Moreau, 2020.

<sup>2</sup> This includes white victims, motivations based on race/ethnicity not otherwise stated (e.g., Latin American, South American) and/or hate crimes targeting more than one racial/ethnic group – see Morneau, 2020.

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- Hate crimes motivated by hatred of a sexual orientation constituted 10% of police-reported hate crimes in Canada in 2018, a 15% decrease compared to the previous year (173 cases in 2018 compared to 204 cases in 2017). The majority of these crimes (79%) specifically targeted gay and lesbian victims. In 2018, 45 hate crimes targeting transgender or agender people were reported to police; these incidents were disproportionately likely to involve violence.
- Non-violent hate crimes (general mischief, mischief in relation to property used primarily for worship or by an identifiable group, public incitement of hatred and advocating genocide, crimes against property, and other non-violent criminal violations) accounted for 57% of police-reported hate crime in 2018, down from 62% the previous year. By contrast, violent hate crimes (uttering threats, common assault, assault with a weapon or causing bodily harm or aggravated assault, criminal harassment, other violent offences) increased from 38% in 2017 to 43% of police-reported hate crime in 2018.
- Between 2010 and 2018, the majority of police-reported hate crimes targeting sexual orientation (64%), South Asian (64%), Arab and West Asian (63%), and East and Southeast Asian (56%) populations were violent. Over this period and across these groups, common assault was the most common charge (representing between 23% and 27% of hate crimes), followed by uttering threats (12–18%) and assault with a weapon or causing bodily harm (5–11%).
- Between 2010 and 2018, victims of police-reported violent hate crimes targeting sexual orientation and Indigenous communities tended to be the youngest (median ages of 27 and 28 years, respectively) and to suffer from serious injury more than other victim categories.
- For all types of hate/bias crime reported to police between 2010 and 2018, 68% of victims were male and 32% were female. Police-reported hate/bias crimes against Indigenous (45%) and Muslim (45%) populations were, however, more likely than other hate/bias crimes to involve female victims over this period.
- Between 2010 and 2018, the majority of hate/bias crime victims (63%) were victimized by a stranger; this was most often the case among victims of violent hate/bias crime targeting religion (71%) and race (65%), followed by sexual orientation (57%).



## Who are the perpetrators of hate/bias crime in Canada?

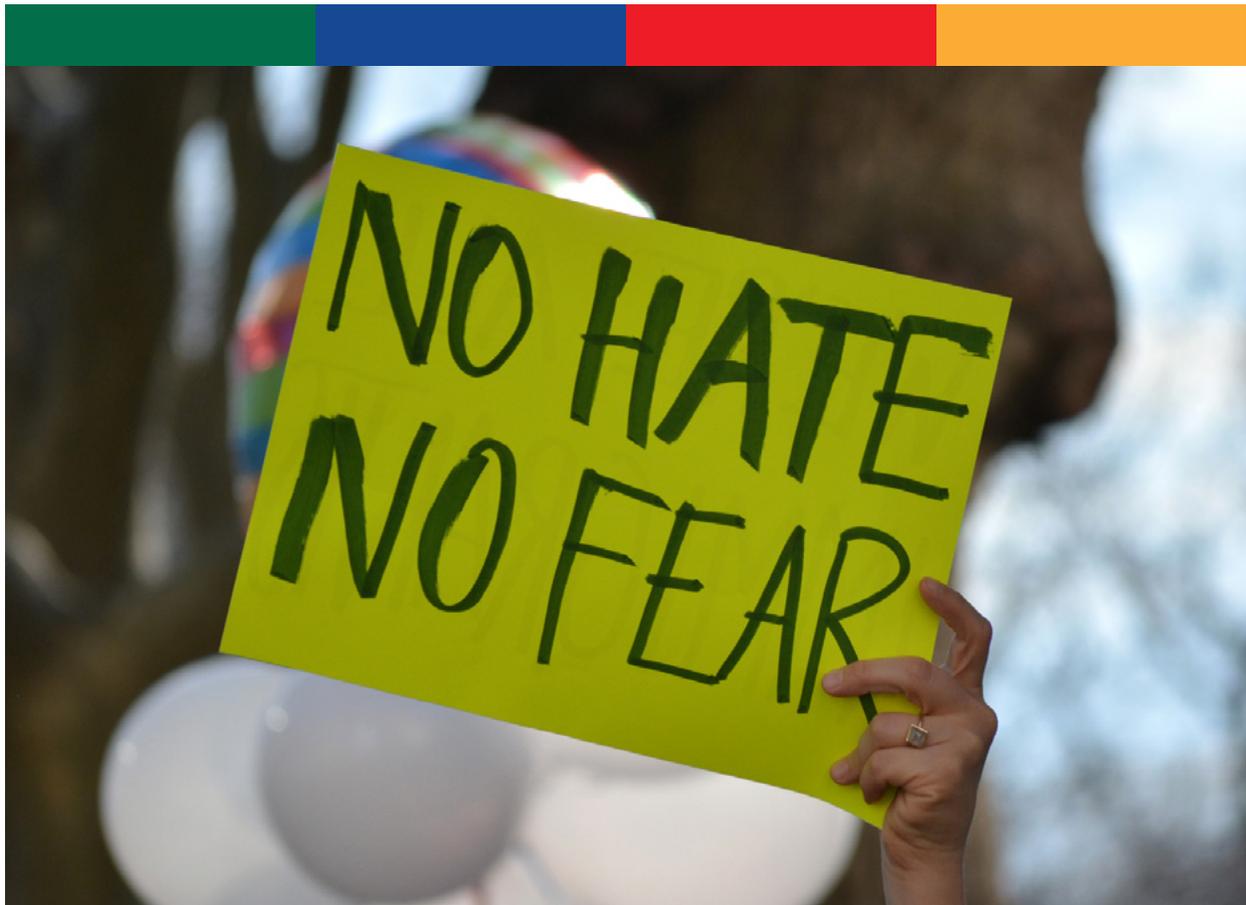
The vast majority of persons accused of hate/bias crime are young and male. The median age of persons accused of hate/bias crime between 2010 and 2018 was 26 years, with the exception of those accused of hate/bias crimes against the Muslim and Arab or West Asian populations, who tend to be older (43 and 35 years of age, respectively).

Between 2010 and 2018, youth aged 12 to 17 made up 24% of all persons accused of hate/bias crime. The vast majority of youth accused of hate/bias crime were male (86%). Over half (54%) of the youth accused of hate/bias crimes targeted victims based on their race or ethnicity, followed by 20% targeting religion and 18% targeting sexual orientation. These figures are in keeping with those for adults accused of hate/bias crimes.



## Current Police Procedures

The *Ontario Police Services Act* provides the legislative framework within which police services are structured and delivered in the province. A number of provinces also have policing standards that supplement the provisions of their respective Police Service Acts. *The Ontario Policing Standards Manual* contains provisions that set out how police services are to be maintained and delivered and provides a series of technical guidelines designed to assist municipalities and police services in the province understand and follow the *Act* and related regulations. Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into hate/bias motivated crime and propaganda. In addition, section 12(1)(h) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into hate/bias motivated crime and propaganda. To provide technical and procedural guidance to police services in Ontario, the *Policing Standards Manual* provides a sample policy on investigations into hate/bias motivated crime and propaganda (reproduced in Appendix B). However, little is yet known about whether and the extent to which these suggested guidelines have been uniformly adopted by police services across the province.



# Provincial Hate/Bias Crime Initiatives

## Intelligence and Investigatory Support



### Hate/bias crime Extremism Investigative Team (HCEIT)

Since 2003, the province has extended financial assistance to police services by supporting the HCEIT to assist in coordinating intelligence gathering by providing specialized investigative support on matters involving hate propaganda, the promotion of genocide, hate-motivated crimes, and criminal extremism.

The HCEIT is network of 15 police services in Ontario that specialize in the investigation of hate/bias crime and extremism. HCEIT receives annual provincial support and works closely with the Ontario Provincial Police, Criminal Intelligence Service Ontario, Royal Canadian Mounted Police, Canadian Security Intelligence Service, and Canada Border Services Agency.

HCEIT activities include:

- Active monitoring of open source intelligence by paying close attention to new and emerging areas of the internet;
- Participation in thousands of intelligence/criminal investigations throughout the province;
- Conducting intelligence operations on individuals and groups in an effort to monitor, anticipate and prevent hate/bias crimes;
- Identify, prioritize, and recommend criminal investigations of individuals and groups and to assume a leadership role in such investigations;
- The provision of investigative support to other police agencies involved in hate/bias crime/extremism investigations;
- Facilitating the exchange of information between police agencies and other governmental agencies, both domestic and international;
- The establishment of a network of investigators both locally and internationally to share information in an effort to monitor individuals or organized groups; and
- The provision of training and educational support to police officers and community organizations regarding the identification and investigation of hate/bias crimes.

## Training



### Ontario Police College

The Ontario Police College (OPC) is responsible for administering provincial basic training to all new police recruits in Ontario. The Basic Constable Training (BCT) curriculum covers a variety of content areas, including mandatory training on hate/bias motivated crime.

Basic Constable Training topics include (but are not limited to):

Hate/bias crime awareness (including an introduction, overview and situational learning).

- Bias-free lens to policing activities; empathy for communities/victims; motivation;
- Distinguishing between hate motivated incidents and hate/bias crimes (in particular the motivation and how incidents often have greater impact on victims);
- Why hate incidents happen and the dynamics of investigating them.

OPC also provides hate/bias crime investigators with training through its Advanced Hate Crime/Extremism Investigators course, developed and co-taught by a team of practitioner and academic subject matter experts.

Advanced Hate Crime/Extremism Investigators Course topics include (but are not limited to):

- Current and emerging trends in the area of hate motivated incidents, crimes and violent extremism;
- The varied and complicated relationships that exist between hate motivated incidents, crimes and violent extremism that necessitate a coordinated law enforcement response;
- The role of the internet and social media in promoting hate;
- Applicable Criminal Code sections and how they are applied in the context of hate motivated incidents and crime;
- Investigative practices and protocols, including those involved with the laying of s.319 (hate crime) charges.

In addition to the OPC courses discussed above, police services in Ontario also have access to a number of online training, education and awareness training modules. Some organizations bring in external expertise to help train members on these topics, while others have created in-service online training modules that are made available to and easily accessed by officers. Other resources include online educational videos (see, for example, Peel Regional Police's Hate-motivated Crime awareness video: [www.youtube.com/watch?v=8ZEEifrN5nl](http://www.youtube.com/watch?v=8ZEEifrN5nl)), guidebooks and fact sheets that are available to both police officers, police personnel, and the general public.



# The Nature of Police Hate/Bias Crime Work in Ontario: Research Observations

Though all police services in Ontario are mandated to have a designated hate/bias crime officer, there is considerable variation in terms of the operational approaches that have been adopted. These include: *department-wide approaches* that involve coordinated efforts across front-line, investigatory, intelligence, and community-based components; *designated hate/bias liaison officer(s)* that review and respond to hate/bias incidents and crimes; *hate/bias units* with specialist officers performing investigatory, education, and community engagement duties; and *joint forces initiatives* wherein police services work together across jurisdictional lines to facilitate investigations, information sharing, and provide support to smaller jurisdictions and/or complex investigations.

This section provides an overview of key aspects of hate/bias crime work in Ontario, based on data gathered from interviews and focus group sessions with hate/bias crime officers representing police services from across the province.

## Hate/Bias Crime Officer Roles

### Investigations

- The primary responsibility of hate/bias crime officers is to oversee or assist hate/bias crime investigations, to ensure that investigations are conducted in accordance with police service procedures, and to liaise with the Ministry of the Attorney General with respect to s.319 (hate crime) charges.



### Data Collection/Collation

- Hate/bias crime officers also record and track hate/bias incidents and occurrences, submit this data to Statistics Canada to be compiled into national hate/bias crime reports, and prepare annual hate/bias crime reports, which are provided to Police Services Boards and released to the public.

### Victim and Community Support

Hate/bias crime officers in many jurisdictions also perform important victim and community support roles in the wake of hate/bias crime victimization. Some services have operationalized post-incident “reassurance protocols” designed to support victims and their broader communities.

### **Current Examples:**

#### **Peel Regional Police Service's Hate/Bias Motivated Crimes (HMC) and Incidents – Reassurance Protocol**

*Hate/bias motivated crimes and incidents impact our community members in a number of negative ways. The residual impact of such crimes and incidents often result in feelings of fear, marginalization and alienation. In an effort to ensure that the members of our community who are victimized by hate motivated crimes and incidents receive the necessary support and reassurance, and to help mitigate and minimize the above-noted concerns, PRP's 'reassurance protocol' has been formally implemented by the Equity & Inclusion Bureau, the organization's policy centre on HMC's:*

- *The Regional Hate Crime coordinator (who works in the Equity & Inclusion Bureau) or designate will ensure that they follow up with the victim / complainant of all Hate Crime and Hate Incidents.*
- *Follow ups with the victims / complainants will be done in a timely manner. Timely follow ups are imperative in these matters where re-assurance and public / personal safety is part of our service delivery. During the follow up process, Victim Services, and any other relevant social support service, will be offered.*
- *The Equity & Inclusion Bureau officer that conducts the follow up will ensure that a supplementary narrative is added to the original occurrence report.*

#### **Halton Regional Police Service's #PREVENT**

*Halton Regional Police Service will proactively deploy resources in a strategic and effective manner to prevent retaliatory type crimes towards any groups or individuals who are deemed at risk as a result of their religious or cultural ties.*

*The initiative is usually activated when there has been a hate or terrorist incident either in Canada or around the world, and pertains to our varied communities in Halton (Muslim, Sikh, Hindu, LGBT, etc.)*

*Mission: To deploy uniform police officers in a highly visible capacity in and around the locations referred to in the Operation Plan to discourage criminal acts and to quickly respond to any occurrence that may need police attention. Halton Police will have open communication with members of these groups to assure them that their safety and security is a high priority and will protect their freedoms. Officers will conduct proactive/strategic patrols at times when the places of worship have the highest volume of attendance therefore creating a target rich environment.*

*Upon receiving intelligence of an incident, key members (from the Community Mobilization Unit) will reach out to our contacts either within the “Victimized” community or the perceived “Perpetrator” community. Then we deploy officers to the communities to build awareness and to reassure our community that we are there to protect all of our citizens. We are able to keep track of the amount of time officers are deployed through hashtag. Feedback from the communities we serve has been very positive: so much so that when we attend community events we are very well received, with community leaders commenting on the good relationships they have with the police.*

*#PREVENT has four primary objectives:*

- 1. The preservation of safety for members of the public and specifically for group members at any of the noted locations.*
- 2. To create a visible presence at the noted locations to reassure members that their safety is a high priority.*
- 3. To identify any persons of interest/ suspicious packages and/ or suspicious activity taking place in and around any of the noted locations.*
- 4. The collection of intelligence for post investigative action.*

## **Public Education and Awareness**

Public education is another important responsibility of hate/bias crime officers, who regularly conduct workshops and community education sessions, organize hate/bias crime awareness campaigns, and sit on community consultation committees.

### **Current Examples:**

#### ***Waterloo Regional Police Service and HCEIT’s Hate Crime, Safety and Protection Seminar***

*The Waterloo Regional Police Service Intelligence branch, working alongside the Hate Crime & Extremism Investigative Team (HCEIT), led this free initiative that was open to the public. The seminar aimed to educate members of the public about hate/bias crime and the importance of reporting victimization to the police. The event featured speakers from Crime Stoppers, HCEIT, WRPS’s Inclusion and Equity Officer, and a Community Resource Officer, who presented on a variety of topics, including:*

- An overview of Crime Stoppers with an emphasis on how to report anonymously;*
- Current hate crime symbols, trends and investigations both local and global;*
- A discussion about police relationships with the community (past challenges, training information for engaging with diverse communities, recent examples of outreach);*
- Crime prevention through environmental design (proactive strategies provided to the community to safeguard their organizations);*

## **Hamilton Police Service's School-based Education and Awareness Campaign**

*This initiative was developed after the school board approached the police service with concerns about increased racist, homophobic, and anti-Semitic comments and graffiti that were occurring on school property.*

*The hate crime unit worked with the police services training branch and the school board training unit to develop a lesson plan that addresses stereotyping, graffiti, discrimination, prejudice, and diversity. The lesson plan involves a power point presentation with an interactive component that allows the students to express words that they feel are hurtful.*

### **#HateisLearned**

*The Waterloo Regional Police Service executive office, working alongside the Hate Crime & Extremism Investigative Team (HCEIT) developed this campaign. #HateisLearned features children speaking about the benefits of being inclusive of others regardless of their race, culture, religion, sexual orientation, gender or ability.*

*A casting call was disseminated via social media looking for kids who wished to speak about this important topic and be interviewed on camera at police headquarters. The multi-platform campaign featured 28 local children who shared their ideas around friendship and diversity. A local kindergarten class also took part, with images of students being featured on bus shelter advertisements and commercials at ONroute locations. Select local movie theatres also included a 'Hate is Learned' video in their preshow lineup.*

*The casting call allowed the community to actively participate in the initiative and learn more about WRPS and HCEIT. As the lead agency for this initiative, HCEIT encouraged its members to share the materials with their respective services, community groups and media in presentations about hate crime.*

*Links to #HateisLearned videos:*

[www.youtube.com/watch?v=VlpRHf1-yM4](http://www.youtube.com/watch?v=VlpRHf1-yM4)  
[www.youtube.com/watch?v=RXh3apCwqWQ](http://www.youtube.com/watch?v=RXh3apCwqWQ)

## Member Training

Some police services in Ontario, with the assistance of hate crime officers, have developed and operationalized member training on hate/bias crime and related issues.

### Current Example:

#### **Peel Regional Police's CVEI Training**

*PRP's Countering Violent Extremism Initiative (CVEI) involves a detailed training component focusing on providing service members with a baseline overview and understanding of violent extremism and hate/bias motivated crimes and incidents. The presentations aim to demystify these issues and provide a more holistic perspective to these commonly misunderstood phenomena. The key concepts and messages discussed provide a balanced narrative that brings awareness to these issues, while emphasizing the importance of cultural awareness, empathy, understanding, and prevention/early intervention as being key factors in combatting the spread hate and extremism in Canada.*

*To date, versions of the CVEI presentation have been delivered to over 10,000 law enforcement and related personnel, including 1200 Peel Regional Police officers. Also, of note is the fact that the presentation is continuously being updated and modified to reflect the dynamic nature and landscape of violent extremism/hate/bias motivated crime in Canada, and the emerging evidence base on these issues.*

#### **Waterloo Regional Police Service's Right- and Left-Wing Extremism Seminar**

*The Waterloo Regional Police Service Intelligence branch, working alongside the Hate Crime & Extremism Investigative Team (HCEIT) developed this free initiative for sworn and civilian personnel that provides an overview of:*

- *Right wing groups*
- *Left wing groups*
- *Symbols*
- *Rhetoric*
- *Recent local case examples*

*The presentations were offered on multiple occasions to reach as many people as possible, and fostered networking between law enforcement personnel who may not otherwise have opportunity to interact on a regular basis.*

## Community Engagement

Hate/bias crime officers interviewed for this research noted the importance of a community-based approach to policing hate/bias crime that emphasizes community outreach/engagement and communication. Both are integral to ensuring that communities know what hate/bias crime is and how to identify it, the role of police in combating hate/bias crime, the importance of reporting victimization, and the availability of victim supports. Officers also stated that communities are often important sources of “human intelligence” that can assist with investigations by providing valuable information and expertise that may not be otherwise available to police.

Community outreach and engagement within the context of hate/bias motivated crime can be operationalized in a number of ways, including (but not limited to) community consultation via townhalls and related forums, external education/training activities (for example, hate/bias crime information sessions hosted by the police service of jurisdiction), creating hate/bias crime educational material, fact sheets and training videos, and working in partnership with community advisory councils.

### Current Practice:

#### **York Regional Police “Being Gay is not a Crime. Bashing Is” Initiative**



*In an effort to reach out to member of 2SLGBTQ communities on the issue of hate/bias-motivated crime and incidents, York Regional Police launched the “Being Gay is Not a Crime. Bashing Is” initiative. As part of the campaign, YRO developed a series of posters in consultation with PFLAG Canada (YRP). The campaign encouraged members of 2SLGBTQ*

*communities to report hate/bias motivated crimes and incidents to police, who will vigorously investigate these complaints. The campaign also sent a broader message to the community as a whole: hate/bias motivated crime is unacceptable.*

### Other Portfolios

In addition to the responsibilities outlined above, many hate/bias crime officers often hold a number of other portfolios. For example, officers reported that they regularly assist with non-hate related investigations and, therefore, attention to hate/bias crime investigations can be affected by the overall volume of cases being investigated. Investigations into suspected hate propaganda offences can be especially time consuming and complicated and, therefore, often require significant time commitments.

## Jurisdictional Differences

While the responsibilities of hate/bias crime officers are quite similar across police services, demographic and geographic differences across jurisdictions impact the nature of hate/bias crime and the experiences of hate/bias crime officers. These differences impacted the types of hate/bias crimes police encounter, the kinds of enforcement challenges they face, and the resources at their disposal. Below, we highlight some of the key considerations reported by the officers we interviewed.

### ***Considerations in Urban Jurisdictions***

- Police jurisdictions in or near major urban centres are generally home to diverse racial, religious, cultural, ethnic, and linguistic communities, as well as LGBTQ2S communities and individuals from a range of socio-economic backgrounds. This necessitates that police officers have a nuanced understanding of the communities they serve and the potential for various forms of hate/bias crime victimization therein. These considerations are, of course, also pertinent in smaller and/or rural jurisdictions, particularly as their populations become increasingly diverse.
- Police must also be aware of the many barriers (e.g., language and cultural barriers) that could impact reporting and community outreach efforts. Officers also mentioned that because of the internal diversity of many communities (diversity along denominational, linguistic, socio-economic, generational, historical, and political lines, etc.), defining “communities” and identifying “community leaders” can be challenging, as some individuals identified with multiple communities at the same time or none at all. This necessitates that police services engage community leaders that represent the diversity within communities (in terms of age, gender, socioeconomic status, etc.) in their efforts to prevent and combat hate.

### ***Considerations in Smaller, Rural and/or Remote Communities***

- In smaller, rural, and/or remote police jurisdictions that are less visibly diverse or home to smaller or less established diverse communities, there is sometimes a lack of public awareness about police efforts to prevent and respond to hate/bias crime, and/or the importance of reporting hate/bias crime victimization.

- Hate/bias crime vulnerability and victimization can be unique in rural and remote areas of the province. Officers reported that victims are targeted not only on the basis of their identities, but also because they were not permanent residents, find themselves in precarious living and working conditions, have restricted access to community-based services and supports, and/or may be apprehensive about police involvement. Indigenous people, migrant labourers, and members of Mennonite and Amish communities were three groups noted to be particularly vulnerable to hate/bias crime victimization in rural and remote areas of the province.

### **Resource Considerations**

- The quantity and quality of resources available to hate/bias crime officers appear to vary across jurisdictions. Hate/bias crime officers in large metropolitan areas reported having access to a greater range of subject matter experts (SMEs), both within their respective services and in their local communities.
- Larger urban police services in close proximity to each other also report regular communication, shared SME networks and the pooling of expertise and information/training resources.
- Smaller and more rural police services, on the other hand, often do not have the same access to resources, networks, and recourses that reflect their local challenges with hate/bias crime, as most resources are based in and reflect the larger urban experience.

### **Key Operational Considerations**

#### *The importance of “Buy In” from senior leadership*

- All hate/bias crime officers interviewed for this research stressed the importance of senior leadership’s role in ensuring that hate/bias crime was made a service priority. Senior leadership “buy in” is vital to successful police hate/bias crime work as decisions about resource allocation, training, and the feasibility of new initiatives are made at this level. When senior leadership understands the importance of hate/bias crime and the significance of the impact on the community at large, it is much easier to secure new resources and for officers to take advantage of training opportunities to expand their knowledge base and competencies.

- Hate/bias crime is more likely to be made a priority when police services make diversity and inclusion priorities in all areas of policing. Making police services more diverse also increases officer and police service competencies vital for responding to hate/bias crime. For OACP Equity, Diversity, and Inclusion Committee recommended guidelines for increasing diversity and inclusion, see the related Ontario Chiefs of Police’s (OACP) Equity, Diversity, and Inclusion (EDI) Committee document *Best Practices in Policing and 2SLGBTQ Communities in Ontario* resource document.
- Many Ontario police services have established community consultative/working groups that liaise with members of command on a regular basis. It is during these meetings that senior management often becomes “alive” to the nature and extent of hate crime in some communities, thereby facilitating the reallocation of resources and calibration of service delivery to mitigate and/or minimize the impact of hate/bias motivated crimes and incidents.

#### *Communication within and across police services*

- Officers stressed how important communication within and between police services is to the prevention and effective investigation of hate/bias crime. Within-service communication is necessary to ensure a coordinated approach to identifying and responding to hate/bias motivated crimes and incidents. Across service communication is important for the sharing of information and best practices. Further, because hate/bias motivated incident or crime in one jurisdiction impacts affected communities in other jurisdictions, regular and open communication between services is key to a sensitive, compassionate and professional police response.
- Hate/bias crime investigators also rely on a variety of resources within their police services to assist with investigations, outreach, and victim support. School resource officers, intelligence officers, victim services, crime analysts, diversity officers, neighbourhood policing units, and community liaison officers have all assisted in the detection and investigation of hate/bias motivated crimes and incidents. Leveraging technology and social media platforms is also vital to hate/bias crime identification (as discussed above ‘cyber hate’ is a growing problem), prevention, and training/education.



## Challenges experienced by front-line officers

### *Operational Challenges*

- Some hate/bias crime officers noted challenges in generating interest on the part of command staff because, relative to other forms of criminal offending, hate/bias crime is not always considered a serious problem (Statistics Canada data demonstrates that hate crimes account for a small proportion – about 0.1% – of all crimes reported to police each year, though as previously discussed, the majority of hate crimes are not reported to police and therefore not reflected in police and Stats Can data). On the whole, officers reported that their capacity to perform hate/bias crime duties would be greatly enhanced by the provision of additional resources, supports and training opportunities.
- Identifying and properly documenting suspected hate/bias crimes can be a challenge for some frontline officers. As previously discussed, in some cases, offender motivation can be difficult to ascertain, due to the presence of multiple hate/bias motivations or multiple targeted communities. For example, categories such as “sexual orientation” and “race” may intersect with each other to form distinct experiences of prejudice, harassment, or discrimination. Police services are encouraged to be attentive and responsive to these distinct experiences.

Hate/bias crime coordinators and investigators stress the importance of frontline officers in the overall enforcement of hate/bias crime protocols since investigators are dependent on the initial classifications of frontline officers. If responding officers fail to identify hate/bias crimes, the likelihood of hate/bias crimes being discovered by investigators is greatly reduced. To reduce this problem, some police services have operationalized protocols wherein all potential hate/bias motivated crimes and incidents are to be documented and referred to designated hate/bias officers or units to be appropriately reviewed, vetted and classified.

### *Officer Education/Training: Challenges*

- The lack of standardized hate/bias crime training within police services throughout the province presents additional challenges for front-line officers. While the Ontario Police College provides hate/bias crime training as a part of its Basic Constable Training and the Advanced Hate Crime/Extremism Investigators Course, currently there is no ongoing or mandated training, though some services have developed their own member training programs and opportunities.
- Many of the hate/bias crime officers consulted for this project received very little specialist training prior to their transition into their current roles. For some, this led to uncertainty in how to identify hate/bias incidents and occurrences. In most cases, officers received a week of on-the-job training that generally involved “shadowing” the outgoing hate/bias crime officer. This, officers reported, was not sufficient to provide them with the requisite knowledge and skill sets to perform their duties, potentially hindering their service’s capacity to identify and respond appropriately to hate/bias motivated crime in their area of jurisdiction.
- The police are but one criminal justice agency involved in the processing of hate/bias motivated crimes. Officers also highlighted the need for more and better education and training for other criminal justice personnel. For example, Crown Attorneys who are tasked with prosecuting hate/bias crime charges, and judges who adjudicate the process also require specialized and ongoing training opportunities to ensure a coordinated system response to hate/bias motivated crime.

## *Community Engagement and Support: Challenges*

- Regular and proactive police–community communication also allows police to provide information to the community about hate/bias crime and reduces the potential for misinformation and/or misunderstanding. At times, communities may demand immediate recognition of an incident as a hate/bias crime at early stages of an investigation. The inability to do so pending the outcome of the investigation can give the impression to victims, victimized communities and to the public that the police are unresponsive or unwilling to designate a crime as being hate-motivated, which can strain police-community relationships. Hate/bias crime investigators note the importance of balancing community impact, public perception - and at times media attention - with due process and impartiality.
- Many police services must work to overcome mistrust on the part of communities that have historically been targeted by police, or by communities that feel that police are unresponsive to their concerns. Partnering with community organizations and conducting community outreach is vital for building bridges with communities and to increase reporting of hate/bias crime. Additionally, police-community partnerships are vital as some victims who may be reluctant to report their victimization to police may instead disclose to community organizations or prominent community members. Positive police-community relations may provide an avenue for police to support individual victims and victimized communities.
- Investigators also stressed the need for an expanded understanding of the nature of victimization experiences in hate/bias crime occurrences. Victim impact must be understood more broadly to include the entire identifiable group and society more generally, as well as a nuanced understanding of the broader social, economic and political milieu that contribute to hate crime victimization and offending.

## Recommendations

Based on the findings of this research project, the Ontario Association of Chiefs of Police makes the following recommendations.

### **1. Provincial Hate/Bias Crime Definition**

1.1 Municipal police services are encouraged to harmonize their definitions to ensure, as much as possible, that police services throughout the province use a common definition of hate/bias crime and hate/bias incident. This will help ensure consistent application of hate/bias crime procedures. It is recommended that police services move to adopt the following definition of hate/bias occurrence and hate/bias incident for their in-service definitions:

#### *Hate/Bias crime*

*A criminal offence committed against a person or property, that is perceived to be motivated and/or is motivated, in whole or in part by the suspect's hate, bias or prejudice based on the victim's real or perceived ancestry, race, national or ethnic origin, language, colour, religion/creed, sex, age, mental or physical disability, gender identity, sexual orientation or any other similar factor.*

#### *Hate Incident*

*Hate incidents involve behaviours that, though motivated by hate, bias or prejudice against a victim's real or perceived ancestry, race, national or ethnic origin, language, colour, religion/creed, sex, age, mental or physical disability, gender identity or sexual orientation, are not criminal acts.*

A standard definition will better enable consistent classification and data collection of hate/bias motivated crimes and incidents. The successful adoption of this definition will require the OACP to support in the development and delivery of training opportunities on hate/bias motivated crimes and Incidents and the reporting process. Training will be needed to provide clarification on the “perception” and “any other similar factors” portions of the definition.

1.2 Police services should develop mechanisms to document and record hate/bias incidents. While hate/bias crimes are recorded by police services province wide as mandated by the Police Services Act, few police services document hate incidents. Recording hate incidents would: 1) assist investigators in tracking offenders; 2) increase awareness with respect to the targeting of specific marginalized groups; 3) assist in the design and operationalization of proactive strategies aimed at

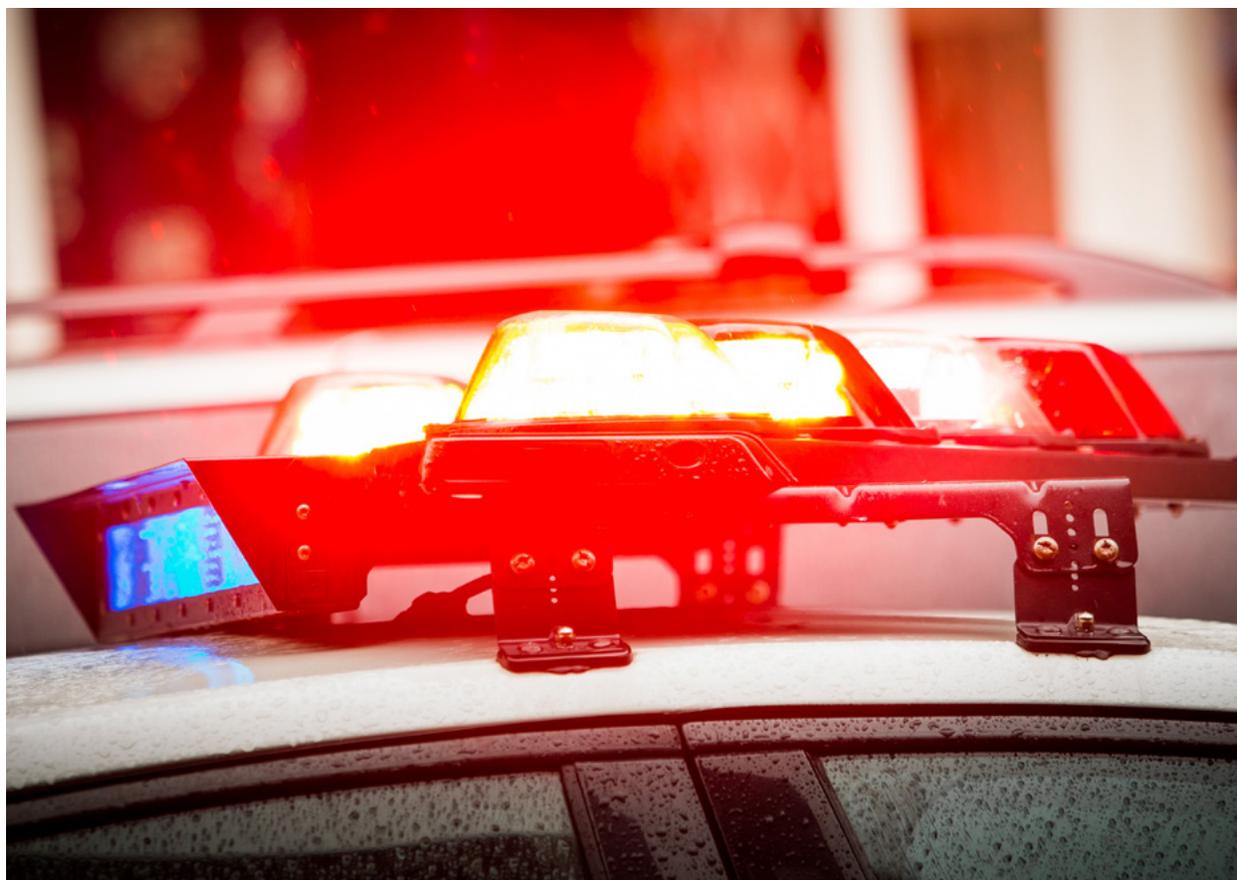
safeguarding communities against hate/bias motivated crimes and incidents and the broader, residual impacts of those crimes and incidents.

## **2. Training and Education**

- 2.1 Local police services should develop standardized training for all front-line officers to clarify and reinforce police procedures. Police service training programs should complement and build on existing training provided by OPC to avoid duplication and to ensure that training is clear, concise, and consistent.
- 2.2 Police services should implement mechanisms to follow up on officer training to ensure that all officers are familiar with the latest developments, trends, protocols, procedures, and legislative changes related to hate/bias crime.
- 2.3 The implementation of new training should be relevant to individual communities and jurisdictions, while being mindful of time constraints already faced by officers due to police responsibilities and other mandatory training. Police services should do their utmost to utilize a variety of training methods and expertise to provide the most relevant and effective training possible. Additionally, every effort should be made to include community members and organizations in police training to allow officers to learn about the experience of victimization directly from those most affected. This will assist in making training more meaningful and relevant to officers.
- 2.4 Training should be developed and implemented for records, communications (call takers), and front desk staff (specifically front desk report takers) to ensure suspected hate/bias crimes are properly identified and that designated hate/bias crime investigators can be quickly notified. This may require police services to develop protocols that govern how hate/bias crimes are dispatched, documented and coded.
- 2.5 Training should be developed and implemented for senior officers and supervisors more generally, who play a critical role in reinforcing police procedures and, therefore, are best able to stress the seriousness of hate/bias crime and the importance of properly recording relevant information to frontline officers.
- 2.6 Hate/bias crime investigation should be treated as a form of expertise. Establishing an accreditation system to recognize officer knowledge and experience in hate/bias crime would be helpful in this regard.
- 2.7 Easily accessible and user-friendly resources should be developed that can be readily accessed by officers to assist in all aspects of hate/bias motivated crime and incident investigations.

### **3. Police Service Coordination and Information Sharing**

- 3.1 Police services should make efforts to expand existing networks such as the Hate/bias Crime Extremism Investigative Team (HCEIT), which provide a forum for sharing information relevant to hate/bias crime. These networks allow for cross jurisdictional information sharing and coordination. These networks are valuable platforms for individual hate/bias crime officers and for the police service more broadly.
- 3.2 Police services should develop a succession plan to ensure that in the event that the hate/bias crime officer is re-assigned to other duties, retires, or go on leave for an extended amount of time, the police service will not suffer from a loss of vital knowledge and expertise. Additionally, police services must develop more robust training for new hate/bias crime officers that includes not only formal OPC training, but job shadowing and mentorship as well.



## **4. Community Engagement**

- 4.1 Police services should improve efforts to increase awareness of hate/bias crime using diverse mediums, including pamphlets, posters and presentations; through social media platforms such as Twitter, Facebook and Instagram; through hate/bias crime awareness campaigns, and at community gatherings. Increasing awareness of the seriousness of hate/bias crime and the importance of reporting to police is vital to an effective police response.
- 4.2 Police services should foster stronger ties with local communities and with community organizations to ensure that police are better positioned to serve vulnerable communities. This would also ensure that police establish a point of contact with communities in order to minimize the broader community impact of hate/bias motivated crimes and incidents. Additionally, police outreach is greatly improved when police services establish strong relationships with communities and community organizations. Further, bolstering relationships with communities enables police services to better understand the broader impacts that hate/bias and mobilize to provide various forms of reassurance and support.
- 4.3 Police services must develop a better understanding of how global issues can have local effects. Because many jurisdictions in Ontario are diverse and home to numerous communities, international conflicts can create tensions between and within local communities. This is especially important because communities may experience “backlash” due to international incidents which could lead to hate/bias crime and incidents. Understanding these complexities may take time and require monitoring of open source material from around the world to stay ahead of possible community conflicts, while enabling police services to proactively engage with affected communities in an effort to minimize the transnational “ripple effects” of such incidents.

# Appendix A: Laws Pertaining to Hate/Bias Crime in Canada

## Hate Propaganda, Sections 318 – 320 C.C.

### ***Advocating Genocide***

- 318.1 Everyone who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.
- 318.2 In this section, “genocide” means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,
- (a) killing members of the group; or
  - (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

### ***Public Incitement of Hatred***

- 319.1 Everyone who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
  - (b) an offence punishable on summary conviction.

### ***Willful Promotion of Hatred***

- 319.2 Everyone who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
  - (b) an offence punishable on summary conviction.

### ***Mischief to Religious Property, Section 430 (4.1) C.C.***

- (4.1) Everyone who commits mischief in relation to property that is a building, structure or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

***General statutory aggravating factors, Section 718.2(a)(i) C.C.***

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

## **Appendix B: Ontario Policing Standards Manual Sample Board Policy on Hate/Bias Crime.**

It is the policy of the \_\_\_\_\_ Police Services Board with respect to undertaking and managing investigations into hate/bias motivated crime that the Chief of Police will:

- a) ensure that community organizations, school boards, victims' organizations, social services agencies, and the media are informed about the police service's procedures for investigating hate/bias motivated crime;
- b) ensure that the police service works, where possible, with community organizations, school boards, victims' organizations, and social service agencies to prevent the repetition of hate/bias motivated crime and to counter the activities of organized hate groups in the community;
- c) develop and maintain procedures on and processes for undertaking and managing investigations into hate/bias motivated crime;
- d) ensure that officers are provided with information on hate/bias motivated crime;
- e) ensure that the police service works with other law enforcement and government agencies to respond to hate/bias motivated crime and the activities of organized hate groups; and
- f) assess and report back to the board on the need for, cost and feasibility of establishing a dedicated unit to investigate hate/bias motivated crime.

The *Police Standards Manual* also contains guidelines for police services if a hate/bias crime is suspected.

## Police Service Guidelines Procedures

1. Every police service's procedures should provide that:
  - a) officers are to respond to all criminal occurrences that are suspected to be hate/bias motivated;
  - b) all evidence from a hate/bias crime scene is to be protected, gathered, and secured in accordance with the police service's procedures on the collection, preservation and control of evidence and property (including pamphlets, literature, and photographing graffiti and other symbols at the scene);
  - c) all suspected hate/bias motivated criminal occurrences are to be investigated;
  - d) officers are to inform the intelligence unit/officer of all hate/bias motivated criminal occurrences, and the intelligence unit/officer (or dedicated hate/bias crime unit if established) is responsible for:
    - i) ensuring that a records bank or database is kept of all information relevant to criminal occurrences that are motivated by hate/bias;
    - ii) sharing appropriate information on the occurrence of hate/bias motivated crime with other police services and government agencies; and
    - iii) providing specialized knowledge and support, as required, to the Crown prosecuting hate/bias motivated crime;
  - e) if a suspect is charged with a hate/bias motivated criminal occurrence, that the officer check if the suspect owns, possesses or has access to firearms, and if so, consider the powers available under the Criminal Code to search and seize the firearms;
  - f) the Chief or designated senior officer is to be notified of any hate/bias motivated criminal occurrence, and the Chief or designated senior officer will be responsible for:
    - i) ensuring that appropriate resources are assigned to the investigation;
    - ii) meeting with the victim or group affected to answer questions and inform them of the police service's activities to investigate the crime; and
    - iii) ensuring the police service works, where possible, with community organizations, school boards, victim's associations and social services agencies to respond to the occurrence, and to counter the activities of organized hate groups in the community;
  - g) officers are to indicate on the occurrence report that the occurrence is a suspected hate/bias motivated crime;

h) officers are to highlight in the Crown Brief that the offence is hate/bias motivated, and

i) officers are to use the following definition of hate/bias motivated criminal occurrence: A criminal occurrence committed against a person or property which is motivated by hate/bias or prejudice based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

2. Every police service should ensure that its procedures include the following information on how to recognize a hate/bias motivated criminal occurrence:

Often no single factor will be sufficient to determine that a criminal occurrence is motivated by hate/bias. Various pieces of information will have to be assessed

Determining the motivation of a suspect can be difficult. Before an incident should be classified as a hate/bias motivated crime, police officers should consider the following:

- if a suspect has been arrested, any statements made by the suspect that would indicate that the crime was motivated because of hate/bias toward the victim's group;
- the absence of any apparent motive for the offence;
- the use or display of any symbols, graffiti, oral comments, acts or gestures that are commonly associated with hate/bias towards the victim's group or are known to be used by organized hate groups (i.e. swastika);
- whether the offence coincided with a holiday, event or date of significance (religious, historical) to the victim's or suspect's group;
- the perception of the victim or victim's community of the motivation behind the offence;
- the perception of any witnesses to the offence;
- any historical animosity that exists between the victim's group and the suspect's group;
- whether the suspect has previously been involved in similar incidents, or is a member of an organized hate group or an organization which is known for its hate/bias/animosity towards members of the victim's group;
- whether several occurrences have occurred in the community with victims from the same group and by a similar manner and means for each offence; and
- whether the offence occurred at the same time, or shortly after, a hate group was active in the community (i.e., distribution of hate literature).

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