



Item No. 9.1

Board of Police Commissioners for the Halifax Regional Municipality April 2, 2025 May 7, 2025

TO: Chair and Commissioners of the Board of Police Commissioners for the Halifax Regional Municipality

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: March 17, 2025

SUBJECT: The Police Response to Hate Crimes & Hate Incidents in Halifax

INFORMATION REPORT

ORIGIN

This is a staff-initiated report.

BACKGROUND

Halifax Regional Police (HRP) and the Royal Canadian Mounted Police (RCMP) Halifax Regional Detachment (HRD) are committed to delivering a robust and effective response across Halifax Regional Municipality (HRM) to the rapidly increasing number of police-reported hate-motivated crimes and incidents¹.

Data from Statistics Canada show that the number of police-reported hate crimes increased nationally by 32% between 2022 (3,612) and 2023 (4,777), marking the third sharp increase in four years and meaning the overall number in Canada has more than doubled since 2019.² In Halifax, the number of police-reported hate crimes increased significantly in 2022 and 2023, and Nova Scotia became the province with the highest rate of police-reported hate crimes in the country in 2023.³

Taken together with heightened geopolitical tensions and the changing international landscape with regard to equity, diversity, and inclusion sentiments and initiatives, our diverse communities and their allies are

¹ Where 'hate crimes and incidents' are referred to throughout this report, these only include such incidents which were reported to police

² <https://www150.statcan.gc.ca/n1/daily-quotidien/240725/dq240725b-eng.htm>

³ Statistics Canada. [Table 35-10-0191-01 Police-reported hate crime, number of incidents and rate per 100,000 population, Provinces, Territories, Census Metropolitan Areas and Canadian Forces Military Police](#)

scared, worried, and in need of support.

The purpose of this report is to inform and reassure the public and the HRM Board of Police Commissioners (“the Board”) of the police commitment and response to this critically important area.

DISCUSSION

Hate is a global problem which can have devastating impacts on individuals and communities. Crimes and incidents which are motivated by hate target people or groups of people based on certain characteristics, such as their race, religion, sexual orientation, gender, or disability. They strike at the very core of a person's identity and have a disproportionate impact in that the individual person is victimized but so too is the wider group which shares the same characteristics. The effects reverberate into the broader community, leaving individuals and groups with feelings of being unsafe, vulnerable, stressed, and isolated.

Definitions

Hate crime; a criminal offence committed against a person or property that 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 and/or expression, sexual orientation, or any other similar factor.

Examples of hate crimes can include racial or religious slurs against a person when they are assaulted or threatened, or graffiti which contains offensive and discriminatory symbols and/or language.

Hate incident; 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 and/or expression, or sexual orientation, are not criminal acts.⁴

Examples of hate incidents can include racial or religious slurs being used, a person being told to go back to their own country, or an offensive joke about a person's sexual orientation. Although hate incidents do not meet the threshold for a criminal offence, they may still have a significant impact on the targeted individual and community. It is important these are reported as they improve our understanding of how hate is impacting our communities, enable us to respond to the person(s) targeted, and help us determine appropriate action as we work towards keeping our communities safer.

The Law

It is important to think of hate crimes as a category which encompasses multiple criminal offences, not as one single criminal offence. The Criminal Code addresses hate crimes in two different ways:

- Five specific hate-motivated offences; and,
- For all other offences, taking the hate element into consideration upon sentencing.

The five specific hate-motivated Criminal Code offences are:

- Section 318(1) – [Advocating Genocide](#)
- Section 319(1) – [Public Incitement of Hatred](#)
- Section 319(2) – [Wilful Promotion of Hatred](#)
- Section 319(2.1) – [Wilful Promotion of Antisemitism](#)

⁴ Source: HRP website <https://www.halifax.ca/safety-security/police/programs-services/hate-crimes-incidents> The RCMP definitions, which are very similar, are available on the RCMP website: <https://rcmp.ca/en/hate-motivated-crimes-and-incidents/understanding-and-addressing-hate-motivated-crime#s2>

- Section 430(4.1) – [Mischief to Property used for Religious Worship/by an Identifiable Group](#)

The vast majority of hate crimes reported to police, both locally and nationally, involve criminal offences which do not fall into the above sections. They tend to involve offences such as assault, mischief/property damage, uttering threats, and criminal harassment.

In those instances, where the investigation results in a prosecution and conviction, then [Section 718.2\(a\)\(i\)](#) of the Criminal Code states that the sentencing court should take into consideration ‘*any 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 gender identity or expression, or on any other similar factor*’, and increase the sentence to account for these aggravating circumstances.

Hate crimes are under-reported

It is important to note that the data contained in this report should not be considered as reflecting the true number of hate crimes and incidents which occur in HRM. For a variety of reasons, hate crimes are one of the most under-reported types of crime.

Common reasons for not reporting hate include that individuals may have become desensitized to experiencing hate and feel it is not important enough to report. There may be feelings of shame and embarrassment, or fear of escalation or retaliation. Lack of trust and confidence in police may also prevent these crimes from being reported, and/or uncertainty around the criminal justice process.

Our hope is that through improved education, training, and information-sharing, the confidence of individuals and groups in reporting hate crimes and incidents will be strengthened, thereby benefitting the overall collective effort of combatting hate.

Police-Reported Data

Every year, police agencies across Canada report crime data to Statistics Canada through the Uniform Crime Reporting (UCR) Survey.⁵ The data reported include criminal offences identified by police agencies as hate crimes.

The UCR data for HRP and HRD are reported as a single submission for ‘Halifax’ Census Metropolitan Area (CMA).

Tables 1 to 2 and Figures 1 to 4 below show the number and rate of hate crimes in Halifax between 2014 and 2023, and comparison in 2023 with other CMAs across Canada.⁶ The UCR data for 2024, including hate crimes, will be released by Statistics Canada in summer 2025 through its annual release of crime statistics.

The tables show a significant increase in police-reported hate crimes since 2022. The reasons for an increase in any crime type are complex and it is not possible to identify all causal factors for this increase with certainty. However, it would be reasonable to draw inferences from the available information and surmise that the policing efforts by HRP and HRD outlined in the following sections have collectively contributed, in part, to the significant increase in reports.

⁵ <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3302>

⁶ Source: Statistics Canada <https://www150.statcan.gc.ca/n1/pub/71-607-x/71-607-x2024013-eng.htm>

Table 1 – Number of police-reported hate crime incidents in Halifax CMA, 2014-2023

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------|------|------|------|------|------|------|------|------|------|
| 7 | 8 | 3 | 11 | 17 | 8 | 17 | 19 | 72 | 121 |

Figure 1 – Number of police-reported hate crime incidents in Halifax CMA, 2014-2023

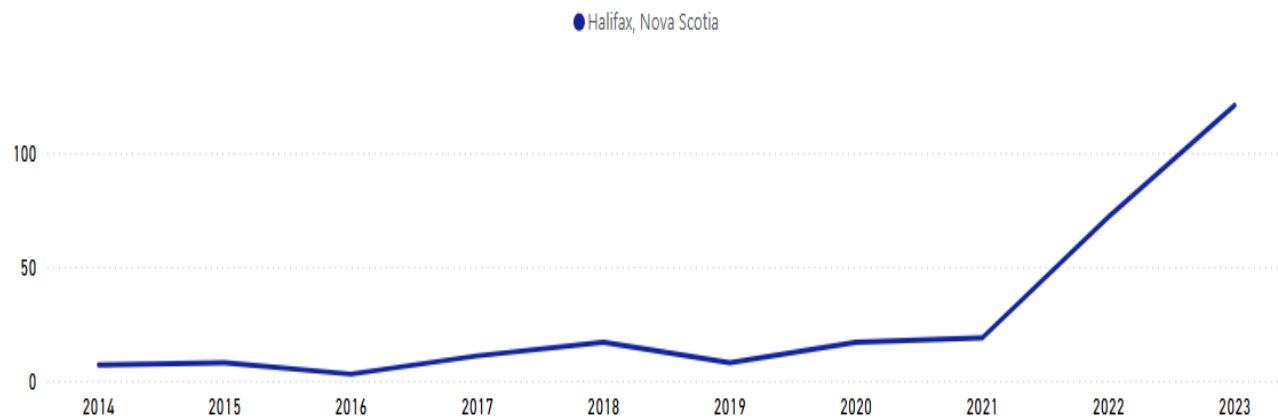


Table 2 – Rate per 100,000 population of police-reported hate crime incidents in Halifax CMA, 2014-2023

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------|------|------|------|------|------|------|------|------|------|
| 2 | 2 | 1 | 3 | 4 | 2 | 4 | 4 | 14 | 23 |

Figure 2 – Rate per 100,000 population of police-reported hate crime incidents in Halifax CMA, 2014-2023

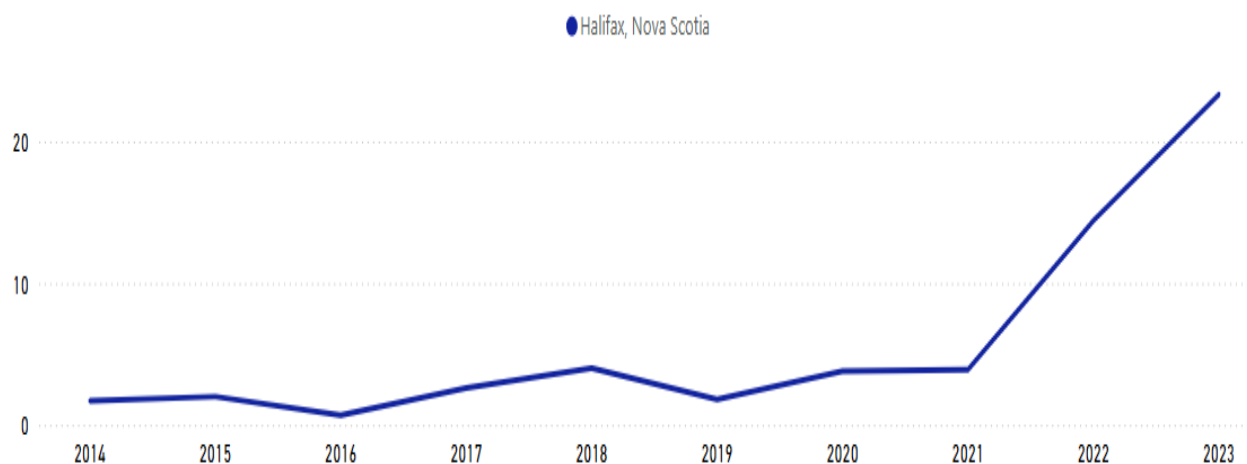


Figure 3 – Number of police-reported hate crimes, by census metropolitan area, 2023

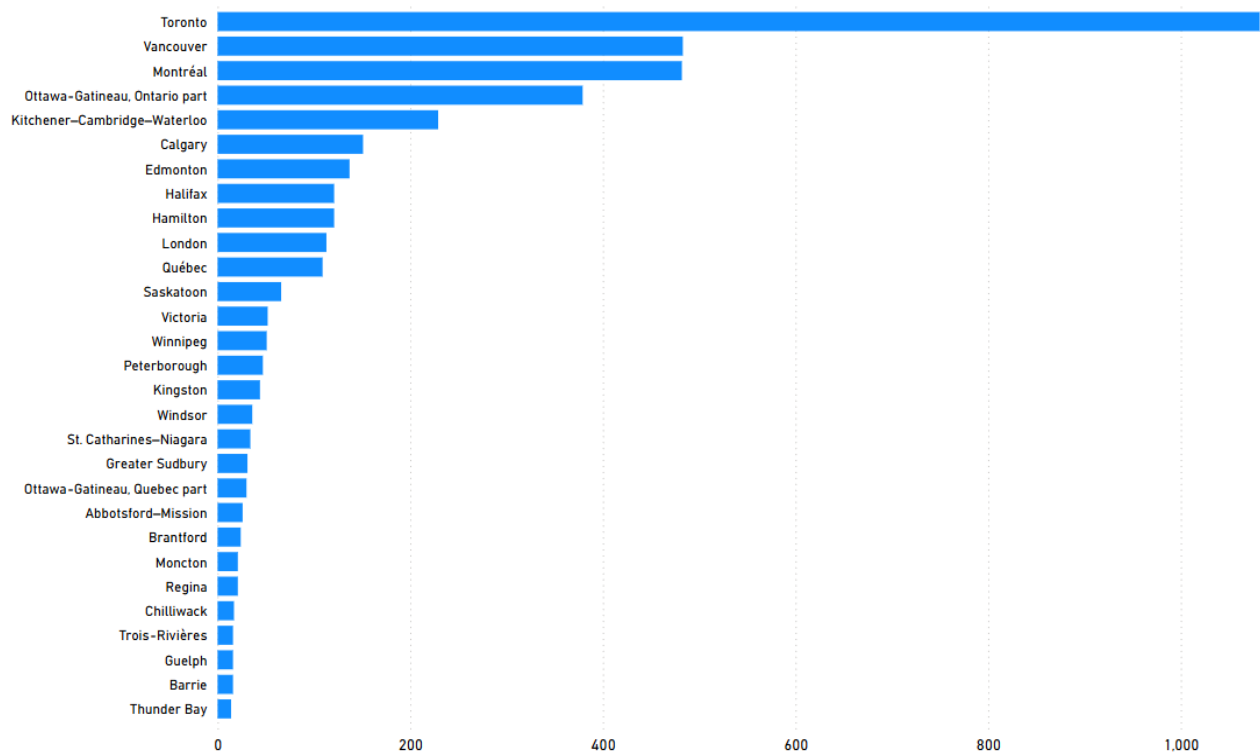
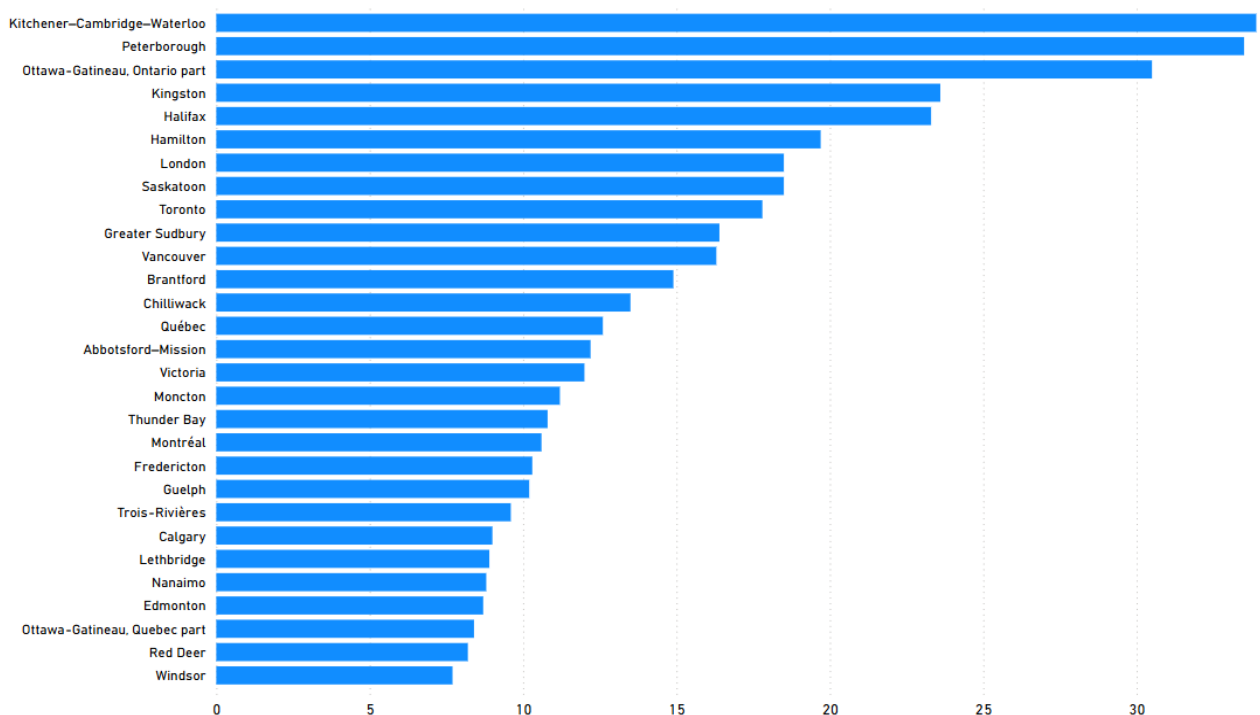


Figure 4 – Rate per 100,000 population of police-reported hate crimes, by census metropolitan area, 2023



Charged files: Table 3 below shows the number of hate crime files since 2022 where charges were laid.

Table 3 – Number of police-reported hate crime files where charges were laid, 2022-2024⁷

| Year | HRP | | | HRD | | |
|-------------|-----------------|-------------------|-----------|-----------------|-------------------|-----------|
| | # files charged | # persons charged | # charges | # files charged | # persons charged | # charges |
| 2022 | 9 | 12 | 18 | 1 | 2 | 3 |
| 2023 | 11 | 11 | 22 | 3 | 5 | 6 |
| 2024 | 10 | 10 | 17 | 5 | 8 | 13 |

The most common charges were assault, mischief/property damage, and uttering threats.

Where a hate crime is recorded but no charges were laid, this could be for several reasons. The most common reasons are that no suspect has been identified (for example, on hate graffiti files or where the suspect is a stranger and there is no video evidence), followed by files where the victim does not wish to proceed with charges. In the latter cases, the most common reasons for not wanting to proceed with charges were fear of retaliation, they wanted the individual talked to, and/or just wanted to report the incident but not seek charges.

Hate incidents: Hate incidents are not criminal offences so are not covered in the above hate crime data. Between 2022 and 2024, HRP and HRD have recorded 742 hate incidents across HRM. As outlined below, since 2022 it has been the policy of HRP to create a report for every hate incident, therefore the vast majority of these hate incidents (711) are recorded as occurring within HRP areas.

Targeted groups: Across both hate crimes and hate incidents in HRM, the most targeted characteristic is race, with hate towards Black, South Asian, and Arab/West Asian groups being most common. Hatred towards actual or perceived newcomers (xenophobia) is the second most targeted characteristic, followed by sexual orientation, religion, and gender. This is reflective of the trends seen nationally, with the exception of religion, which is the second most targeted characteristic when comparing hate crime trends across Canada year on year.

Locations: Across both hate crimes and hate incidents in HRM, the most common location type is public areas such as streets, parking lots, and parks, followed by residential dwelling units (often neighbour disputes), transit locations, and schools.

Halifax Regional Police

In mid-2021, HRP completed an evaluation of its existing response to hate crimes and incidents, including a review of policy, processes, training, resources, and data collection. Following this, in January 2022 HRP implemented the Hate Crime Unit (HCU), the first of its kind in Atlantic Canada.

The following components formed essential parts of the implementation:

Staffing: The HCU is located in the Integrated Criminal Investigation Division (CID) and is currently staffed by one HRP Detective Constable position, which reports directly to the CID Superintendent. During the 2024/25 HRP Operating Budget process, a second position was approved. CID management has secured a place on the Ontario Police College (OPC) Hate Crime Investigator course in November 2025, with the intent of staffing the second position when the selected applicant has completed the training.

Since implementation, the responsibilities of the HCU have included being a subject matter expert on hate crimes and incidents, the delivery of internal training and external advice, training, and/or assistance as

⁷ Source: HRP and HRD Versadex Records Management System

requested, including the representation of HRP on the National Hate Crime Task Force since May 2022⁸, and active participation in the Ontario provincial Hate Crime and Extremism Investigative Team (HCEIT).

The HCU is required to review all files with a suspected or confirmed element of hate motivation. The number of files reviewed by the HCU since 2022 ranges between 200-300 per year. In approximately 10% of all referred files, the conclusion is that hate is not a motivating factor, however this still requires HCU attention and effort, so should be taken into consideration when considering the workload of the HCU.

Training: Training and education are critical components in the overall response to addressing hate crimes and incidents. HCU investigators receive the OPC course as a minimum, and continue to participate in specialist training offered nationally.

To coincide with the implementation of the HCU, in January 2022, HRP embarked on an extensive internal training program for both sworn and civilian members. Prior to receiving the in-house training, members were required to complete a four-hour Canadian Police Knowledge Network (CPKN) course titled *"Hate and Bias Crime Investigation"*.

The in-house training was delivered in person during the annual HRP training sessions, and was largely carried out between January and April 2022.

To ensure a common understanding and consistent application of knowledge and processes, the material included content and direction on hate definitions, the law, examples of case files, and internal processes to be followed. The training was delivered to the vast majority of sworn members, except those on long-term leave at the time, with an emphasis on those assigned to the Patrol Division who are most likely to deal with the first reports of hate crimes and incidents. The training is also delivered to any newly hired sworn members when they commence their appointment, and in February 2023 an extended training session of three hours was delivered to 27 cadets enrolled in the 2023 HRP Police Science Program (PSP). The extended session will be delivered to all future PSP classes, with the 2025 class scheduled to receive theirs in June 2025.

A significant number of civilian members also received the training, including all those assigned to the Integrated Emergency Services (IES), who perform a critical role in delivering frontline policing. They receive and capture vital information from the public which can be key to determining whether a report may contain elements of hate motivation. Anecdotal feedback from IES included how they felt able to deliver a better service to callers by recognizing they had been subjected to hate, and directing their call appropriately. Prior to that time, they were able to offer sympathies but no further police response. All new IES employees receive training on hate crimes and incidents as part of their initial training.

Other civilian employees who have received the training include those working in Victims' Services, Crime Analysis, Records and Statistics, Court Section, Policy, and Corporate Communications.

Training in this area remains an ongoing process. The content is refined as new and relevant information is received (see Community outreach below) and targeted sessions have been delivered to supervisors and Community Response Officers (CROs) – those who oversee the work of others and/or are most likely to encounter reports directly from the community.

Data collection and analysis: A focused effort on detailed data collection since the implementation of the HCU has been central to the continuing development of the HRP response to hate crimes and incidents. As these are two broad categories into which multiple criminal and non-criminal events can be placed, rather than specific offences, the method of data collection is more complex than, for example, simply searching for the number of assaults within a certain time period.

⁸ Source: Canadian Race Relations Foundation [Announcing launch of national task force to address hate crimes in Canada](#) (March 2022)

Hate crimes involve a variety of different offences such as Assault, Uttering Threats, Mischief/Property Damage, and Criminal Harassment. Hate incidents can involve even broader circumstances, as they are non-criminal in nature. Sworn members and call-takers are trained to assign certain markers to calls and investigative files where hate motivation is suspected. This allows for such files to be identified and collated for accuracy and analysis.

Policy: The HRP Hate Crime and Hate Incident Response policy was issued internally in June 2022 and has since been made available on the HRP public website.⁹

Under the policy, a General Occurrence (GO) report must be completed for all crimes and incidents where hate is suspected to have been a motivating factor. The completion of a report for non-criminal hate incidents, which would previously have been concluded with an entry in their notebook (i.e. no report), was a significant step for HRP in improving the service delivered to the public in this area. All such GO reports shall be referred to the HCU so they may provide advice and/or assistance as required. If appropriate, the HCU will assume carriage of the investigation. Where a file is charged, the HCU will liaise with the assigned Crown Prosecutor and ensure the file contains evidence to support the hate motivation element.

Processes: During implementation of the HCU, processes were developed to ensure officers were educated on the necessary steps to ensure accurate recording of a file, identification of the hate motivation aspect, and notification to the HCU in all cases where hate motivation is suspected or confirmed.

The HCU will review the file and, as appropriate and proportionate, contact the victim or complainant, and the suspect if they have been identified. Sometimes, the hate motivation is central to the report, but at other times people may not know they have been subjected to hate perhaps because it played a secondary role in what they were reporting, and it is only identified through the officer's report or the data collection process. Contact from the HCU may be the first time they have considered that aspect. Support services such as Victims' Services¹⁰ will be offered as deemed appropriate and necessary, and where the HCU investigator continues to build and maintain community networks and points of contact (see Community outreach below), they are often able to identify additional resources which may be of benefit, and direct the victim or complainant to them accordingly.

Where a hate crime file is charged as such, in the majority of cases the investigating officer remains responsible for the investigation and the HCU investigator works with them to ensure the evidentiary standard for the hate motivation aspect is met. The HCU investigator will also liaise with the Crown attorney in this regard.

Community outreach: In September 2022, HRP began engaging with individual community groups regarding their perspectives and experiences of hate crimes and incidents. There are three positions involved in the attendance and delivery of these sessions: HRP's Diversity Officer, HCU Investigator, and Research and Development Coordinator.

The purpose of the engagement was to provide information in this area, including the development and implementation of the HCU, explore options for information-sharing, and listen to the community's views and experiences. Rather than a large event, the intention has been to meet with groups individually, to ensure only one community voice was heard at a time. HRP is guided by communities as to the most appropriate content, location, and format of any engagement, which have taken a variety of formats, from informal discussions to more structured meetings, to formal presentations.

Longer-term objectives include establishing a consistent method and forum for consultation, education, and advice. This process is considered ongoing and indefinite, and the offer to engage with communities is a standing one. Information from the sessions have been incorporated into the later training sessions outlined

⁹ <https://cdn.halifax.ca/sites/default/files/documents/fire-police/police/hate-crime-and-hate-incident-response.pdf>

¹⁰ <https://www.halifax.ca/safety-security/police/programs-services/victim-services-halifax>

above, to provide responders with a greater understanding of how individual communities experience and respond to hate. It is felt that these sessions and the wider HRP response to hate crimes and incidents, have provided opportunities to enhance HRP efforts in building relationships with diverse and marginalized communities, particularly those with greater mistrust in police.

Public material: In addition to the Hate Crime and Hate Incident Response policy on HRP's website, HRP has created a website page which provides information on hate crimes and incidents,¹¹ and produced a rack card for handing out in the community. A copy of the rack card can be found at **Attachment 1**.

Where appropriate to do so, HRP will issue a media release to inform the public on investigations.¹²

RCMP Halifax Regional Detachment

Within 'H Division' (Nova Scotia), the RCMP has a dedicated provincial Hate Crimes Coordinator, who works with various community groups throughout the province, engaging in community outreach to form relationships that may prevent criminal activities. Rather than leading investigations, the Hate Crimes Coordinator provides expertise and guidance as a resource for divisional units and acts as a central repository for hate-related information to be disseminated throughout the province.

The RCMP membership (officers, public service employees (PSE), and civilian members) were provided with quarterly Teams presentations involving various disciplines in and around Hate Crime. The RCMP membership has complete access to the following computer training and documents:

- o Agora (RCMP's online learning system): Hate Crimes and Far Right Extremism in Canada
- o [Centre on Hate, Bias, and Extremism | Centre on Hate, Bias and Extremism \(ontariotechu.ca\)](#)
- o [Hate and Bias Crime Investigation – Canadian Police Knowledge Network \(cpkn.ca\)](#) (RCMP-developed training)
- o [HCRW | Hate Crime reporting \(osce.org\)](#)

Along with the information and training at the above links a best practice document, the Investigator's Guidebook, was created and released in 2024 to all police officers – **Attachment 2**. To capture needed material, H Division RCMP has created and adopted a reporting tool whereby dedicated provincial and national RCMP email addresses were established for relevant information to be sent to.

The Hate Crimes Coordinator undertakes daily analysis of police databases (Versadex and PROS¹³) to identify any new reports or emerging trends of Hate Crime within the province and ensure that victims of Hate Crime receive the best possible service. These are recorded in the Versadex RMS where they are identified as hate crimes/incidents through the use of specific markers (study flag, and the 'CCJS' type which highlights the files as hate-motivated when reporting to Statistics Canada). The motivation is recorded through the use of a 'Details Page', which outlines the specific characteristic(s) targeted. The files are stored in the RMS where they are available for review and analysis as required

The Hate Crimes Coordinator engages regularly with the Nova Scotia Jewish Council and has direct contact with the 2SLGBTQIA+ community regarding reported incidents. The consultation consists of strategic communication calls prior to media releases, involving reports of hate-motivated incidents in and around Halifax and the province, allowing for increased support and transparency with the communities served by RCMP in Halifax and Nova Scotia.

¹¹ <https://www.halifax.ca/safety-security/police/programs-services/hate-crimes-incidents>

¹² Examples include <https://www.ctvnews.ca/atlantic/article/halifax-police-investigate-hate-motivated-assault-on-a-city-bus/>
<https://globalnews.ca/news/9934511/africville-park-hate-motivated-incident/> <https://halifax.citynews.ca/2023/05/15/halifax-police-investigate-another-hate-motivated-incident-involving-pride-flag/>

¹³ Police Reporting Occurrence System – the Records Management System (RMS) utilized by RCMP in Nova Scotia outside of HRM (which uses Versadex), and by the majority of RCMP across Canada

Where appropriate to do so, HRD will issue a media release to inform the public on investigations.¹⁴

The RCMP has specific internal policy on hate-motivated crimes, and ensures the public is aware of all available resources and material through its public website¹⁵, which outlines key information on this area and includes a section on the Hate Crimes Task Force (HCTF)¹⁶, which the RCMP co-chairs with the Canadian Race Relations Foundation (CRRF).

The HCTF was launched in 2022 in recognition of the need for a national coordinated and improved policing and prosecution response in this area. It has a diverse membership with a range of expertise and knowledge, and is dedicated to information-sharing and working in partnership to drive forward the policing response to hate crimes and incidents across Canada.

The Task Force developed a pamphlet which is available for use by all agencies across Canada, and can be found at **Attachment 3**.

FINANCIAL IMPLICATIONS

No financial implications were identified when creating this report.

COMMUNITY ENGAGEMENT

No community engagement was required for the purpose of creating this report.

LEGISLATIVE AUTHORITY

Nova Scotia *Police Act*. 2004, c. 55:

Section (3), states:

- (3) Without limiting the generality of subsection (1), a board shall...
 - (c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
 - (d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;
 - (e) act as a conduit between the community and the police service providers;

ATTACHMENTS

Attachment 1 – Halifax Regional Police Rack Card

Attachment 2 – RCMP Hate Crime and Incidents - Investigator's Guidebook

Attachment 3 – Hate Crimes Task Force Pamphlet (RCMP and Canadian Race Relations Foundation)

¹⁴ Examples include: <https://www.rcmp-grc.gc.ca/en/news/2024/rcmp-seeking-information-hate-motivated-mischief> <https://www.rcmp-grc.gc.ca/en/news/2024/rcmp-charge-a-man-relation-a-hate-motivated-assault>

¹⁵ <https://rcmp.ca/en/hate-motivated-crimes-and-incidents>

¹⁶ <https://rcmp.ca/en/hate-motivated-crimes-and-incidents/hate-crimes-task-force>

Report Prepared by: Joanne Smith – Research & Development Coordinator, Halifax Regional Police

Report Approved by: Chief Don MacLean – Halifax Regional Police

Supt. Don Moser – RCMP Halifax Regional Detachment

Bill Moore, Commissioner of Public Safety, 902.490.8545

Do you know what a Hate Crime is?



**A HATE CRIME IS A CRIMINAL OFFENCE
AGAINST A PERSON OR PROPERTY**



HATE BASED ON YOUR REAL OR PERCEIVED:

GENDER IDENTITY
AND/OR
EXPRESSION

AGE

MENTAL OR
PHYSICAL
DISABILITY

NATIONAL OR
ETHNIC ORIGIN

LANGUAGE

RACE

COLOUR

SEXUAL
ORIENTATION

SEX

ANCESTRY

RELIGION/
CREED

OR OTHER SIMILAR FACTOR.

**What if I'm a victim of hate but there's
no criminal offence?**

This is called a Hate Incident. Still call us.
It is important to report all forms of hate.



**CRIMINAL
OFFENCE**



HATE



**HATE
CRIME**

HATE



**CRIMINAL
OFFENCE**



**HATE
INCIDENT**

CALL OUT HATE. CALL US.

Did you know?



Hate speech is not protected under Freedom of Expression.

If someone is found guilty of a hate crime, it could increase their sentence.



Report a Hate Crime or a Hate Incident by contacting Halifax Regional Police.

If there is an immediate threat to life or property, call 911. Otherwise, call the non-emergency line at **902.490.5020** or call Crimestoppers:



1.800.222.TIPS (8477)



Scan the code or visit halifax.ca/police to learn more about Hate Crimes & Incidents and how to report them.



RCMP

ROYAL CANADIAN MOUNTED POLICE

HATE CRIMES AND INCIDENTS:

AN INVESTIGATOR'S GUIDEBOOK

Royal Canadian
Mounted PoliceGendarmerie royale
du Canada

Canada

Information contained in this publication or product may be reproduced, in part or in whole by any means, for personal or public non-commercial purposes without charge or further permission, unless otherwise specified. Commercial reproduction and distribution are prohibited except with written permission from the Royal Canadian Mounted Police.

For more information, contact:
Royal Canadian Mounted Police
73 Leikin Drive
Ottawa, Ontario, Canada
K1A 0R2

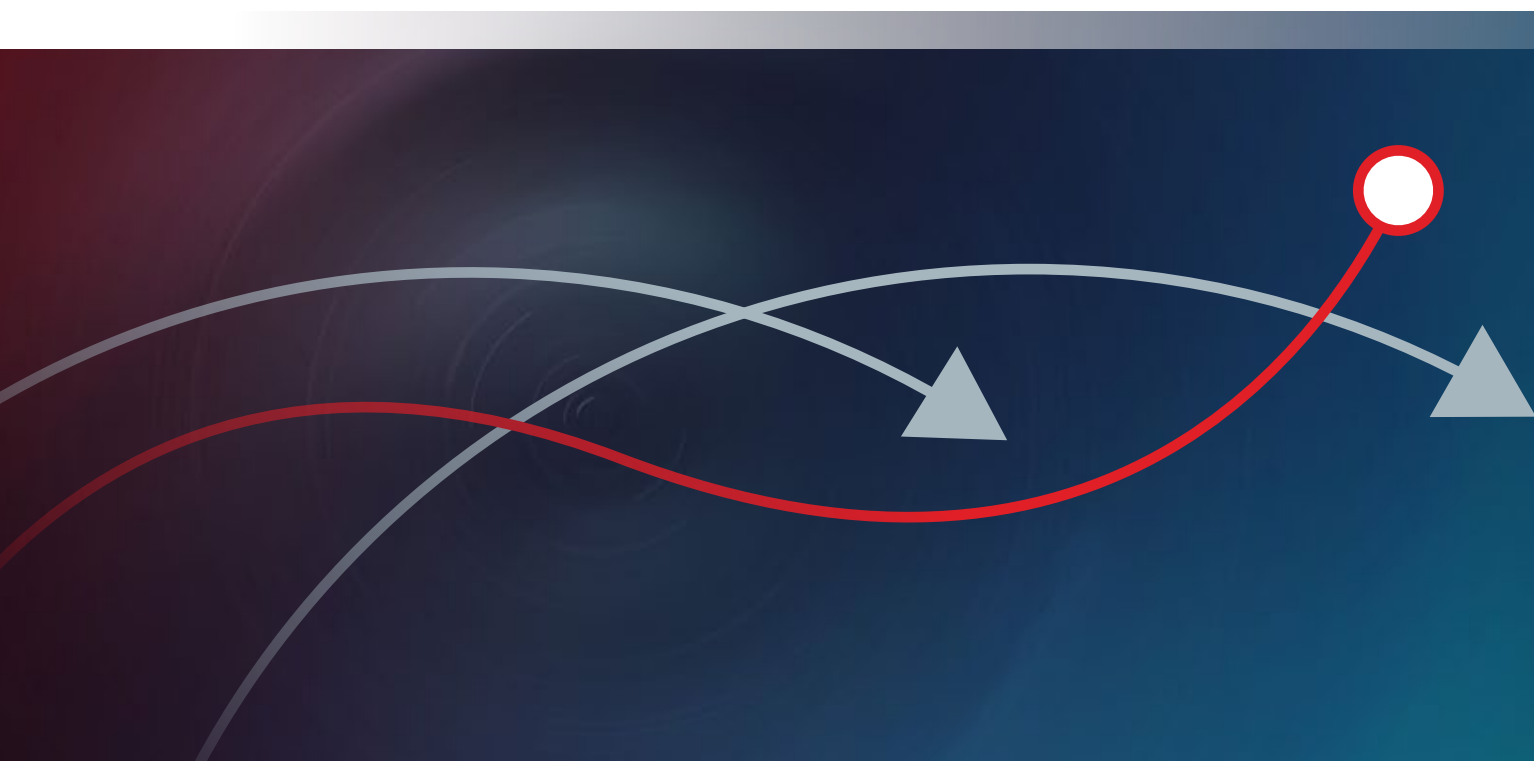
© 2024 HIS MAJESTY THE KING IN RIGHT OF CANADA as represented by the Royal Canadian Mounted Police.
Catalogue #: PS64-236/2024E-PDF
ISBN: 978-0-660-73260-2

This Guidebook offers concrete and specific recommendations for identifying and investigating hate crimes and incidents. These recommendations are intended to provide investigators with the knowledge and tools to better serve and support victims and their broader communities, hold offenders accountable for their actions, and enhance the overall quality of police hate crime response practices. This Guidebook begins where the *Hate Crimes and incidents: A Frontline Officer's Initial Response Guidebook* ends.

Though many of the recommendations provided in this Guidebook are specific to criminal investigations, it is important that officers also understand the importance of providing a strong and supportive police response to hate incidents. Though they may not meet the threshold for laying criminal charges, such incidents nevertheless cause great harm to victims and their broader communities. Much of the information in this Guidebook is therefore applicable to calls for service involving both hate crimes and incidents.

The information presented herein is largely reproduced from an Investigator's Guidebook prepared by Sergeant Elvis Musinovic, NCO i/c BC Hate Crimes, E Division Major Crime Section, Royal Canadian Mounted Police, D/C Gregory Keall, Investigator, E Division Major Crime Section, Royal Canadian Mounted Police, and A/Inspector Greg Yanicki, Senior Investigative Officer, E Division Major Crime Section, Royal Canadian Mounted Police – and supplemented in places with information sourced from academic research and investigatory support publications (with attribution provided throughout).

Where necessary, procedural/operational guidelines have been adapted for use by police services of jurisdiction across Canada, with the assistance of members of the National Hate Crimes Task Force.



CONTENTS

| | |
|--|-----------|
| DEFINITIONS | 2 |
| Hate Crime..... | 2 |
| Hate Incidents | 3 |
| WHY INVESTIGATE HATE CRIMES AND INCIDENTS? | 4 |
| THE IMPORTANCE OF A VICTIM-CENTERED APPROACH FOR INVESTIGATING HATE CRIMES AND INCIDENTS | 5 |
| Victims Rights in Canada | 6 |
| Trauma | 7 |
| LEGISLATIVE AND LEGAL CONSIDERATIONS | 8 |
| The Canadian Charter of Rights and Freedoms | 8 |
| Examples of Hate Speech | 9 |
| Hate Crime and The Criminal Code of Canada | 10 |
| Criminal Code Provisions..... | 11 |
| 1. Hate Propaganda Offences | 11 |
| 2. Hate Propaganda Offences – Warrant of Seizure Powers | 15 |
| 3. Mischief to Property – Section 430(4.1) | 16 |
| 4. Conversion Therapy – Section 320.101 | 17 |
| 5. Sentencing Principles 718.2(a)(i) | 19 |
| 6. Recent Legislative Development: Bill C-63 Online Harms Act | 20 |
| INVESTIGATIVE RECOMMENDATIONS | 21 |
| ESTABLISHING HATEFUL MOTIVATION: KEY BIAS INDICATORS..... | 23 |
| RECOMMENDATIONS FOR CONDUCTING A SUPPORTIVE, VICTIM-CENTERED AND TRAUMA-INFORMED INVESTIGATION INTO HATE CRIMES AND INCIDENTS | 26 |
| ENDNOTES..... | 30 |

DEFINITIONS



HATE CRIME

A hate crime is a criminal offence committed against a person or property motivated in whole or in part by the offender's hate, prejudice or bias against an *identifiable group*.

Identifiable group is defined in section 318(4) of the *Criminal Code of Canada* (hereafter the "Criminal Code") in a way that is consistent with the *Canadian Charter of Rights and Freedoms* protection of equality and non-discrimination, and recognizes that certain segments of the population may face systemic and even violent discrimination and require specific legal protection: "any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability".

Examples of hate crime offences may include acts of violence or hostility such as an assault (hitting or spitting on someone) or causing damage to property. The key is that these acts intentionally target individuals or property based on the offender's hate, bias or prejudice toward the identifiable group.

Hate crimes encompass not only violence and other forms of harm against individuals or groups, but also crimes against property primarily used for religious worship (such as a temple, mosque, synagogue or church), an object associated with religious worship located on such a property, or a cemetery.

HATE INCIDENTS

Hate incidents involve the same characteristics as hate crimes but do not meet the threshold to be classified as offences under Canada's Criminal Code. In other words, hate incidents are "awful but lawful" non-criminal actions or behaviour that are motivated solely or in part by hate against an identifiable group.

Examples of hate incidents include using racial/derogatory slurs, verbal abuse or insulting a person because of their ethnic or religious dress or how they identify (for example, a dispute in a parking lot that escalates to verbal abuse that involves racial or otherwise derogatory slurs). Such incidents can be very harmful and lead to emotional and psychological stress; police officers responding to hate incidents should take such incidents seriously and provide victim support – for example, by directing victims and their broader communities to local organizations that provide direct and tailored services and support.



WHY INVESTIGATE HATE CRIMES AND INCIDENTS?

Every Canadian has the right to feel safe and to live their lives in the absence of fear or threat. It is critically important to investigate hate crimes and incidents for the following reasons:

- a police officer can make an assessment and determine if a crime has been committed;
- investigating hate incidents can mitigate feelings of fear and anxiety that stem from these non-criminal occurrences, assist with crime prevention, and keep the peace via proactive intervention before something violent or otherwise criminal occurs; and,
- a swift police response reinforces the message that hate crimes and incidents will be vigorously investigated, thus enhancing the likelihood of a successful prosecution, which can enhance a sense of safety and security on the part of victims and the broader community and bolster police-community relationships and trust.

The impacts of hate crimes and incidents can be profound, lasting, and more severe than for other victimization types. They also extend beyond those directly victimized, like a ripple effect, to affect members of the targeted group more generally.¹ Recognizing the profound impacts of hate crimes and incidents therefore provides a basis for the respectful and sensitive treatment of victims, their families and communities, and can help investigators better understand and meet their complex needs.



THE IMPORTANCE OF A VICTIM-CENTRED APPROACH FOR INVESTIGATING HATE CRIMES AND INCIDENTS

Understanding the post-victimization impacts that hate crimes and incidents can have for victims, their families, and their broader communities is critical to the provision of informed, sensitive, and respectful service delivery, and can assist police to identify and help begin to address victim needs. In addition to the harms suffered by victims, their families and broader communities, hate crimes and incidents also lead to broader societal impacts and harms. For example, if hate crimes are left unaddressed or are inappropriately responded to, victims and their broader communities may lose trust in the criminal justice system and process. Hate crimes and incidents can also adversely affect the “healthy” and positive coexistence between different segments of a community. This can reduce levels of social cohesion and increase the likelihood of retaliation and civil unrest - all of which undermine human rights, the principles of equality and, by extension, important aspects of our democratic process.ⁱⁱ

VICTIM RIGHTS IN CANADA

The *Canadian Victims Bill of Rights* defines a victim as “an individual who has suffered physical or emotional harm, property damage, or economic loss as a result of the commission or alleged commission of an offence”.ⁱⁱⁱ This Guidebook refers to people affected by hate crimes and incidents as victims in order to be consistent with common legal and practitioner terminology. However, it is important to recognize that the terms “survivor” and/or “victim-survivor” are sometimes preferred because each emphasizes strength, agency and resilience instead of focusing solely on an individual’s status as a victim of a criminal act.

Victim-Centred Approaches emphasize victim safety, rights, well-being, expressed needs and choices, while ensuring the empathetic and sensitive delivery of services and supports in a non-judgemental manner.^{iv} Victim-centred approaches for responding to hate crime also emphasize the often intersectional identities of victims of hate. The concept of **intersectionality** refers to the ways in which multiple identity characteristics (race, ethnicity, gender, religion, sexual orientation, etc.) intersect and interact to produce unique dynamics and experiences.^v As discussed below, police should therefore ensure that they take all aspects of a victim’s identity into account when investigating potential hate crimes and incidents.

The Canadian Victims Bill of Rights defines a victim as “an individual who has suffered physical or emotional harm, property damage, or economic loss as a result of the commission or alleged commission of an offence”.

TRAUMA

Trauma-Informed Approaches refers to the provision of services and supports with an understanding of the vulnerabilities and experiences of people who have experienced trauma. Such approaches place priority on restoring the victim's feelings of safety, choice, and control.^{vi}

The impacts stemming from hate crime victimization are broad and can be influenced by a number of factors, including (but not limited to) previous victimization experience, the nature and characteristics of the hate crime or incident, the severity of the crime and injury, race/ethnicity, age, gender, religion, sexual orientation, gender identity, previous experiences with discrimination, and the availability of social support circles (friends, family, faith-based leaders, etc.).^{vii} The often intersectional nature of an individual's identity can also serve to compound and intensify the harm experienced; it is therefore critical that police and partner agencies apply an intersectional lens, where applicable, when responding to hate crimes and incidents to ensure that the multiple biases that may have motivated the crime or incident are recognized (for example, hatred of race/ethnicity and gender identity) and the nuances of harm that stem from them are attended to.

Common trauma responses that result from hate crimes and incidents include:

- emotional and psychological distress;
- acute shock and disbelief;
- feelings of anger that could be directed toward the accused, police and society;
- depression, anxiety and suicidal ideation;
- an extreme sense of isolation;
- reduced sense of safety and security;
- increased sense of vulnerability and fear of repeat victimization;
- feelings of shame, humiliation and hopelessness;
- being more security conscious and avoidant, which often involves the use of "coping responses" to avoid repeat victimization such as moving away, changing routines, avoiding people, places and situations perceived to be potentially dangerous, concealing aspects of their social identity (for example, by not holding hands with their same-sex partner in public, not wearing religious or cultural clothing or symbols, etc.); and,
- substance abuse and self-harm behaviours.

For specific guidance, please see the section entitled Recommendations for ***Conducting a Supportive, Victim-Centred and Trauma Informed Investigation into Hate Crimes and Incidents***, below.



LEGISLATIVE AND LEGAL CONSIDERATIONS

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The *Canadian Charter of Rights and Freedoms* (hereafter “the Charter”) outlines the civil and human rights that Canadian citizens, permanent residents and newcomers to Canada are guaranteed.

One of these rights is freedom of expression, which is laid out in section 2(b) and enshrines the fundamental freedom of “thought, belief, opinion and expression, including freedom of the press and other media of communication”.

“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.”

What this means is that 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”. In other words, there are limits to the kinds of offensive things that people can legally say.

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 complex considerations around these offences means they must be carefully considered by investigators and prosecutors.

EXAMPLES OF HATE SPEECH

It is important to note that hate speech can only be directed at individuals or groups of individuals but not against ideas, philosophies, political parties, or states/nations and their associated offices, symbols and public officials. Hate speech comes in many forms. It can include hatred rooted in racism (including anti-Black, anti-Asian and anti-Indigenous racism), misogyny, homophobia, transphobia, antisemitism, Islamophobia and white supremacy.

A 2006 Canadian Human Rights Tribunal decision (Warman v. Kouba) established eleven “hallmarks of hate” that are often used in hate speech that have subsequently been used to successfully prosecute hate speech cases in Canada:

- The targeted group is portrayed as a **powerful menace** that is taking **control of the major institutions in society and depriving others** of their livelihoods, safety, freedom of speech and general well-being.
- Messages use “**true stories**”, **news reports, pictures and references** from purportedly reputable sources **to make negative generalizations** about the targeted group.
- The targeted group is portrayed as **preying upon children, the aged, the vulnerable**, etc.
- The targeted group is **blamed for the current problems** in society and the world.
- The targeted group is portrayed as **dangerous or violent by nature**.
- The messages convey the idea that members of the targeted group **are devoid of any redeeming qualities and are innately evil**.
- The messages communicate the idea that **nothing but the banishment, segregation or eradication** of this group of people will save others from the harm being done by this group.
- The targeted group is **de-humanized** through **comparisons** to and associations with animals, vermin, excrement, and other noxious substances.
- **Highly inflammatory and derogatory language** is used in the messages to create a tone of extreme hatred and contempt.
- The messages **trivialize or celebrate past persecution or tragedy** involving members of the targeted group.
- **Calls to take violent action** against the targeted group.

All of these attributes involve an attack on the **inherent self-worth and dignity** of members of the targeted group.

HATE CRIME AND THE CRIMINAL CODE OF CANADA

BACKGROUND INFORMATION

There are a number of provisions available within the Criminal Code to deal with hate crimes:

1. Hate Propaganda Offences

- a. Section 318 - Advocating Genocide
- b. Section 319(1) - Public Incitement of Hatred
- c. Section 319(2) - Wilful Promotion of Hatred
- d. Section 319(2.1) - Wilful Promotion of Antisemitism

2. Hate Propaganda Offences – Warrant of Seizure Powers

- a. Section 320(1) - Warrant of Seizure (publications)
- b. Section 320.1(1) - Warrant of Seizure (computer systems)

3. Section 430(4.1) – Mischief to Property – Religious/ Educational, etc.

4. Sections 320.101-104; 273.3(1) – Conversion Therapy Offences

5. Section 718.2(a)(i) – Sentencing Principles

Outside of these specific offences, almost any type of criminal offence can be deemed a hate crime if it can be demonstrated that it was motivated solely or in part by hate toward an identifiable group (for example, an assault, uttering threats). If hateful motivation is established and the accused is ultimately convicted, section 718.2(a)(i) of the Criminal Code requires the court to consider, as an aggravating factor when determining the sentence for any crime, if the crime was motivated by hate, bias or prejudice.

CRIMINAL CODE PROVISIONS

The following section outlines these Criminal Code provisions in greater detail and provides information on related investigatory and evidentiary considerations.

I. HATE PROPAGANDA OFFENCES

Hate propaganda is defined in section 320(8) of the Criminal Code as: “Any writing, sign or visible representation that advocates or promotes genocide or the communication of which by any person would constitute an offence under section 319”.

In Canada, the terms “hate propaganda” or “hate speech” are often used to describe hateful statements that are made in public that target an identifiable group. Such statements can be made orally or in writing – for example, through distribution of flyers or posters, by speaking in public, or by writing anywhere that the public can access, including online or in social media platforms. When hate propaganda meets a criminal threshold, this usually means it meets the elements of Wilful Promotion of Hatred, which is outlined in section 319(2) of the Criminal Code.

Only a very small number of suspects are charged under section 319(2) in Canada in a given year. The main reason for this relates to the right to freedom of expression that is guaranteed to Canadians under section 2 of the Charter, as described previously. The elements of section 319(2) are always weighed against an individual’s section 2 Charter rights. In fact, a charge under section 319(2) is a technical breach of an individual’s section 2 Charter rights – accordingly, Crown Counsel has to obtain approval from the provincial Attorney General in order for a charge to proceed.

Section 319(1), Public Incitement of Hatred, is generally enforced as a real-time offence. An arrest under section 319(1) occurs where the police have reasonable grounds to believe that a suspect’s hateful statements will lead to a breach of the peace – for example, a public order disruption or riot.

SECTION 318 – ADVOCATING GENOCIDE

1. Everyone who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.
2. Genocide means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,
3. killing members of the group; or
 - a. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction

Important Considerations:

1. May only be prosecuted with the consent of the Attorney General.
2. This offence may be the basis for an authorization to intercept private communications (section 183).
3. Does not require proof that genocide occurred.
4. The guilty mind required is the intent to directly prompt or provoke another to commit genocide.

SECTION 319(1) – PUBLIC INCITEMENT OF HATRED

1. Every one 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 peace is guilty of
 - a. an indictable offence and liable to imprisonment for a term not exceeding two years; or
 - b. an offence punishable on summary conviction.

Important Considerations:

1. This a real time offence witnessed by a police officer in a public place where it is **likely** that the actions of the individual could lead to a breach of the peace.
2. Requires that the individual encourage someone else to hate an identifiable group or incite someone else to participate in violent or unlawful behaviour towards an identifiable group.
3. These situations could occur during protests and/or counter protest involving identifiable groups and in public places during times of unrest/war.

Four Defences to Public Incitement of Hatred:

- a. The communicated statements are true.
- b. An opinion or argument was expressed in good faith and either concerned a religious subject or was based on a belief in a religious text.
- c. The statements were relevant to a subject of public interest, were for the public benefit, and were on reasonable grounds believed to be true.
- d. The statements were meant to point out matters that produce feelings of hatred toward an identifiable group and were made in good faith for the purpose of their removal.

SECTION 319(2) – WILFUL PROMOTION OF HATRED

Everyone who, by communicating statements, other than in private conversation, promotes hatred against any identifiable group is guilty of

- a. an indictable offence and liable to imprisonment for a term not exceeding two years; or
- b. an offence punishable on summary conviction.

Important Considerations:

1. May only be prosecuted with the consent of the Attorney General.
2. The accused had as their intention/conscious purpose the promotion of hatred or they foresaw that the promotion of hatred was certain or morally certain as a result of their communicated statements.
3. It is insufficient that the message be offensive, or that the trier of fact dislikes the statements.
4. Communicated includes by telephone, broadcasting or other audible or visible means.
5. A statement includes words spoken or written or recorded electronically or otherwise, and gestures, signs or other visible representations.
6. Requires that the suspect is promoting hatred to someone else outside of private conversations.
7. Promoting means actively supports or instigates and requires more than mere encouragement; only the most intense forms of dislike fall within this ambit.

Four Defences to Wilful Promotion of Hatred:

- a.** The communicated statements are true.
- b.** An opinion or argument was expressed in good faith and either concerned a religious subject or was based on a belief in a religious text.
- c.** The statements were relevant to a subject of public interest, were for the public benefit, and were on reasonable grounds believed to be true.
- d.** The statements were meant to point out matters that produce feelings of hatred toward an identifiable group and were made in good faith for the purpose of their removal.

SECTION 319(2.1) – WILFUL PROMOTION OF ANTISEMITISM

Everyone who, by communicating statements, other than in private conversation, willfully promotes antisemitism by condoning, denying or downplaying the Holocaust

- a.** is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
- b.** is guilty of an offence punishable on summary conviction.

Important Considerations:

- 1.** May only be prosecuted with the consent of the Attorney General.

Four Defences to Wilful Promotion of Anti-Semitism that investigators should be aware of:

- a.** The communicated statements are true.
- b.** An opinion or argument was expressed in good faith and either concerned a religious subject or was based on a belief in a religious text.
- c.** The statements were relevant to a subject of public interest, were for the public benefit, and were on reasonable grounds believed to be true.
- d.** The statements were meant to point out matters that produce feelings of hatred toward an identifiable group and were made in good faith for the purpose of their removal.

2. HATE PROPAGANDA OFFENCES – WARRANT OF SEIZURE POWERS

SECTION 320(1) – WARRANT OF SEIZURE POWERS (PUBLICATIONS)

A judge who is satisfied by information on oath that there are reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in the premises within the jurisdiction of the court, is hate propaganda shall issue a warrant [to seize] the copies.

SECTION 320.1(1) – WARRANT OF SEIZURE POWERS (COMPUTER SYSTEMS)

If a judge is satisfied by information on oath that there are reasonable grounds for believing that any material that is hate propaganda, or data that makes hate propaganda available, that is stored on and made available to the public through a computer system, that is within the jurisdiction of the court, the judge may order the custodian of the computer system to

- a. give an electronic copy of the material to the court;
- b. ensure that the material is no longer stored on and made available through the computer system; and
- c. provide the information necessary to identify and locate the person who posted the material.



3. MISCHIEF TO PROPERTY – SECTION 430(4.1)

Everyone who commits mischief in relation to property described in any paragraphs (4.101)(a) to (d) if the commission of the mischief is motivated by bias, prejudice or hate based on colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability,

- is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
- is guilty of an offence punishable on summary conviction.

Definition: *Property* – a building or structure, or part of a building or structure, that is primarily used:

- a. 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;
- b. by an identifiable group as an educational institution - including a school, daycare centre, college or university, or an object associated with that institution located in or on the grounds of such a building or structure;
- c. by an identifiable group for administrative, social, cultural or sports activities or events - including a town hall, community centre, playground or arena, or an object associated with such an activity or event located in or on the grounds of such a building or structure; or
- d. by an identifiable group as a residence for seniors or an object associated with that residence located in or on the grounds of such a building or structure.

4. CONVERSION THERAPY – SECTION 320.101

Other relevant provisions to the Criminal Code which are commonly included in broader legislative discussion and associated with hate/bias crimes include those centered around **conversion therapy** (Bill C-4, *An Act to amend the Criminal Code* (conversion therapy), First Session, Forty-fourth Parliament, 2021).

The sections reproduced below related to conversion therapy are important to note due to the fact that in early 2024, Public Safety Canada has warned that the “anti-gender” movement poses an increasing and significant threat to national security in Canada.

The conversion therapy sections in the Criminal Code include:

Conversion “therapy” (also known as “reparative therapy,” “reintegrative therapy,” or “sexual orientation and gender identity change efforts”) is any form of treatment, including individual talk therapy, behavioural or aversion therapy, group therapy treatments, spiritual prayer, exorcism, and/or medical or drug-induced treatments, which attempt to actively change someone’s sexual orientation, gender identity, or gender expression.

Conversion therapy practices are unethical and immoral because they imply that 2SLGBTQIA+ lives are less valuable, less desirable, and less worth living than heterosexual or cisgender persons. Ultimately, these practices believe that being an 2SLGBTQIA+ person is a disorder, sin, or disease that must be fixed, cured, healed, or repaired.

For greater certainty, this definition does not include a practice, treatment or service that relates to the exploration or development of an integrated personal identity — such as a practice, treatment or service that relates to a person’s gender transition — and that is not based on an assumption that a particular sexual orientation, gender identity or gender expression is to be preferred over another.

CONVERSION THERAPY – SECTION 320.102

Everyone who knowingly causes another person to undergo conversion therapy - including by providing conversion therapy to that other person is

- guilty of an indictable offence and liable to imprisonment for a term of not more than five years; or
- guilty of an offence punishable on summary conviction.

PROMOTING OR ADVERTISING – SECTION 320.103

Everyone who knowingly promotes or advertises conversion therapy is

- guilty of an indictable offence and liable to imprisonment for a term of not more than two years; or
- guilty of an offence punishable on summary conviction.

MATERIAL BENEFIT – SECTION 320.104

Everyone who receives a financial or other material benefit, knowing that it is obtained or derived directly or indirectly from the provision of conversion therapy, is

- guilty of an indictable offence and liable to imprisonment for a term of not more than two years; or
- guilty of an offence punishable on summary conviction.

REMOVAL OF CHILD FROM CANADA FOR CONVERSION THERAPY – SECTION 273.3(1)

Removing from Canada a person who is ordinarily resident in Canada and who is under the age of 18 years, with the intention that an act be committed outside of Canada that if committed in Canada would be an offence.

Every person who contravenes this section is guilty of

- a. an indictable offence and liable to imprisonment for a term not exceeding five years; or
- b. an offence punishable on summary conviction.

5. SENTENCING PRINCIPLES – 718.2(a)(i)

The vast majority of hate crimes are addressed through the sentencing principles outlined in 718.2(a)(i) of the Criminal Code. Any Criminal Code offence that is motivated in whole or in part by hate, prejudice or bias against an identifiable group is considered an aggravating factor at sentencing - ultimately this allows the courts to consider increasing an offender's sentence to address the seriousness and the impact of hate crimes.

When investigating a criminal offence that is motivated in whole or in part by hate, investigators are required to articulate the elements of the offence as well as the evidence of hate motivation.

HOW IS SECTION 718.2 APPLIED?

See the below example of an assault motivated by hate, prejudice or bias:

- The offence is assault.
- The suspect is arrested for assault.
- The suspect is charged with assault.
- The suspect is convicted of assault.

At sentencing, the courts may introduce that the suspect was motivated in whole or in part by hate, prejudice or bias and if proven the judge will consider this as aggravating factor and increase the offender's sentence.

HOW DOES THIS APPEAR ON A REPORT TO CROWN COUNSEL?

In addition to the standard requirements of a Report to Crown Counsel (RTCC) articulating the circumstances addressing the offence, include an additional section in the RTCC with the header: Section 718.2 - Hate Motivated Offence Sentencing Principles. The purpose of this paragraph is to draw Crown and Judge attention, during sentencing, to the offender's actions and behaviours that may be considered as motivation for hate, prejudice or bias during the sentencing. This will emphasize the seriousness of the offense and underscore the need for accountability.

In this paragraph outline the following:

- Articulate that the offence(s) were motivated in whole or in part by hate/prejudice/bias;
- Summarize all the evidence indicating that this offence was motivated by hate/prejudice/bias and why it should be considered as an aggravating factor at sentencing:
 - » This may include victim/witness/suspect statements, physical evidence (graffiti or hate symbols, damage to a property...), video evidence (person was picked out of the group because they belong to an identifiable group);
- Consider factors such as language and tone, target choices, previous incidents or pattern of similar behaviours (hate motivated incidents);
- Motivation is often internal but there are many ways this can be articulated;
 - » Refer to [Hate Crime Indicators](#) to help you articulate motivators.

Ensure that the Crown Prosecutor is notified of the fact that there is evidence that the offences were motivated by hate/prejudice/bias and that the provisions of section 718.2 of the Criminal Code may apply.

6. RECENT LEGISLATIVE DEVELOPMENT: BILL C-63 ONLINE HARMS ACT

In February 2024, the Minister of Justice and Attorney General of Canada introduced *Bill C-63, the Online Harms Act*. If passed, this Act would promote online safety to better protect Canadians, particularly young people, and be administered and enforced by a new Digital Safety Commission of Canada. Operators of social media services would be subject to new monitoring, disclosure and record-keeping obligations; failure to comply could lead to sizable monetary penalties. Among other things, Bill C-63 also seeks to amend the Criminal Code to create a new hate crime offence that could be applied to every other offence (instead of having to ask the courts to consider hate as an aggravating factor at sentencing, as is the current practice), and increase the maximum sentences for hate propaganda offences.

If passed, this Act would promote online safety to better protect Canadians, particularly young people, and be administered and enforced by a new Digital Safety Commission of Canada.

INVESTIGATIVE RECOMMENDATIONS^{viii}



The following procedural guidelines have been developed to facilitate effective, professional and victim-centred investigations of hate crimes and incidents:

- Attend the scene of all all suspected hate crimes and remain objective.
- Determine if there are any hate crime indicators.
- Arrest suspects at the scene (if applicable).
- Ensure all evidence is gathered including, but not limited to photographing, seizing and securing scene evidence (i.e. spray can from graffiti), video surveillance, electronic devices, Forensic Identification Services, victim, and witness statements, 911 recordings etc.
- Consider utilizing other police resources (e.g. Ident, Crime Lab, Media Relations).
- Notify your supervisor for investigations involving alleged Hate Propaganda offences under section 318 and 319 of the Criminal Code or Hate Motivated Criminal Offences.
- In your articulation use exact language (words spoken, written or otherwise communicated by the suspect).
- Refer to your police services' policy on Hate Crime and Hate Incident reporting as there is required documentation through either details pages, Canadian Centre for Justice Statistics scoring for Statistics Canada, or otherwise.
- If charges are laid, articulate the motivation of bias, prejudice, or hate everywhere you can (synopsis, RTCC, statements, etc.).
- Recommend necessary conditions on the accused to help prevent further offences and ensure public safety.
- Initiate interaction with the victim(s) in a non-threatening and respectful manner – introduce yourself, explain your role and where it fits into the larger criminal justice process.
- Ensure that victims who do not speak English or French as a first language understand you. Offer an interpreter to make sure you are fully communicating and the victim has a voice in the process.

- Ensure victim safety concerns are acknowledged and addressed while providing information on their rights and available local services and supports (investigators should speak with victims about their support needs and preferences, identify culturally-responsive and trauma-informed local agencies that are in keeping with victim's needs and preferences, and assist victims in accessing their preferred services and support types).
- Inform victim(s) about "what to expect" – i.e. the probable sequence of events in the investigation and beyond, provide contact information so that the victim(s) has a point of access to obtain follow up information; ensure thorough follow up and regular updates are provided to victim(s) throughout the investigation and court process.
- Identify and assign one investigator to interview the victim(s) wherever practical to minimize trauma.
- Consider section 722 of the Criminal Code, which allows for individuals to submit Victim Impact Statements prior to sentencing and familiarize yourself with the *Victims of Crime Act* and the *Canadian Victims Bill of Rights*. An individual may also file a Community Impact Statement at the court registry (section 722.2). Impact statements are important parts of sentencing and help the courts understand the impacts to individuals and the community in a broader context.
- Consider alternative offences such as a peace bond (section 810 of the Criminal Code) or a restorative justice approach (exceptional circumstances) where appropriate.
- Consider meeting with the victim(s) or group affected to answer questions and reassure the community that their concerns are taken seriously.
- Consider consulting community resources that are involved with the identifiable group that was targeted for guidance and knowledge of customs and traditions.
- Consider supporting the victim(s) and their broader communities with crime prevention resources and strategies, either internally or externally (e.g. Public Safety Canada's "Security Infrastructure Program" – see: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/fndng-prgrms/scrt-nfrstrctr-prgrm/xpnd-sp-en.aspx>).
- In situations involving property offences (for example, racist symbols spray-painted on a wall or structure), investigators should contact the owner/manager of the property to ensure that the physical evidence is quickly removed once it has been documented.
- In instances that may have national implications or involve live situations that could pose a threat to public safety at large (beyond jurisdictional boundaries), information should be shared via national intelligence pathways to ensure a coordinated response and mitigate any broader community safety concerns.
- Notify your Media Resource Officer and Senior Management Team for internal and external communication strategies involving Hate Crimes.

ESTABLISHING HATEFUL MOTIVATION: KEY BIAS INDICATORS^{ix}



Not all hate crimes and incidents are motivated solely or entirely by hate – they can also be motivated by hate alongside additional factors (for example, ignorance, fear, feelings of personal shame and powerlessness). Proving that the conduct was motivated by hate – in full or in part – is among the most important investigatory and evidentiary considerations, given the extremely high legal threshold. Documenting the who/what/when/where/why/how criteria therefore takes on particular importance when investigating and prosecuting offences that are suspected to have been motivated by hate.

To glean insight into a perpetrator's motives, investigators should consider several "bias indicators" that may suggest that the offender's actions were motivated, in whole or in part, by hate. The presence of these indicators does not necessarily confirm that the occurrence was motivated by hate/bias but may indicate the need for further investigation into motive.

Not all hate crimes and incidents are motivated solely or entirely by hate – they can also be motivated by hate alongside additional factors.

Victim, Offender and Situational Considerations for Establishing Hateful Motivation:

- Does the victim(s) belong to an “identifiable group”? Section 318(4) of the Criminal Code defines an “identifiable group” as any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.
- Perceptions of the victim(s) and witnesses about the crime/incident and potential motivating factors. Victims/witnesses should not be asked directly whether they believe the offence constitutes a hate crime, but it is appropriate to ask if they have any idea why the offence occurred.
- Did the accused person make comments (verbal or written, in person or online) or use symbols and gestures that reflect hate before, during or in the immediate aftermath of an incident?
- Has the accused person been previously involved in hate crimes and/or incidents?
- Were the accused person and the victim from different racial/ethnic, religious, national origin, sexual orientation, gender or gender identity/expression or disability groups?
- Were there similar previous incidents in the same location or neighborhood that might suggest that a pattern of offending and/or escalation exists?
- Was the victim promoting his/her group or community – for example, by clothing (e.g., religious garb) or conduct (e.g., attending places of worship, cultural events and celebrations and/or protests)?
- Did the incident coincide with a holiday or day of particular significance to the victim(s) or offender(s) (for example, a religious holiday or event; to copy-cat or pay tribute to a previous and often sensationalized hate/extremist event perpetrated in Canada or elsewhere)?
- Is there evidence that points to the involvement of organized hate groups or their members?
- Is there no other apparent motive(s) for the offence/incident (for example, economic gain)?

Property Offence Considerations for Establishing Hateful Motivation:

- What is the property’s function? Is it a place with cultural or religious significance (such as a place of worship or a cemetery) or a community facility (such as a cultural centre or an historical monument)?
- Were there any recent events at the property benefiting an identifiable group (for example, a Pride event held at a community centre that was subsequently vandalized)?
- Has the property been subject to previous hate-motivated offences? Check in with your service’s crime analyst for graffiti or general mischief to property trends in the area.
- When investigating a mischief with regard to graffiti, be sure to determine the meaning behind any symbols used or displayed and/or timing of the offence.

Important Considerations:

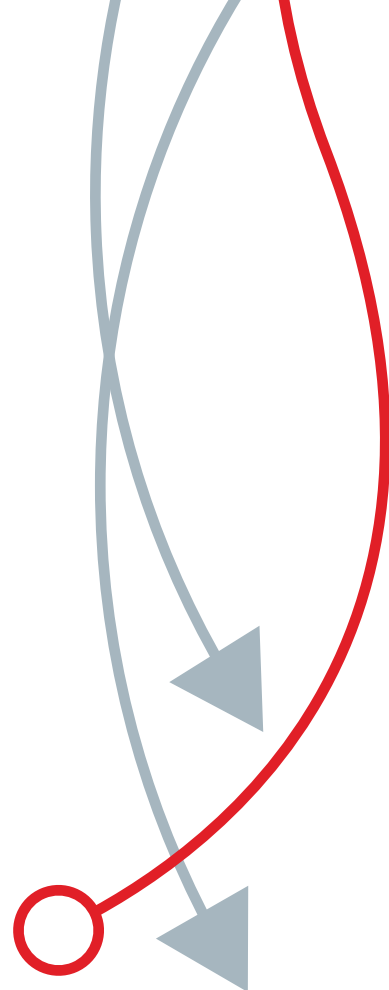
1. Closely examine each case for evidence that clearly indicates the motivation for the crime was hate/bias related.
2. Be aware that hate crimes can be perpetrated by individuals that appear to be from the same culture or background as the victim. Listen carefully and fully understand the victim's perspective—during times of unrest or war there may be individuals targeting each other because of something unseen like a difference of religion or region within the same culture.
3. Even if the offender was mistaken in the belief that the victim was a member of a targeted group, the offence is still a hate/bias crime if the offender was motivated by hate or bias against that group.
4. Should an incident be initially classified to be motivated by hate/bias and later found not to be, then all reports should reflect this change. Conversely, should an incident not be initially classified to be motivated by hate/bias and later found to be, then all reports are to reflect this.

HATE SYMBOLS DATABASE

The Anti-Defamation League (ADL) has prepared a searchable *Hate Symbols Database*:
<https://www.adl.org/resources/hate-symbols/search>.

Note: this is a US-based resource that may include some groups that are not currently active in Canada and/or may not include groups that are. Investigators interested in gaining a more fulsome understanding of active hate groups in their area of jurisdiction should therefore contact the area within their service that houses this information.

RECOMMENDATIONS FOR CONDUCTING A SUPPORTIVE, VICTIM- CENTRED AND TRAUMA-INFORMED INVESTIGATION INTO HATE CRIMES AND INCIDENTS^x



PURPOSE

Hate crimes are unique from other forms of criminal victimization and offending in that they are intended to serve as “message crimes” to communicate that victims and their broader communities are “despised, devalued and unwelcome”.^{xi} In other words, victims are selected and targeted because of core aspects of their identity (for example, their race/ethnicity or their gender identity or their religion), or an intersection of more than one aspect of their identity. It is critically important that investigators recognize and document the intersectional nature of some hate crimes, to avoid mis-flagging hate crimes and/or failing to properly protect and support victims.

Victims often feel degraded, shamed, frightened and vulnerable in the wake of a hate crime or incident. Community members who share the identity characteristics that made the victim(s) a target of hate are also affected. In such a traumatic and emotionally charged post-incident atmosphere, investigators must approach and attend to victims, their families and members of the community with extreme care, compassion and professionalism.

In addition to the investigative recommendations suggested previously in this Guidebook, investigators can support victims in the following ways:

1. Remain calm, objective and compassionate; treat victims with respect and in a professional and individualized manner.
2. Always ask the victim(s) how they wish to be addressed, instead of assuming a person's identity based on their appearance.
3. Recognize and accommodate the victim's need to be heard, believed and taken seriously.
4. If the victim does not appear to be cooperative or is exhibiting aggressive behaviour, investigators should recognize that this may be due to the victim's reaction to the trauma inflicted by the hate crime.
5. Where possible, ensure that victim(s) have support from friends, family, faith leaders and/or community leaders/elders throughout the criminal justice process.
6. Ask victim(s) what they need and if/how they want police to help them; investigators should respect victim preferences, provide information of victim services and supports, and assist with referrals if requested/needed.
7. Reassure victim(s) that they are not to blame for what happened, that the police will vigorously investigate the crime and otherwise assist in holding the offender(s) accountable, and that every effort will be made to protect their safety.
8. Trauma-informed interview techniques should be used, as traditional interview techniques can inadvertently re-traumatize victims. (For an overview of trauma-informed victim interviewing techniques developed for sexual assault victims, though the general principles underpinning questions to ask/avoid apply in the context of hate crime as well, see: <https://www.theiacp.org/sites/default/files/2020-06/Final%20Design%20Successful%20Trauma%20Informed%20Victim%20Interviewing.pdf>).
9. Encourage victim(s) and witnesses to tell the story in their own words; allow them to vent feelings about the incident or crime.

Investigators should avoid:

1. Abrupt or rushed interactions/communications with victims.
2. Telling victim(s) that you know how they feel.
3. Directly asking victims/witnesses whether they think their victimization was motivated by hate. Instead start with a “pure” version of events – an uninterrupted, verbatim victim/witness statement. After that, bring the victim/witness back to key parts of the event through the use of open-ended questions (do not ask leading questions, which can contaminate victim/witness statements). Once the victim/witness narrative is complete, ask any necessary follow-up questions (see, for example, guidelines for gleaning information about hateful motivation/bias indicators presented above), without giving clues as to what is important from an investigatory standpoint. Encourage victims/witnesses to complete Victim Impact Statements and Community Impact Statements, which gives them a voice in the criminal justice process by describing the physical, emotional and economic impacts of the offence.
4. Criticizing the victim’s behavior.
5. Making assumptions about the victim’s culture, religion, sexual orientation, gender identity or lifestyle choices.
6. Allowing personal value judgements about the victim’s identity, behavior, lifestyle or culture to affect officer objectivity.
7. Using offensive, biased or outdated terminology.
8. Belittling the seriousness of the incident, especially if it does not meet the chargeable threshold, didn’t involve serious harm and/or the perpetrator was a young offender.

CONCLUSION

In addition to investigating hate crimes and incidents, police play a critical role in providing important information, assistance and access to supportive services tailored to specific victim needs. The quality of the interaction with police can influence victims' perception of the entire criminal justice system, which can affect their willingness to cooperate, share information and otherwise participate in the criminal justice process.

Hate crimes and incidents intentionally and specifically target individuals because of their personal identity characteristics. As such, these are very personal crimes with profound negative impacts for victims and their broader communities. A strong, supportive and immediate police response provides crucial assistance to victims, but it can also bolster relationships and trust between police and the communities they serve, leading to increased reporting, enhanced investigations and, by extension, a greater likelihood that accused persons will be successfully prosecuted.



Endnotes

- i. Jennifer Schweppe and Barbara Perry, "A Continuum of Hate: Delimiting the Field of Hate Studies," *Crime, Law and Social Change* 77, No. 5 (2021): 511; James Pickles, "Sociality of Hate: The Transmission of Victimization of LGBT+ People Through Social Media," *International Review of Victimology* 27, No. 3 (2020): 313.
- ii. RAN Health, "The 'How' and 'Why' of Hate Crime and the Implications for Mental Health Practitioners," 2023: 4; Catherine Blaya, Catherine Audrin and Grace Skrzypiec, "School Bullying, Perpetration, and Cyberhate: Overlapping Issues," *Contemporary School Psychology* 26, (2020): 341–349; Karsetn Müller and Carlo Schwarz, "Fanning the Flames of Hate: Social Media and Hate Crime," *Journal of the European Economic Association* 19, No. 4 (2021): 2131–2167.
- iii. Government of Canada, "Victim's Rights in Canada." 2016, <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/rights-droits/victim.html>. (Accessed August 21st, 2023).
- iv. Diane Goodman, Blanche Tax and Zahura Mahamed, "UNHCR's Journey Towards a Victim-Centred Approach," *Humanitarian Practice Network* No. 81, (June 17th, 2022). <https://odihpn.org/publication/unhcrs-journey-towards-a-victim-centred-approach/>. (Accessed August 26th, 2023); International Association of Chiefs of Police, "Response to Victims of Crime," *IACP Law Enforcement Policy Centre*. August, 2018a, <https://www.theiacp.org/resources/policy-center-resource/victims>. (Accessed July 28th, 2023).
- v. Ravi K. Thiara and Gill Hague, "Disabled Women and Domestic Violence: Increased Risk but Fewer Services," in Alan Roulstone and Hannah Mason-Bish (Eds), *Disability, Hate Crime and Violence: Routledge*. 2013: 106-117; Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43, No. 6 (1991): 1241-1299.
- vi. Office of Justice Programs: Office for Victims of Crime, "Glossary," *Achieving Excellence: Model Standards for Serving Victims and Survivors of Crime*. 2023, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/6/glossary.html>. (Accessed August 23rd, 2023).
- vii. Lieve Gies, Mayuri Gogoi, Christopher D. Bayliss, Manish Pareek, Adam Webb, Neil Chakraborti and Emily Wertans, "Hate Crime during the COVID-19 Pandemic: A Qualitative Study of the Experiences of an Ethnically Diverse University Student Population," *COVID* 3, No. 2 (2023): 152-154; Organization for Security Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODHIR), "Understanding the Needs of Hate Crime Victims," 2020: 11-13; International Association of Chiefs of Police, "Response to Victims of Crime," 2018a.
- viii. (Some information in this section adapted from International Association of Chiefs of Police Law Enforcement Policy Center. (2021). *Investigation of Hate Crimes*. Accessed at: <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf>; Organization for Security and Cooperation in Europe. (2019). *Using Bias Indicators: A Practical Tool for Police*. Accessed at: https://www.osce.org/files/f/documents/8/9/419897_0.pdf; International Association of Chiefs of Police & Lawyers' Committee for Civil Rights Under Law. (2019). *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes*. Accessed at: https://www.theiacp.org/sites/default/files/201904/IACP_Hate%20Crimes_Action%20Agenda.pdf; Peel Regional Police. (2018). *Hate Motivated Crimes and Incidents Guidebook*. Prepared by Equity and Inclusion Bureau.

- ix. Some information in this section reproduced/adapted from International Association of Chiefs of Police Law Enforcement Policy Center. (2021). *Investigation of Hate Crimes*. Accessed at: <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf>; Organization for Security and Cooperation in Europe. (2019). *Using Bias Indicators: A Practical Tool for Police*. Accessed at: https://www.osce.org/files/f/documents/8/9/419897_0.pdf; Peel Regional Police. (2018). *Hate-Motivated Crimes and Incidents Guidebook*. Prepared by Equity and Inclusion Bureau.
- x. Some information in this section reproduced/adapted from International Association of Chiefs of Police Law Enforcement Policy Center. (2021). *Investigation of Hate Crimes*. Accessed at: <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf>; International Association of Chiefs of Police & Lawyers' Committee for Civil Rights Under Law. (2019). *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes*. Accessed at: https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Action%20Agenda.pdf
- xi. American Psychological Association. 1998. *Hate crimes today: An age-old foe in modern dress*. Washington, DC: American Psychological Association. Quoted in Cogan 2002, 177-178.

Understanding and Reporting Hate Crimes

Hate Motivated Crime

A criminal offence committed against a person or property that is motivated in whole or in part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression, or on any other similar factor.

Hate Incident

A non-criminal action against a person or property that is 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 gender identity or expression**, or on any similar factor. For example, derogatory or racial slurs stated during a neighbourhood dispute.

What are key indicators that a hate crime may have been committed?

1. Comments made during the offence.
2. Motivation of the perpetrator or even lack of an apparent motive.
3. Victim's perception that they were targeted.
4. Display of hate symbols, gestures and language.
5. The manner in which the offence was committed.
6. Recurring patterns of harassment, humiliation or intimidation.
7. Other relevant circumstances surrounding the offence.

What is it important to report a hate crime or hate/bias incident?

Reporting is a key step to ending the cycle of hate. By reaching out to police, the incident can be addressed immediately and citizens can be connected to the services and supports they need to feel safe.



Canadian Charter of Rights and Freedoms

Canadian Charter of Rights and Freedoms
Freedom of expression is an enshrined fundamental freedom in Section 2 of the Canadian Charter of Rights and Freedoms.

Section 2 of the *Charter* reads:

Everyone has the following fundamental freedoms:

- A. Freedom of conscience and religion;
- B. Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- C. Freedom of peaceful assembly; and
- D. Freedom of association.

Hate speech is not protected by the *Charter*.

What to do if you are the victim of a hate crime or hate/bias incident?

If you're a victim of a hate crime, or hate/bias incident, follow these steps:

Call police immediately

Keep yourself safe

Write down the details of the incident

Keep all relevant evidence (ex: videos or photos taken)

Resources

For emergencies call 9-1-1

To report crime anonymously, call Crime Stoppers at

PH: (XXX) XXX-XXXX or online at YYY.com
(insert police of jurisdiction's respective website and logo)

The *Criminal Code of Canada* (justice.gc.ca)



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Hate Crimes Task Force



Canadian Race Relations Foundation

Fondation canadienne des relations raciales

Canada