



Responding to Hate Crimes:



*An Ontario Police Officer's Guide
To Investigation and Prevention*



September 2007



In the wake of an unprecedented rise in hate crimes in recent years, the Minister of Community Safety and Correctional Services and Attorney General appointed the *Hate Crimes Community Working Group* to recommend an overall strategy with measures to detect, reduce and redress hate crime. Released in December 2006, the most important messages in our report were members of vulnerable and/or marginalized communities across Ontario are victimized by hate crime extensively and differently, and hate crime occurs within a historical and social context of systemic bias and prejudice. Over time, incidents of hate and hate crime appear permissible. The Working Group also stressed the essential role that Ontario's diverse communities must play as partners in creating and implementing a comprehensive strategy to address all aspects of hate and bias crime.

The Ontario Police College, as well as, a number of police services across the province, have taken a lead role in implementing many of the recommendations of the Working Group by raising public awareness and enhancing training of front line personnel.

Responding to Hate Crimes: An Ontario Police Officer's Guide to Investigation and Prevention is an outstanding example of partnerships in action to address hate crimes in a comprehensive way. Hate crime, and hate activity in general, are phenomena that will continue to deserve and require your urgent attention. This Guide will go a long way to assist you to understand, identify and respond to incidents of hate and hate crime, to take appropriate action, enhance victim support and to continue to work more effectively with communities on an ongoing basis. I trust you will find this Guide useful in the commission of your duties.

Karen R. Mock
Former Chair, Hate Crimes Community Working Group

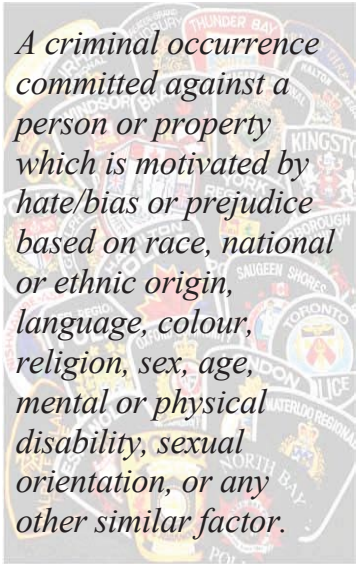
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Hate crimes and hate/bias incidents are major issues for all police officers because of their unique impact on victims, as well as the community. This guidebook will explain the differences between hate crimes and hate incidents and how to respond to both.

What Is a Hate Crime?

The impact of hate/bias motivated crime is far reaching, extending beyond the physical and emotional trauma suffered by the victim, to encompass other members of the targeted group. Such crimes often heighten the isolation and vulnerability of the victim group and can cause severe stress for all members of the community. If unchecked, these crimes can result in escalation in social tensions between different groups that can destroy communities.

An appropriate police response to hate/bias motivated crime goes beyond law enforcement and conveys a strong message of respect for, and commitment to, a diverse society.



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.

Definitions

Hate Crime:

Means 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.

Hate Propaganda:

Means any written, verbal or electronic material that advocates or promotes genocide against any identifiable group or makes statements that are likely to promote hate against any identifiable group because of colour, race, religion, ethnic origin or sexual orientation.

Note: These definitions are provided to clarify the difference in victim groups between a criminal offence motivated by hate and the more limited definition relating to hate propaganda (Sections 318, 319 and 320 of the Criminal Code).

The differences are particularly important when the increased sentencing provisions for aggravating circumstances are applied to hate/bias crimes using the expanded definition in Section 718.2 C.C.

Note: The Attorney General must consent to the laying of charges in instances of suspected hate propaganda.

Note: In the case of hate propaganda, the suspect must be found distributing hate propaganda and not just in possession of hate propaganda.

Note: New measures to combat hate in relation to property primarily used for religious worship, includes an amendment to Section 430 (4.1) C.C. This provides protection to property and objects used for religious worship (churches, gurdawaras, mosques, synagogues, temples), as well as burial grounds and cemeteries. It does not cover cultural centres, schools and libraries.

Note: Since there is no one identified definition of hate/bias motivated crimes, the services across Canada use the Criminal Code Section 718.2 for defining Hate/bias motivated crimes. For convenience in this brochure the terms hate crimes and hate/bias motivated crimes mean the same thing. These terms are intrinsically different from hate/bias motivated incidents. Police services in Ontario do not have a universal definition for hate/bias motivated incidents

Why Is It Important to Respond to Hate Crimes Quickly and Effectively?

Hate crimes differ from other crimes in the impact on the individual victim(s) and on communities to which they belong.



- Hate crimes are often especially brutal or injurious
- Victim(s) usually feel traumatized and terrified.
- Families of victims often feel frustrated and powerless
- Others in the community who share the victim's characteristics may feel victimized and vulnerable
- Hate incidents can escalate and prompt retaliatory action
- Hate crimes and hate/bias incidents create community wide unrest



An immediate and effective response by the police services can help stabilize and calm the community as well as aid in a victim's recovery. Failure to respond to hate crimes within police service guidelines may jeopardize public safety and trust and may leave officers and their services open to increased scrutiny and possible liability.

What Is the Difference Between a Hate Incident and a Hate Crime?

Hate/bias incidents involve behaviours that, though motivated by bias against a victim's race, religion, ethnic/national origin, gender, age, disability or sexual orientation, are *not* criminal acts. Hostile speech or other disrespectful/discriminatory behavior may be motivated by bias but is not necessarily criminal in nature. They become crimes only when they directly incite others to commit violence against identifiable groups, or if they place a potential victim/group in fear of their safety. Officers should thoroughly document evidence in all hate/bias-motivated incidents. Police services can help to defuse potentially dangerous situations and prevent hate-motivated criminal behaviour by responding to and documenting hate-motivated speech or behavior even if it does not rise to the level of a criminal offence.

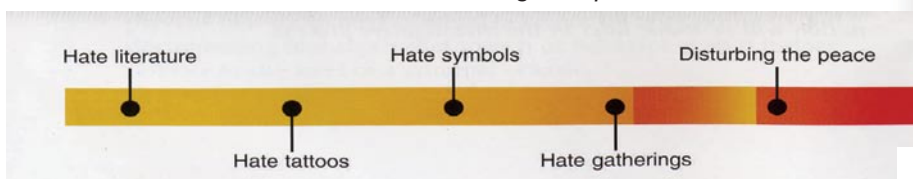
What Is an Effective Police Response to Hate Crimes?

Police officers and investigators have important roles to play in responding to hate/bias incidents and hate crimes. By investigating the occurrence efficiently and thoroughly, police can reinforce the message that hate crimes will not be tolerated and the likelihood of a successful prosecution will be enhanced.

Police Officers Arriving on the Scene Should Act Immediately to:

- secure the scene
- stabilize the victim(s) and request medical attention when necessary
- ensure the safety of the victim(s), witness(es) and suspect(s)
- preserve the crime scene, collect and photograph physical evidence such as:
 - hate literature
 - spray paint cans
 - threatening letters
 - symbolic objects used by hate groups (e.g. swastikas, crosses)
- identify criminal evidence on the victim
- request the assistance of cultural interpreters/translators when needed
- conduct a preliminary investigation; record information on:
 - identity of suspected offender(s)
 - identity of witnesses, including those no longer at the scene
 - prior occurrences in this area or with this victim
 - statements made by suspects—exact wording is critical
- arrest the suspect(s), if reasonable grounds exist.

Note: In the presence of the victim, the officer should neither confirm nor deny that the occurrence is a hate crime — that determination will be made later in the investigative process.



After taking immediate action, police officers should:

- whenever practical, assign only one officer to interview the victim(s) to minimize trauma
- explain to victim(s) and witnesses the likely sequence of events, including contact with investigators and the possibility of media coverage
- refer victim(s) to support services in the community; provide written resource lists when possible
- advise victim(s) how to contact the police service to obtain further information on the case
- report the suspected hate crime to the supervisor on duty immediately
- refer media representatives to the supervisor on duty or media relations officer
- document the incident thoroughly noting any particular hate crime indicators and quoting exact wording of statements made by suspects
- provide the occurrence number to the victim(s) and provide them information for a specific contact person

When conducting a thorough follow-up investigation, officers should:

- interview victim(s) and witnesses thoroughly and respectfully
- secure evidence by taking photos of offensive graffiti or other symbols of hate/bias
- document the circumstances and apparent motives surrounding the event
- encourage victim(s) to complete a victim impact statement
- locate and arrest any suspected offender(s) not apprehended at the scene
- provide their supervisor or media relations officer with information that can be responsibly reported to the media
- inform victim(s) of what is likely to happen during the continuing investigation
- appeal to witnesses to come forward by canvassing the community
- consider rewards for information about the incident when possible
- consider possible use and support of Crime Stoppers agencies
- identify and seek advice from one of the Crown attorneys designated to prosecute hate/bias motivated crimes in Ontario.
- coordinate with other police services in the area to assess patterns of hate crimes and determine if organized hate groups are involved
- collaborate with the responding officers to complete any written reports required by their service, as well as OPP
- Notify the municipality to clean up the offensive graffiti /signs so as not to re-offend the victim(s) /community. Obtain estimate for cost of the removal of the graffiti to assist the Crown in recovering costs through restitution towards the appropriate entity.



What Are the Key Indicators that a Hate Crime May Have Been Committed?

The main difference between a hate crime and other crimes is that a suspect of a hate crime is motivated by hatred/prejudice/bias. To evaluate a suspect's motives, you should consider several bias indicators:

- perceptions of the victim(s) and witnesses about the crime
- the suspect's comments, gestures or written statements that reflect bias, including graffiti or other symbols
- any differences between suspect and victim, whether actual or perceived by the suspect
- similar incidents in the same location or neighbourhood to determine whether a pattern exists
- whether the victim was engaged in activities promoting his/her group or community--for example, by clothing or conduct
- whether the incident coincided with a date of particular significance (cultural, historical, religious or social)
- involvement of organized hate groups or their members
- absence of any other motive such as economic gain

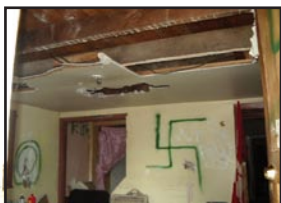
The presence of any of these factors does not confirm that the incident was a hate crime but may indicate the need for further investigation into motive.

A victim's perception is an important factor to consider, but be aware that victims may not recognize the crime as motivated by bias or hate. Victims should not be asked directly whether they believe they were the victim of a hate crime, but it is appropriate to ask if they have any idea why they might have been victimized.

Victims and suspects may appear to be from the same race, ethnicity/nationality, or religion, but it is the suspect's perception of difference (whether accurate or not) motivating his or her criminal behavior that would constitute a hate crime.

What Are the Best Approaches for Working with Victims of Hate Crime?

Hate crimes are unique. Victims of hate crimes are targeted because of one or more core characteristics of their identity.



These attributes cannot be changed. Victims often feel degraded, frightened, vulnerable and suspicious. This may be one of the most traumatic experiences of their lives. Community members who share with victims the characteristics that made them targets of hate/bias (race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor) may also feel vulnerable, fearful and powerless. In this emotional atmosphere, police officers and hate crime investigators must pay careful attention to the ways in which they interact and communicate with victims, their families and members of the community.

Effective Ways for Police to Support Victims While Investigating the Crime:

- remain calm, objective and professional
- ask victim(s) how they want you to help them
- request the assistance of cultural interpreters/translators when needed
- let victim(s) defer answering questions, if they are too distraught
- ask them if they have any idea why this happened to them
- reassure victim(s) that they are not to blame for what happened
- voice your support of the actions the victim(s) took to protect themselves and defuse the situation
- allow them to express their feelings about the incident or crime
- encourage victim(s) to talk about the occurrence in their own words
- ask them to recall, to the best of their ability, the exact words and descriptors of the suspect(s)
- ask victim(s) if they have family members or friends who can support them
- contact victim services. Encourage the victim to complete a victim impact statement.

- inform them of what efforts can be made to enhance their safety
- tell victim(s) about the probable sequence of events in the investigation
- provide information about community and service-affiliated resources available to protect and support victim(s), their families and members of the community

Avoid:

- ◆ being abrupt or rushed
- ◆ telling victim(s) that you know how they feel
- ◆ asking them whether they think this was a bias or hate crime
- ◆ criticizing the victim's behaviour
- ◆ making assumptions about the victim's culture, religion, sexual orientation or lifestyle choices
- ◆ allowing personal value judgments about the victim's behaviour, lifestyle or culture to affect your objectivity
- ◆ using stereotyped or biased terms
- ◆ belittling the seriousness of the incident, especially if the suspect was a young person

Reasons Why Victims May Be Reluctant to Report or Participate in the Investigation of a Hate Crime:

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| ■ fear of re-victimization or retaliation | ■ for new immigrants , fear of jeopardizing immigration status, being reported to Canadian Immigration & Citizenship (CIC) or deportation |
| ■ fear of having privacy compromised and receiving unwanted attention in the community. | ■ for those on refugee or un-determined status, fear of being reported to CIC or deportation |
| ■ for gays and lesbians, fear of repercussions from being "outed" to family and employers | ■ humiliation or shame about being victimized |
| ■ fear of police and uncertainty about justice agency responses | ■ lack of a support system |
| | ■ cultural and language barriers |

What Is the Ongoing Role the Police Play with Hate Crime Victims and the Community?

By providing a continuing point of contact throughout the investigation and prosecution phase, police can facilitate a victim's cooperation with the justice system, assist with the healing process, and promote police service credibility. Police officers and their services can support hate crime victims and members of the community by doing the following:

- Provide victim(s) with a point of contact in the service to whom they can direct questions or concerns
- Inform them on case progress including the end result of the investigation and/or prosecution
- Help to connect them with appropriate support services, victim advocates and community-based organizations when needed
- Help to connect them with victim services
- Protect the privacy of victim(s) and their families as soon as possible
- Engage the media as partners in restoring victimized communities through sensitive and accurate reporting
- Support or coordinate community clean-up efforts
- Participate in meetings or other forums designed to address the community wide impact of hate incidents or crimes
- Share information, as appropriate, with schools about cases where students or staff were victims or suspects of hate crimes
- Collaborate with community leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes

Police Officers and Their Services Can Assume a Leadership Role in Their Community to Prevent Hate Incidents and Crimes

Police officers can...

- Help to ensure that victims of hate crimes will report their victimization by demonstrating that police services will respond swiftly and compassionately to all reports
- Participate in hate crime training, e.g. awareness on hate symbols
- Serve as positive role models, exemplifying acceptance of ,and respect for others

- Maximize cultural awareness to better communicate and work with citizens from diverse ethnic, racial and religious backgrounds
- Collaborate with community leaders to increase acceptance and promote peaceful conflict resolution among community members
- Support and participate in school programs and curricula intended to reduce prejudice and prevent bias-motivated crimes
- Work with citizens and community organizations to identify and address bias incidents and make referrals to local, municipal and provincial agencies (housing, employment and advocacy groups) to resolve problems
- Encourage the media to highlight community successes in preventing and responding to hate crimes and incidents
- Contribute to tracking and monitoring organized hate groups by gathering, documenting and reporting information about their criminal activities in affected communities



Police services can...

- ◆ Establish a policy of “zero tolerance” for racism/prejudice/ bias throughout the service itself
- ◆ Ensure police officers are educated to recognize and respond appropriately to hate crimes
- ◆ Provide officers with clear policy and procedures regarding hate crimes and hate/bias incident reporting
- ◆ Sponsor and participate in community events and activities that promote acceptance, pluralism, diversity, bias reduction and conflict transformation
- ◆ Collect data and record information on hate/bias motivated crimes and incidents
- ◆ Track the criminal activities of organized hate groups.
- ◆ Collaborate with community organizations, schools, and other public services and institutions to develop coordinated approaches to hate crime prevention and response
- ◆ Engage the media as partners in restoring victimized communities and preventing hate/bias-motivated incidents and crimes
- ◆ Document the positive outcomes of hate crime prevention and response strategies

Police officers and their services can maintain and enhance professional working partnerships with citizens to implement the Canadian vision of diverse communities living together with respect, dignity and safety for all.

Vision: Excellence in police leadership: working together for safer communities.



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Hate crimes represent a serious threat to the safety and security of all citizens in Ontario. Law enforcement agencies across the province are dedicated to preventing hate crimes through vigilance, strong investigative responses to acts of hate, and the promotion of understanding and tolerance between all members of society.

As a police officer, you have a critical role in fighting hate crimes and this guidebook offers excellent information to help you play an active role in keeping our communities safe from these types of crime.

Sincerely,

Ron Bain
Executive Director
Ontario Association of Chiefs of Police



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