



Hate/Bias Crime:

A Review of Policies, Practices, and Challenges

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

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Table of Contents

Contents

INTRODUCTION	1
THE OACP EQUITY, DIVERSITY, AND INCLUSION (EDI) COMMITTEE	3
KEY TERMINOLOGY & CONSIDERATIONS	4
HATE/BIAS CRIME VICTIMIZATION AND OFFENDING IN CANADA: PATTERNS AND TRENDS	14
CURRENT POLICE PROCEDURES	17
THE NATURE OF POLICE HATE/BIAS CRIME WORK IN ONTARIO	17
HATE/BIAS CRIME OFFICER ROLES	18
PROVINCIAL HATE/BIAS CRIME INITIATIVES	19
NATIONAL HATE CRIME INITIATIVES	23
JURISDICTIONAL DIFFERENCES	25
KEY OPERATIONAL CONSIDERATIONS	26
INNOVATIVE STRATEGIES AND PROGRAMS IN ONTARIO TO	
COUNTERACT HATE/BIAS CRIMES AND INCIDENTS	31
REFERENCES	39
APPENDIX A: LAWS PERTAINING TO HATE/BIAS CRIME IN CANADA	43



INTRODUCTION

The Ontario Association of Chiefs of Police's (OACP) Equity, Diversity and Inclusion Committee is pleased to provide *Hate/Bias Crime: A Review of Policies, Practices, and Challenges* as a resource document for police services across Ontario. It is our hope that this document will assist police services to counter the negative effects of hate/bias crimes and incidents in our communities. We also hope that anyone who wishes to better understand hate/bias crimes and their serious impact on community safety and wellbeing will utilize this document and join us in ensuring our province remains a welcoming and just society.

This document focuses on hate/bias crime as it is defined in the *Criminal Code of Canada* in sections 318, 319, 430(4.1) and the purposes and principles of sentencing (718.2(a)(i)). Our primary aim is to assist police services by providing information and practical resources to address challenges related to the investigation and frontline policing of hate/bias crimes and to provide strategies for more effective interventions to prevent their occurrence. Additionally, this document underscores the critical importance of community engagement and support for offering important reassurance in the wake of hate/bias crimes and incidents, which can help to initiate the recovery process. As the number of hate/bias crimes and incidents continue to grow in Canada and internationally, it is vital that police organizations be equipped with the requisite skills and knowledge to effectively respond to such occurrences.

This resource was originally produced in 2020 and revised in 2024 as part of the OACP's commitment to ensure that this document remains "evergreen". As research into this important area of policing evolves and as police services in Ontario develop, operationalize, and/or evaluate hate/bias crime prevention and enforcement initiatives, we remain committed to additional future revisions so that Ontario police services have access to the best and most up-to-date information.

By synthesizing "what we know" from the research literature, coupled with and complemented by the knowledge, experiences, and on-the-ground strategies of police services, the OACP seeks to provide a forum for dialogue on hate/bias crime and equip Ontario's police leaders and their police members to better serve all members of our communities.

Hate/Bias Crime: A Review of Policies, Practices, and Challenges seeks to complement and consolidate extant research on these issues and contribute to more effective law enforcement practices. We urge police services to make hate/bias crimes and incidents an operational priority, and recognize their increasing complexity and devastating effects, both locally and within society at large.

Please contact the OACP office at contact@oacp.ca to inquire about our equity, diversity, and inclusion initiatives.



THE OACP EQUITY, DIVERSITY, AND INCLUSION (EDI) COMMITTEE

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

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

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



KEY TERMINOLOGY & CONSIDERATIONS

Hate/bias motivated Crime

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

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

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

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

Legally speaking, hate/bias crimes are criminal occurrences that are found to have been motivated wholly or in part by hatred toward an identifiable group. According to s. 318(4) of the Criminal Code of Canada, such groups are distinguishable by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability. Simply put: any criminal act has the potential to be a hate/bias crime if the hate motivation can be proven.

There are five specific offences listed as hate propaganda or hate crimes in the *Criminal Code of Canada* (see Appendix A for corresponding Criminal Code sections in full):

1. Advocating genocide (section 318.1); for example, an individual advocates for deliberately destroying any identifiable group, in whole or in part
2. Public incitement of hatred where likely to lead to a breach of the peace (section 319.1); wherein a subject wilfully promotes hatred against any identifiable group. For example, a protest leader incites violence against a specific identifiable group
3. Wilful promotion of hatred (section 319.2); anyone who, by communicating statements other than in private conversation, wilfully promotes hatred against an identifiable group. The statement can be spoken, written, or recorded and can include gestures, signs, photographs, and drawings
4. Wilful promotion of antisemitism (section 319 (2.1)); for example, making, writing or publishing antisemitic articles that promote Holocaust denial narratives
5. Mischief motivated by hate in relation to religious property (section 430 (4.1)); for example, vandalizing a place of worship such as a church, synagogue, a temple, gurdwara or mosque.

In addition to these five offences, there is a key provision found in section 718.2(a)(i) of the Criminal Code that allows for increased penalties when an offender is sentenced for any criminal offence if there is evidence that the offence was motivated solely or in part by hate/bias.

Other relevant provisions to the *Criminal Code of Canada* which are commonly included in broader legislative discussion, and associated to hate/bias crimes, include those centered around conversion therapy (Bill C-4, *An Act to amend the Criminal Code (conversion therapy)*, First Session, 44th Parliament, 2021). The below noted sections related to conversion therapy are also important to note due to the fact that Public Safety Canada has warned that the “anti-gender” movement currently poses a significant threat to national security in Canada.

The conversion therapy sections in the *Criminal Code of Canada* include:

320.101 In sections 320.102 to 320.104, ***conversion therapy*** means a practice, treatment or service designed to

- a. change a person's sexual orientation to heterosexual;
- b. change a person's gender identity to cisgender;
- c. change a person's gender expression so that it conforms to the sex assigned to the person at birth;
- d. repress or reduce non-heterosexual attraction or sexual behaviour;
- e. repress a person's non-cisgender gender identity; or
- f. repress or reduce a person's gender expression that does not conform to the sex assigned to the person at birth.

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. These include 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 (Bill C-4 Charter Statements, Government of Canada, 2021).

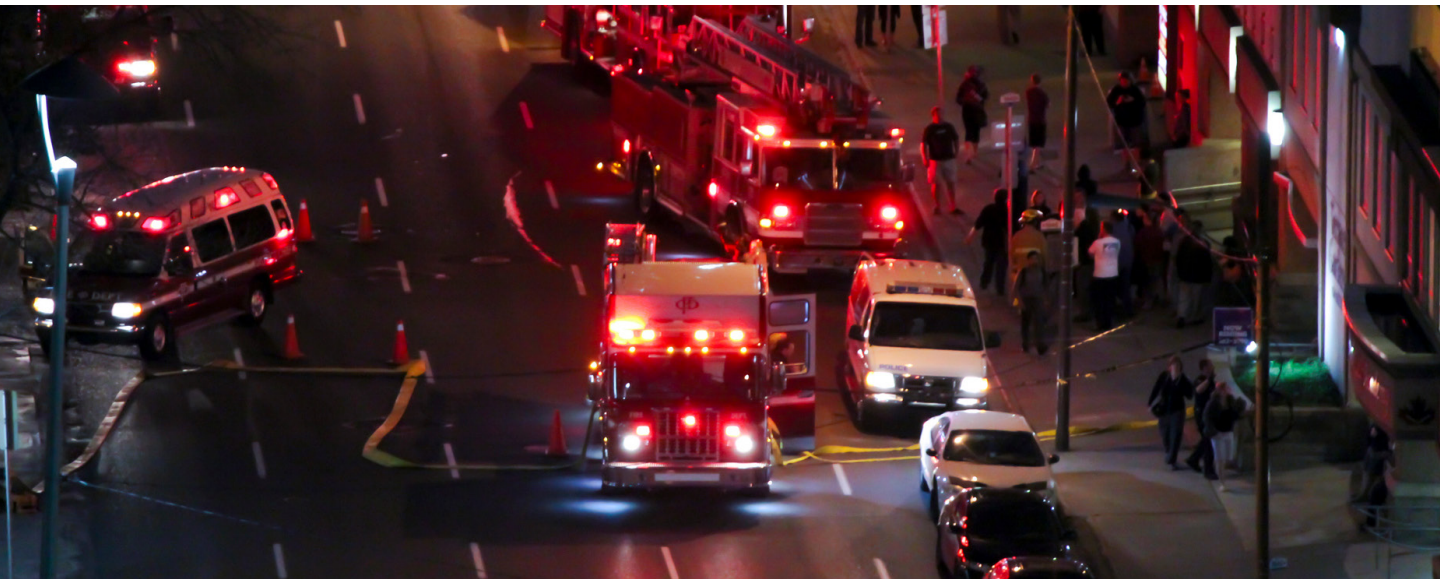


Hate/bias Motivated Incident

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

Attorney General Consent

There are procedural gateways to hate/bias crime prosecution; under s. 319 of the *Canadian Charter of Rights and Freedoms*, consent of the provincial Attorney General (AG) is required for two of the hate/bias crime categories: wilful promotion of hate, wilful promotion of antisemitism and advocating genocide. AG consent is not, however, required to lay the charge of Public Incitement of Hatred, because such offences tend to involve someone speaking to a crowd at a public event like a demonstration or rally. In these situations, police need the autonomy to arrest and charge the person forthwith, so that the individual may not incite a crowd such that a breach of the peace is likely.



Cyberhate

The proliferation of social media has provided additional platforms for the expression of hate. Though there is no universally accepted definition, the term cyberhate generally refers to the use of electronic communications technology to promote hateful messages or information. These electronic communications technologies include the Internet (e.g., websites, social networking sites, user-generated content, dating sites, blogs, online games, instant messages, text messages and email) and other information technologies. Cyberhate comes in many forms and can be rooted in racism, misogyny, homophobia, transphobia, antisemitism, Islamophobia, and white supremacy, either alone or in combination.



The proportion of police-reported hate crimes classified as cyberhate has been steadily increasing in recent years, from 5.1% of reported hate crimes in 2018, to 6.9% in 2019 and 7.1% in 2020 (Hui Wang & Moreau, 2022). As with hate crime more generally, it is important to recognize that these figures significantly undercount the prevalence of cyberhate, because most incidents are never reported.

Statistics Canada (Hui Wang & Moreau, 2022) data shows that between 2016 and 2020, the most common types of cyberhate crime reported to police were:

- Uttering threats of harm or violence against members of an identifiable group (39% of reported crimes)
- Indecent or harassing communications (intended to create a climate of fear; 24% of reported crimes)
- Public incitement of hatred (encouraging and/or mobilizing a group of people in an online forum to commit violence; 12% of reported crimes), and Criminal harassment (ongoing harassment over a period that is intended to create a climate of fear; 11% of reported crimes).

Between 2016 and 2020, the groups most likely to be targeted online mirror those targeted in person; a disproportionate amount of online hate is directed toward members of Muslim, Black, Jewish, and 2SLGBTQIA+ communities (Hui Wang & Moreau, 2022).

Cyberhate victimization is also disproportionately high among youth and young adults, due in large part to the amount of time they spend online (Hango, 2023; Vogels, Gelles-Watnick & Massarat, 2022). Girls and women – especially those from racialized and/or religious minority communities – are at risk of experiencing the most serious forms of cyberhate, most notably severe harassment and sexualized forms of online abuse (Canadian Women’s Foundation, 2023).

The onset of the COVID-19 pandemic prompted sharp increases in anti-Asian hate crime victimization, both on and offline, due to problematic narratives that hold them responsible for the pandemic and related restrictions (Hui Wang & Moreau, 2022; Balintec, 2022).

Bill C-63: Online Harms Act

On February 26, 2024 the Minister of Justice and Attorney General of Canada introduced Bill C-63, the *Online Harms Act*. The Act aims to 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 is designed 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.

Hate Speech and Freedom of Speech

Section 2(b) of the *Canadian Charter of Rights and Freedoms* enshrines the fundamental freedom of “thought, belief, opinion and expression, including freedom of the press and other media of communication”. Those who wish to convey a point of view have the right to do so, even if their viewpoints are considered offensive by others. However, these freedoms are not absolute; section 1 of the Charter states: “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”



The Supreme Court of Canada has upheld restrictions on forms of expression deemed contrary to the spirit of the Charter. More specifically, speech (which can be verbal or written) that incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is a common “restricted speech” category in Canada that may lead to the laying of criminal charges.

The Hate/bias Crime – Terrorism/Violent Extremism Nexus

Research demonstrates that though conceptually and legally distinct, hate/bias crime and terrorism/violent extremism do share some important similarities (Mills et al., 2017; Deloughery et al., 2012), and should therefore be viewed as “close cousins”. This is because in each case, the target of the offence is selected because of his or her group identity, not because of his or her individual behavior, and because hate/bias crime and terrorism/violent extremism generate fear among a greater number of people than those directly affected. There can also be a temporal association between these types of offending – that is, one can trigger the other. More specifically, some research has demonstrated that hate/bias crimes are often perpetrated in response to acts of terrorism/violent extremism.

This appears to be especially the case within the first four weeks of a terrorist/extremist attack, though the first week generally appears to be the period of acutely elevated risk for hate/bias crime victimization. It, therefore, appears that some hate/bias crime is reactionary in nature, serving as a form of vicarious retribution against innocent members of the group thought to be responsible for, or sympathetic to, the terrorist/extremist act. This has obvious importance for police services, who can provide important reassurance and community support roles in the wake of such occurrences.

Reporting Hate/Bias Crime Victimization

The statistics discussed in this report represent hate/bias crimes that are reported to or detected by police and are subsequently classified as being motivated by hate/bias. Research shows that a majority (estimates range from 60% to 90%) of people who are victimized by hate motivated crime do not, for a variety of reasons, report their victimization to police (Armstrong, 2019; Masucci & Langdon, 2017). There are several factors that operate on their own or in combination to shape the decision not to report. These include:

- Confusion/lack of knowledge about what hate motivated crime is
- Not knowing where/how to report
- Cultural/language barriers
- Fear of escalation and/or retaliation
- For members of 2SLGBTQIA+ communities, fear of being “outed”
- Embarrassment, humiliation, or shame about being victimized
- Previous negative experience with police, lack of trust in police and/or skepticism about the police capacity to investigate these crimes
- A belief that the accused would not be convicted or adequately punished
- Fear of jeopardizing immigration status
- Dealing with the incident in another way, and
- Concerns that a given incident may not be serious enough to report – this is often the case with hate/bias motivated incidents that do not meet the threshold for laying a criminal charge.

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

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

The reporting of hate/bias motivated crimes and incidents is important for several reasons, including:

- Unreported hate crimes cannot be investigated and prosecuted, which means that accused persons are not held accountable and may be emboldened to re-offend
- Victims who do not report hate crimes and incidents are generally not able to access the rights and resources entrenched in the Canadian Victims Bill of Rights
- It is important that hate/bias motivated crimes and incidents be reported to and documented by the police to ensure that operations are calibrated to the scope of the issue. Currently in Canada (as in other nations), hate/bias crime units tend to be under-resourced, in part because reporting rates are generally low. This undermines police services’ capacity to respond effectively to hate-motivated crime and incidents, support victims, and offer reassurance to affected communities, and to deploy proactive prevention/intervention-based programs and initiatives.

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

In recent years, there have been increased efforts by police services across Canada to facilitate the identification and reporting of hate motivated crimes and incidents. A growing number of services have dedicated hate crime officers and/or units, and training on hate/bias crime and related issues is becoming increasingly common. This includes training and a variety of community engagement, partnership and education initiatives, along with “reassurance protocols” that quell fears and reassure victimized communities in the wake of hate-motivated crimes and incidents (see the Innovative Strategies and Programs in Ontario to Counteract Hate/Bias Crimes and Incidents section for current operational examples).

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

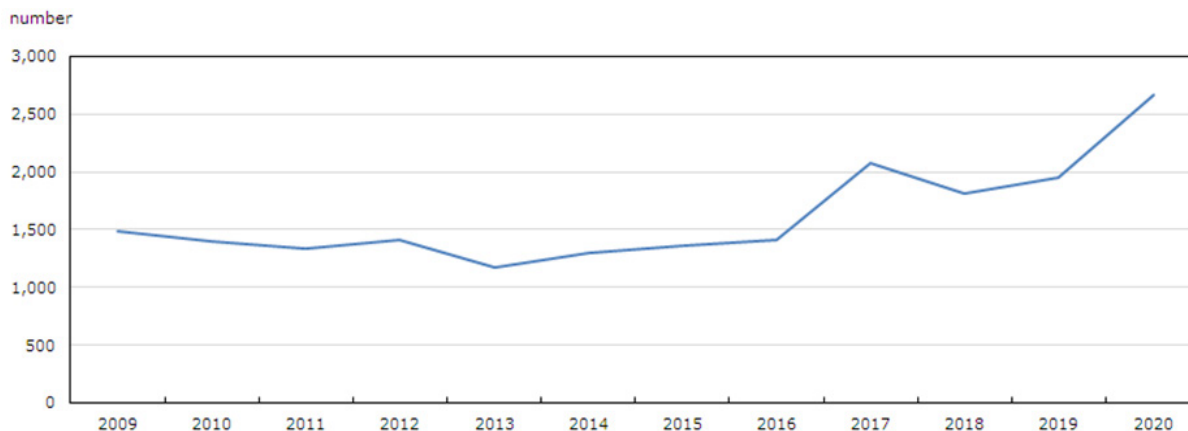


HATE/BIAS CRIME VICTIMIZATION AND OFFENDING IN CANADA: PATTERNS AND TRENDS

Canadian police services are mandated to report the details of all hate/bias crime occurrences to Statistics Canada, which compiles and publicly releases the data. Comparable hate/bias crime data has been collected in Canada since 2009, using data from the Incident-based Uniform Crime Reporting (UCR2) Survey. This has enabled the identification of trends in hate/bias crime victimization, including the information presented below.

Hate/bias Crime: Trends over Time

Chart 1
Number of police-reported hate crimes, Canada, 2009 to 2020



Note: Hate crime counts from the Uniform Crime Reporting (UCR) Survey include both confirmed and suspected hate crime incidents. Includes incidents where hate motivation was unknown. Information in this chart reflects data reported by police services covering 99.7% of the population of Canada.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Incident-based Uniform Crime Reporting Survey.

As demonstrated in Chart 1, between 2009 and 2016, levels of police-reported hate crime experienced some minor year-to-year fluctuation, from 1,442 criminal incidents in 2009 to 1,409 in 2016, followed by consistent increases over time. Between 2016–2017, police-reported hate crime began to increase (coinciding with the rise of populist politics and the attendant inflammatory rhetoric about immigrant, racialized and religious minority groups), with a spike in 2017 (2,073 incidents), followed by slight declines thereafter.

A second and pronounced spike is noted with the onset of the COVID-19 pandemic in 2020 (2,669 incidents), and in 2022 (the latest year for which national-level data were publicly available at time of publication), 3,576 hate crimes were reported to police in Canada, the largest number recorded since comparable data became available in 2009. Again, it is important to remember that 60-90% of hate crimes are never reported and therefore not captured in official data.

Hate/bias Crime: Targeted Groups

Certain segments of the population are disproportionately likely to be victims of hate-motivated crimes and incidents relative to others. In 2022, the most common hate crime motivation types/victimized groups were (Statistics Canada, 2022; 2023a; 2023b):

- o Race/ethnicity (1,950 incidents, representing 55% of all police-reported hate crimes)
- o Black Canadians experienced the highest levels of victimization (829 reported incidents, a 28% increase over the previous year)
- o East or Southeast Asian (220 reported incidents)
- o South Asian (197 reported incidents; an 18% increase over the previous year)
- o Arab or West Asian (172 reported incidents)
- o Indigenous (First Nations, Métis, or Inuit) (69 reported incidents)
- o White (88 reported incidents, a 54% increase over the previous year).

Religion (750 incidents, representing 21% of all police-reported hate crimes):

- o Jewish people experienced the highest levels of victimization (502 reported incidents)
- o Muslims (108 reported incidents)
- o Catholics (52 reported incidents)
- o "Other" religions (e.g., Sikh, Hindu, Buddhist; 55 reported incidents).

Sexual Orientation (491 incidents, representing 14% of all police-reported hate crimes):

- o Disaggregated data on victim categories not publicly available.

“Other” Motivation (268 incidents, representing .07% of all police-reported hate crimes):

- o Includes mental/physical disability, language, sex or gender, age, and other similar factors; disaggregated data for these categories not publicly available).

Characteristics of Accused Persons

Individuals accused of hate crimes in Canada are disproportionately likely to be young, male, have had prior contact with police, and come back into contact with police within three years of their initial hate crime charge. More specifically:

- o Between 2018 and 2021, 86% of people accused of hate crimes in Canada were male (Hui Wang & Moreau, 2020)
- o The median age of persons accused of hate crimes (2018–2021) was 33 years; 17% of accused persons in this period were youth aged 12 to 17 years (Hui Wang & Moreau, 2020)
- o Hate-motivated incidents are 54% more likely than other crimes to involve co-offending; serious injury to the victim is more likely in hate crimes involving multiple accused persons (Lantz & Kim, 2019)
- o Between 2012 and 2018, 49% of persons accused of hate crimes had previously been accused in at least one police-reported incident (not necessarily a hate crime) in the three years preceding their first hate crime charge. More specifically, 32% were accused in one prior incident, 40% were accused in 2–5 prior incidents, and 28% were accused in 6+ prior incidents (Statistics Canada, 2023c)
- o Between 2012 and 2018, 54% of people accused of a hate crime encountered police again (not necessarily hate-related) within three years of their initial hate crime charge. Of these, 27% were accused in one subsequent incident, 40% were accused in two to five subsequent incidents, and 33% were accused in six or more subsequent incidents. Among all subsequent incidents, 30% involved violence (Statistics Canada, 2023c).

86%  **MALE YOUTH** | **Hate/Bias CRIME**

CURRENT POLICE PROCEDURES

The *Community Safety and Policing Act* provides the legislative framework within which police services are structured and delivered in the province. Several provinces also have policing standards that supplement the provisions of their respective laws governing police services. The Ontario Policing Standards Manual contains provisions that set out how police services are to be maintained and delivered. It also provides a series of technical guidelines designed to assist municipalities and police services in the province understand and follow the Act and related regulations.

THE NATURE OF POLICE HATE/BIAS CRIME WORK IN ONTARIO

Though all police services in Ontario are mandated to have a designated hate/bias crime officer, there is considerable variation in terms of the operational approaches that have been adopted. These include:

- Department-wide approaches that involve coordinated efforts across front-line, investigatory, intelligence, and community-based components
- Designated hate/bias liaison officer(s) that review and respond to hate/bias incidents and crimes
- Hate/bias units with specialist officers performing investigatory, education, and community engagement duties, and
- Joint forces initiatives wherein police services work together across jurisdictional lines to facilitate investigations, information sharing, and provide support to smaller jurisdictions and/or complex investigations.



HATE/BIAS CRIME OFFICER ROLES

Investigations

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

Data Collection/Collation

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

Victim and Community Support

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



PROVINCIAL HATE/BIAS CRIME INITIATIVES

Intelligence and Investigatory Support

Hate/bias Crime Extremism Investigative Team (HCEIT)

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

Ontario Ministry of the Attorney General Hate Crime Working Group (HCWG)

Formed in 2019, the Hate Crime Working Group is composed of nearly two dozen Crown prosecutors who advise police about what criminal charges can be applied in hate-related investigations (including the provision of pre-charge advice and assistance with respect to navigating the Attorney General consent process), as well as providing education and training to police across the province.

The HCEIT is a network of 18 police services in Ontario that specialize in the investigation of hate/bias crime and extremism. HCEIT receives annual provincial support and works closely with the Ontario Provincial Police, Criminal Intelligence Service Ontario, the Royal Canadian Mounted Police, Canadian Security Intelligence Service, and Canada Border Services Agency.



Hate Crime

HCEIT activities include:

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



Training

Ontario Police College

The Ontario Police College (OPC) is responsible for administering basic training to all new police recruits in Ontario. The Basic Constable Training (BCT) curriculum covers a variety of content areas, including mandatory training on hate/bias motivated crime. Basic Constable Training topics include (but are not limited to):



- o Hate/bias crime awareness (including an introduction, overview, and situational learning)
- o Bias-free lens to policing activities; empathy for communities/victims; motivation
- o Distinguishing between hate motivated incidents and hate/bias crimes (in particular, the motivation and how incidents often have greater impact on victims).
- o Why hate incidents happen and the dynamics of investigating them.

OPC also provides hate/bias crime investigators with training through its Advanced Hate Crime/Extremism Investigators course, developed and co-taught by a team of practitioners and academic subject matter experts. This intensive 5-day course is designed for police officers, focusing on enhancing their understanding and response to Hate Motivated Crime (HMC), Hate Motivated Incidents (HMI), and Violent Extremism (VE) in Canada. It delves into the complex interplay between these issues, underlining the need for coordinated, flexible law enforcement strategies that can range from local to multi-jurisdictional efforts, incorporating both proactive and reactive measures.

Key learning areas include the dynamics of hate and extremist groups in Canada, the role of the internet and social media in spreading hatred, application of relevant Criminal Code sections, the vulnerability of marginalized communities to hate crimes, and the concept of “reassurance policing”. The course also explores the radicalization process, its ties to HMI/HMC and VE, and the differentiation between pre-criminal and criminal behaviors. Participants gain insights into effective police responses, balancing prevention, and early intervention with enforcement-based strategies.

Prerequisites for enrollment include completion of the Ontario Police College General Investigative Training or its equivalent. The curriculum covers a wide range of topics, including current issues and trends in online hate, legislative aspects, supporting victims and communities, ethical professional practice, and officer wellness.

This program aims to equip officers with specialized knowledge and skills necessary for tackling hate crimes and violent extremism effectively.

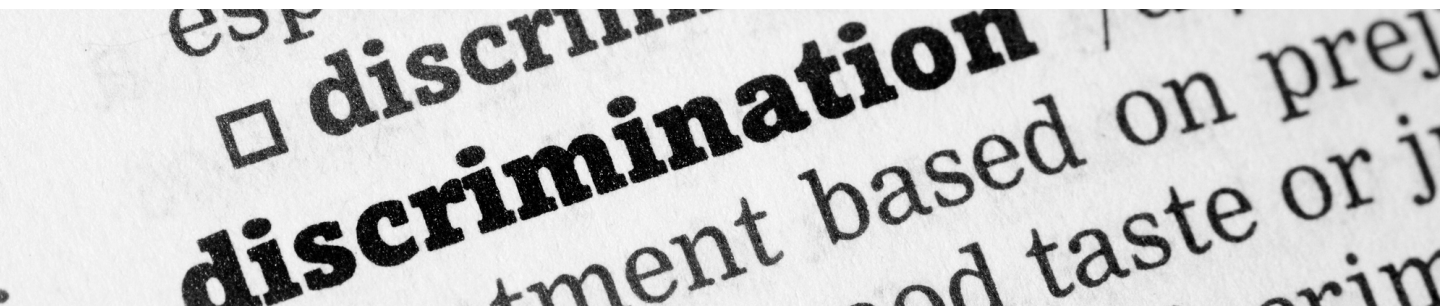
In addition to the OPC courses discussed above, police services in Ontario also have access to several online training, education, and awareness training modules. Some organizations bring in external subject matter experts to help train members on these topics, while others have created in-service online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

Frontline Officer Training on Hate Crime Developed by the National Hate Crime Task Force

The National Hate Crimes Task Force has developed an online training module on hate crime for frontline police officers, to ensure an effective, trauma-informed and victim-centric initial response. This training is available to all police services in Canada through the Canadian Police Knowledge Network (CPKN): <https://www.cpkn.ca/en/course/training-on-hate-crimes-and-incidents-for-frontline-police-officers-in-canada/>

Navigating the Complexities of Hate – A Primer for Law Enforcement

The Ministries of the Solicitor General and the Attorney General have developed online educational training to support police services in their understanding of identifying and enforcing hate crimes. This educational training, entitled ***Navigating the Complexities of Hate – A Primer for Law Enforcement***, is now accessible through the Ontario Police College Virtual Academy (OPCVA): <https://www.opcva.ca/>

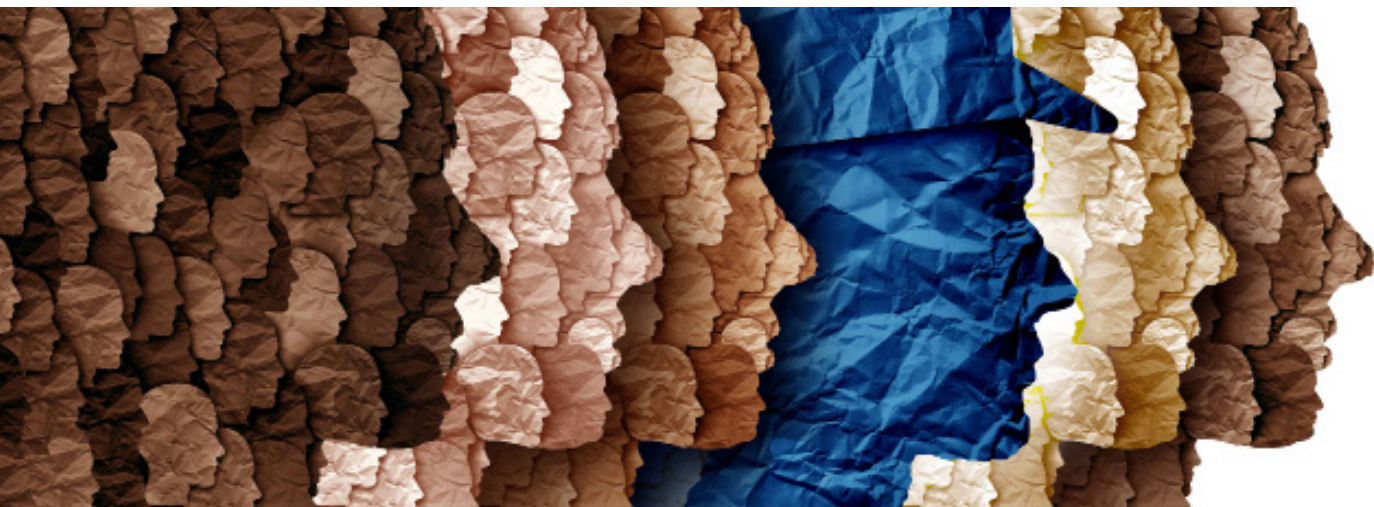


NATIONAL HATE CRIME INITIATIVES

The Hate Crimes Task Force

In 2022, the Canadian Race Relations Foundation (CRRF) and the Chiefs of Police National Roundtable announced the creation of a Task Force on Hate Crimes. The task force is co-chaired by the CRRF and the Royal Canadian Mounted Police (RCMP). Police in Canada recognize that low confidence levels are compounded by historical discrimination practices, feelings that community members who report instances of hate crime will not be investigated, and community members feeling safer approaching a community group rather than the police. This contributes to diminished trust and confidence in policing. The Hate Crimes Task Force focuses its efforts on interpersonal hate crimes impacting communities across Canada (RCMP, 2022).

The Hate Crimes Task Force focuses on increasing awareness of the scope, nature, and impact of hate crimes across Canada and to create national standards to better support targeted communities across the country. This includes police training, effective engagement with victims and communities, and supporting hate crime units across the country. Task force participants represent police services across Canada with a range of experience and expertise, including working in front line policing, outreach and engagement, hate crime units, victims' services, and training and education (RCMP, 2022).



Considerations in Smaller, Rural and/or Remote Communities

- In smaller, rural, and/or remote police jurisdictions that are less visibly diverse or home to smaller or less established diverse communities, there is sometimes a lack of public awareness about police efforts to prevent and respond to hate/bias crime, and/or the importance of reporting hate/bias crime victimization.
- Hate/bias crime vulnerability and victimization can be unique in rural and remote areas of the province. Officers report that victims are targeted not only because of their identities, but also because they were not permanent residents, find themselves in precarious living and working conditions, have restricted access to community-based services and supports, and/or may be apprehensive about police involvement. Indigenous people, migrant labourers, and members of Mennonite and Amish communities were three groups noted to be particularly vulnerable to hate/bias crime victimization in rural and remote areas of the province.

Resource Considerations

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

JURISDICTIONAL DIFFERENCES

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

Considerations in Urban Jurisdictions

- Police jurisdictions in or near major urban centres are generally home to diverse racial/ethnic, religious, cultural, and linguistic communities, as well as 2SLGBTQIA+ communities and individuals from a range of socio-economic backgrounds. This necessitates that police have a nuanced understanding of the communities they serve and the potential for various forms of hate/bias crime victimization therein (these considerations are, of course, also pertinent in smaller and/or rural jurisdictions, particularly as their populations become increasingly diverse).
- Police must also be aware of the many barriers (e.g., language and cultural barriers) that could impact reporting and community outreach efforts. Officers also mentioned that because of the internal diversity of many communities (diversity along denominational, linguistic, socio-economic, generational, historical, and political lines, etc.), defining “communities” and identifying “community leaders” can be challenging, as some individuals identify with multiple communities at the same time, or none. This necessitates that police services engage community leaders that represent the diversity within communities (in terms of age, gender, socioeconomic status, etc.) in their efforts to prevent and combat hate.

KEY OPERATIONAL CONSIDERATIONS

The Importance of “Buy In” Among Senior Leadership:

- All hate/bias crime officers interviewed for this research stressed the importance of senior leadership’s role in ensuring that hate/bias crime was made a service priority. Senior leadership “buy in” is vital to successful police hate/bias crime work as decisions about resource allocation, training, and the feasibility of new initiatives are made at this level. When senior leadership understands the importance of hate/bias crime and the significance of the impact on the community at large, it is much easier to secure new resources and for officers to take advantage of training opportunities to expand their knowledge base and competencies.
- Hate/bias crime is more likely to be made a priority when police services make diversity and inclusion priorities in all areas of policing. Making police services more diverse also increases officer and police service competencies vital for responding to hate/bias crime. For the OACP Equity, Diversity, and Inclusion Committee (EDI) recommended guidelines for increasing diversity and inclusion. See the related EDI Committee document [Best Practices in Policing and 2SLGBTQIA+ Communities in Ontario resource document](#), available on the [OACP website](#).
- Many Ontario police services have established community consultative/working groups that liaise with members of command on a regular basis. It is during these meetings that senior management often becomes “alive” to the nature and extent of hate crime in some communities, thereby facilitating the reallocation of resources and calibration of service delivery to mitigate and/or minimize the impact of hate/bias motivated crimes and incidents.

PHOBIA

HATRED

DISM

PREJUDICE

Communication within and across police services

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

Challenges experienced by front-line officers

Operational Challenges

- Some hate/bias crime officers noted challenges in generating interest on the part of command staff because, relative to other forms of criminal offending, hate/bias crime is not always considered a serious problem. Officers report that their capacity to perform hate/bias crime duties would be greatly enhanced by the provision of additional resources, support, and training opportunities.
- Identifying and properly documenting suspected hate/bias crimes can be a challenge for some frontline officers. As previously discussed, in some cases, offender motivation can be difficult to ascertain, due to the presence of multiple hate/bias motivations or multiple targeted communities. For example, categories such as “sexual orientation” and “race” may intersect with each other to form distinct experiences of prejudice, harassment, or discrimination.

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

Officer Education/Training: Challenges

- Many of the hate/bias crime officers consulted in preparing this document received very little specialist training prior to their transition into their current roles. For some, this led to uncertainty in terms of how to identify hate/bias incidents and occurrences. In most cases, officers received a week of on-the-job training that generally involved “shadowing” the outgoing hate/bias crime officer. This, officers report, is not sufficient to provide them with the requisite knowledge and skill sets to perform their duties, potentially hindering their service’s capacity to identify and respond appropriately to hate/bias motivated crime in their area of jurisdiction.
- The police are but one criminal justice agency involved in the processing of hate/bias motivated crimes. Officers also highlight the need for more and better education and training for other criminal justice personnel. For example, Crown Attorneys who are tasked with prosecuting hate/bias crime charges and judges who adjudicate the process also require specialized and ongoing training opportunities to ensure a coordinated system response to hate/bias motivated crime.

Community Engagement and Support: Challenges

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

Other Portfolios

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

INNOVATIVE STRATEGIES AND PROGRAMS IN ONTARIO TO COUNTERACT HATE/BIAS CRIMES AND INCIDENTS

Victim and Community Support

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

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

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

The Equity & Inclusion Bureau officer that conducts the follow up will ensure that a supplementary narrative is added to the original occurrence report.

Halton Regional Police Service's #PREVENT

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

The initiative is usually activated when there has been a hate or terrorist incident either in Canada or around the world, and pertains to our varied communities in Halton (Muslim, Sikh, Hindu, 2SLGBTQIA+, etc.)

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

Upon receiving intelligence of an incident, key members (from the Community Mobilization Unit) reach out to the service's contacts either within the "victimized" community or the perceived "perpetrator" community. Officers are deployed to the communities to build awareness and to reassure the community that the service is there to protect all citizens. Feedback from the communities has been very positive: so much so that when HRPS officials attend community events, they are very well received, with community leaders commenting on the good relationships they have with the police.

#PREVENT has four primary objectives:

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



Public Education and Awareness

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

Peel Regional Police Service's – Countering Hate in Our Community Project

Peel Regional Police (PRP) brought together 25+ community members, many of which represent several community agencies, to collaboratively co-create a Hate Crime and Extremism training module. This initiative is funded through a Public Safety Canada grant. This module provides an overview and a deeper understanding of hate crimes and violent extremism, while focusing on the importance of reporting and the police's role in reassurance. Some of the topics discussed include but are not limited to; trends in reported hate crime motivation (inclusive of relevant data), the effect of hate on our community, countering violent extremism, the criminal code and police supports, plus the aforementioned importance of reporting. This training module is delivered by the committee members themselves to a variety of community members, community groups, agencies, and other local networks, while being supported by members of the Peel Regional Police's Diversity, Equity, and Inclusion bureau – which serves as PRP's Hate Crime Policy Centre. This training is layered into existing training pieces and provided to all members of PRP.

Toronto Police Service and Humber College Poster Challenge

The Toronto Police Service (TPS), in partnership with Humber College 3rd year Business of Advertising students, developed a poster challenge campaign aimed at raising hate crime awareness while promoting TPS's Hate the Hate Crime Pamphlet. This challenge was launched in October of 2023 and the winning teams were announced the following month. Students had approximately five weeks to create a hate crime media campaign that raises hate crime awareness and reporting for community members who may not necessarily report these crimes because of language barriers and/or accessibility issues (not knowing where to access information about hate crimes and/or not knowing if or how to report hate crimes). There were a total of eight designs submitted and the winning poster was disseminated and displayed throughout the City of Toronto. This initiative fostered important dialogue amongst students while encouraging them to be creative and inclusive in their efforts to build awareness while encouraging reporting.

Member Training

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

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

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

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

The presentations are still accessible in order to reach as many people as possible. They foster networking between law enforcement personnel who may not otherwise have an opportunity to interact on a regular basis.

Peel Regional Police Service's In-house Hate Crime and Extremism Training

Peel Regional Police has developed a mandatory training program for all sworn members focused on understanding and investigating hate motivated crimes and incidents. The training is provided to all new hires during their post-OPC portion, and the existing membership receives the training and maintains access to it via the CPKN training platform. The training emphasizes the positive impact, and importance, of victim support, and reassurance.

York Regional Police's Annual Hate Crime Conference

In 2023, York Regional Police Hate Crime Prevention Unit successfully hosted York Regional Police 4th annual Hate Crime Conference and Awareness Workshop where investigators from different police services across Canada gathered in York Region to learn about emerging trends and strategies to combat hate crime. The Hate Crime Conference also provides a better understanding of the types of impact that victims and communities experience when subjected to hate crimes or hate bias incidents, thus allowing investigators to formulate more appropriate responses.

Community Engagement

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

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

Peel Regional Police’s Countering Hate in our Community Project

This project was identified in “Public Education and Awareness” section above and is being expanded here to focus on the community engagement pieces of the project. This project is focused on both raising awareness throughout the community, while also involving each community partner in all phases of the project’s development and program delivery which is called the Countering Hate Committee (CHC).

Initial Project Framework

The initial framework’s development incorporated elements of interaction that departed from classical project structures. To assist in creating an open and positive environment it was imperative to embed adult learning principles and positive collaboration elements to achieve the goal of authentic relationship building with community partners and a sustainable project overall (Nash, 2015; Post, 2015). While adult learning principles are most important for the development of the training content and forward delivery plan, understanding how the Countering Hate Committee should interact was very crucial to achieve (Bouchrika, 2024).

A clearly defined vision and tailored approach to best understand how the CHC should receive new information and enhance the interpersonal learning together was also layered through. These pieces also provided an authentic footing for relationship building with the CHC. Additionally, this format allowed for an easier transition when introducing the accountability of police within these complex topics. Steps of this nature allowed for a respectful environment, within the open meeting format, for consistent and healthy conversation to naturally flourish (Post, 2015).

Relationship Building Insights

Within the first nine months of work, feedback check-ins with the CHC happened on a monthly basis. Each month's feedback was consistently positive in ways that were unexpected and showed that the project was not only successfully moving along, but openly breaking down barriers.

The CHC consistently expressed their positive outlook outside of check-ins and shared their interests early-on to have the CHC remain as a permanent committee outside of the project's deadline to allow for more future collaborative initiatives to occur. In addition to feedback check-ins, roundtable personal check-ins and a grounding exercise were also included. Understanding that the geopolitical landscape during the project, and more generally, would affect each of the committee members differently, additional empathy and care ensured their well-being at all times. A message from one CHC member speaks directly to this below:

"The coming together of such a diverse network of community organizations made me feel what Canada was like growing up. I felt heard, included, safe and valued. Educating ourselves and communities will be key to combatting hate and I look forward to supporting and representing the group for years to come." – Member of the Countering Hate Committee



Contributing Factors

The success of this initiative, with respect to building truly authentic relationships and partnerships between community and the police, were realized by ensuring that the following guiding principles were adhered to:

1. Respect and inclusion of everyone involved
2. Accountability by the police to move forward with community supports and goals in mind
3. Authentic, empathetic and consistent investments with community partners
4. Collaborative and inclusive efforts to create desired change, and
5. Sustainability planning to support the desired forward growth.



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APPENDIX A: LAWS PERTAINING TO HATE/BIAS CRIME IN CANADA

Advocating Genocide

318.1 Everyone who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

318.2 In this section, “genocide” means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,

- a. killing members of the group,
- or
- b. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

Public Incitement of Hatred

319.1 Everyone who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

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

Wilful Promotion of Hatred

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

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

Wilful Promotion of Antisemitism

319(2.1) Everyone who, by communicating statements, other than in private conversation, 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.

Mischief to Religious Property

(4.1) Everyone who commits mischief in relation to property described in any of 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,

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

Definition of *property*

(4.101) For the purposes of subsection (4.1), property means

- o **(a)** a building or structure, or part of a building or structure, that is primarily used for religious worship – including a church, mosque, synagogue or temple –, an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery;

- o **(b)** a building or structure, or part of a building or structure, that is primarily used by an identifiable group as defined in subsection 318(4) 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;
- o **(c)** a building or structure, or part of a building or structure, that is primarily used by an identifiable group as defined in subsection 318(4) 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
- o **(d)** a building or structure, or part of a building or structure, that is primarily used by an identifiable group as defined in subsection 318(4) as a residence for seniors or an object associated with that residence located in or on the grounds of such a building or structure.

General Statutory Aggravating Factors

- 718.2 a.** a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
- i. evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

320.101 In sections 320.102 to 320.104, *conversion therapy* means a practice, treatment or service designed to

- a. change a person's sexual orientation to heterosexual;
- b. change a person's gender identity to cisgender;
- c. change a person's gender expression so that it conforms to the sex assigned to the person at birth;
- d. repress or reduce non-heterosexual attraction or sexual behaviour;
- e. repress a person's non-cisgender gender identity; or
- f. repress or reduce a person's gender expression that does not conform to the sex assigned to the person at birth.

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 (Bill C-4 Charter Statements, Government of Canada, 2021).

Conversion therapy

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

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

Promoting or advertising

320.103 Everyone who knowingly promotes or advertises conversion therapy is:

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

Material benefit

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:

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

Removal of child from Canada for Conversion Therapy

273.3 (1) No person shall do anything for the purpose of removing from Canada a person who is ordinarily resident in Canada and who is:

- a. under the age of 16 years, with the intention that an act be committed outside Canada that if it were committed in Canada would be an offence against section 151 or 152 or subsection 160(3) or 173(2) in respect of that person;
- b. 16 years of age or more but under the age of eighteen years, with the intention that an act be committed outside Canada that if it were committed in Canada would be an offence against section 153 in respect of that person;
- c. under the age of 18 years, with the intention that an act be committed outside Canada that if it were committed in Canada would be an offence against section 155, subsection 160(2) or section 170, 171, 267, 268, 269, 271, 272, 273 or 320.102 in respect of that person; or
- d. under the age of 18 years, with the intention that an act be committed outside Canada that, if it were committed in Canada, would be an offence against section 293.1 in respect of that person or under the age of 16 years, with the intention that an act be committed outside Canada that, if it were committed in Canada, would be an offence against section 293.2 in respect of that person.

Punishment

(2) Every person who contravenes this section is guilty of:

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



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