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Catalogue no. 85-551-XIE

# Hate Crime in Canada:

## An Overview of Issues and Data Sources

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Statistics Canada  
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# Hate Crime in Canada:

## An Overview of Issues and Data Sources

Prepared by Derek E. Janhevich

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# INTRODUCTION

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The scope and nature of hate crime<sup>1</sup> in Canada are issues that policy makers, government researchers, academics and non-governmental organizations have been trying to understand for a number of years. Although a wealth of research and data exists in the United States, it has only recently become an issue of public concern in Canada. A paucity of data on hate crime exists in Canada and future policy and legislative directions will rely heavily on such information.

## Background

Data on the experiences of persons from various backgrounds within the justice system are critical to the development and maintenance of effective policies and programs. The *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* made numerous recommendations and demonstrated the importance of further study in this area. Other Department of Justice Canada funded reports (Etherington, 1994; Gilmour, 1994; Nelson & Kiefl, 1994; Roberts, 1995) which deal more specifically with hate crimes and hate-motivated activities have also made numerous recommendations in terms of future research, policy directions, and legislative options. One such recommendation is the development of a national system for the collection of hate crime data.

The National Justice Statistics Initiative<sup>2</sup> identified hate-motivated crime as a major data gap. In addition, other federal government departments such as Canadian Heritage, as well as the Federal/Provincial/Territorial Working Group on Diversity, Equality and Justice have long identified hate crime as a research priority.

In January 1999, the Canadian Centre for Justice Statistics (CCJS) received a commitment of four years funding from the federal government's Policy Research Initiative (PRI) to conduct a study on hate crime and diversity in the Canadian justice system. The chosen approach was to examine the two related issues separately. Work on the hate crime component began in March 1999 with an initial consultation with the police community at the semi-annual meeting of the Police Information and Statistics (POLIS) Committee of the Canadian Association of Chiefs of Police (CACP). The POLIS Committee had previously embraced such a project at their February 1998 meeting where discussions on the definition of hate crime led to an agreed-upon uniform definition that was endorsed by the CACP. This definition includes the same groups outlined in the hate crime sentencing enhancement provisions of the *Criminal Code* (Section 718.2).<sup>3</sup>

## Objectives

The purpose of the overall study is to enhance our understanding of hate crime and to assess the feasibility of collecting police-reported hate crime statistics in Canada. These main objectives will be carried out over the remaining course of the study, which will consist of different phases. The first phase of the study, presented in this report, will describe some of the pertinent issues at hand, some previous findings, international comparisons, recent initiatives, current data sources, a description of police resources, as well as findings from the 1999 General Social Survey, that for the first time, measured self-reported hate crime victimization incidents at the national level.

<sup>1</sup> The terms hate crime, hate-motivated crime, and bias crime, are used interchangeably throughout this report. Notions about the specificity of the terms will be examined in a later chapter. The reader should note that hate propaganda offences (S. 318 – S. 320) are types of hate crimes; however, unless otherwise stated, this report refers to hate crimes (including hate propaganda) as a generic term.

<sup>2</sup> The purpose of this Initiative is to develop Canada's system of justice statistics and information in order to support the administration of justice, and to ensure that accurate information regarding the nature and extent of crime and the administration of justice is available to the Canadian public. The governing body of the Initiative is chaired by the Deputy Minister of Justice of Canada and consists of all federal, provincial and territorial Deputy Ministers with justice responsibility, plus the Chief Statistician of Canada. The operational arm of the Initiative is the Canadian Centre for Justice Statistics (CCJS).

<sup>3</sup> For a full description of this definition, please refer to section 3.1 of this report.



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# 1.0 REVIEW OF THE LITERATURE

Before engaging in an in-depth discussion surrounding the collection of hate crime statistics, one needs to understand some of the pertinent issues at hand. What have legal, sociological and other experts said about this topic? When did the issue enter public debate? What is the associated discourse with this phenomenon? These are some of the key questions that can be best addressed within a review of the literature.

## 1.1 History of Hate Crime in Canada

While hate crime is considered a relatively new phenomenon within the criminal justice system, it is not new when applied to other contexts. From the persecution of Christians during the height of the Roman Empire and the Nazis' "final solution" for Jews in the Second World War, to "ethnic cleansing" in the former Yugoslavia and genocide in Rwanda, hate (crime) has been an evident fact in the history of the world (Bureau of Justice Assistance, 1997). Long before "hate" was criminalized, Skinheads in London, England were committing acts such as "Paki-bashing" and "Queer-bashing"; however, perpetrators of hate crimes should not be attributed only to extremist groups. Before examining the dynamics of this issue, one must ask why a sudden interest in studying and trying to quantify something that has always existed?

In Canada, the notion of "hate" as a social/criminal policy concern emerged following the 1965 *Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada* (Cohen Committee). The mandate of the Cohen Committee was to ascertain the nature and scope of hate propaganda in Canada. Some of its conclusions stressed that although the extent of the problem in Canada was limited to a small number of persons, such activity could create a climate of malice and destructiveness to the values of our society (Cohen Report, 1966:24). As a result of the committee's efforts, Parliament amended the *Criminal Code* in 1970, thus rendering hate propaganda as a punishable offence (Law Reform Commission of Canada, 1986:7). These laws fall under sections 318-320 of the *Criminal Code*.

Although lobbying for hate propaganda laws came from select identifiable groups (e.g. Black and Jewish communities), the mid-1970s gave rise to a second phase of racist

activity and hate propaganda directed at other groups (Janhevich, 1997). Associated with this second phase of hate and racist activity were high profile legal cases which gave notoriety to a number of holocaust deniers in Canada<sup>4</sup>. What also appeared to emerge was the increased presence of violence. As a result, there was increased pressure for legislative changes. Emphasis was now placed on measuring the frequency of the problem in order to improve the criminal justice system response (Karmen, 1990:262). At the time, these efforts were far more evident in the United States; however, similar pressures would soon arise in Canada.

Following the second phase, the issue became more public, and "hate" was viewed as a global phenomenon. This was especially exemplified in more recent and extensive media coverage of anti-Semitic propaganda in France, extreme right wing violence aimed at immigrants in Germany (Aronowitz, 1994), ethnic cleansing in the former Yugoslavia (Hamm, 1994b) and Skinhead violence targeted at gays and minorities in the United States (Hamm, 1993; 1994a; 1994b); all of which are now referred to as hate crimes. Just at the time that the United States had enacted its Hate Crimes Statistics Act (1990), lobbying to recognize the impact of crimes motivated by bias or hatred commenced in Canada. This was reflected in the establishment of police hate/bias crimes units, government funded studies, and the tabling of specific hate crime legislation in sentencing reform Bill C-41 (1996). These efforts provided the avenue for the criminal justice system to officially recognise this social problem as a "new" category of crime.

## 1.2 Definitional and Other Uncertainties

Why should the criminal justice system single out crime motivated by hatred from other offences? It could be argued that all criminal acts have an adverse impact upon its victims. Criminal offending, whether hate-motivated or not, may result in physical injury, emotional and psychological distress or social isolation. However, available studies suggest the victimization associated with hate-motivated crimes can be more severe when compared to non-hate crimes. Hate crimes result in a disproportionate level of

<sup>4</sup> For a more detailed discussion, refer to Barrett (1987); Ross (1994); Weimann & Winn (1986); Elman (1989).

harm which affects not only the individual, but the entire group associated with the victim (Roberts, 1995).

Although the term *hate crime* is commonly used today, little consensus exists as to its exact meaning. This is partly due to the fact that there is enormous heterogeneity in hate crime offending. Existing studies classify hate crimes differently and various academic disciplines incorporate different paradigms to explain and define hate crimes. For example, the hate crime label has been applied to describe a wide variety of behaviour, ranging from international violent acts such as ethnic cleansing (Hamm, 1993, 1994a, 1994b) and right-wing terrorism (Bjorgo, 1994) to severe criminal behaviour such as homicide and assault and less serious incidents of vandalism and property crime.

The main distinguishing feature with hate crimes is that such offences include a specific motivating factor not found in other crimes. However, motivation alone appears to be rather problematic. How does one determine whether or not an act was motivated by hate based on another person's inherent and social characteristics? Determining hateful motivation continues to be a central issue surrounding the problem of defining hate crimes (Jacobs, 1993; Berk, 1994; Jacobs & Potter, 1998).

Another issue relates to multiple motivations. As is typical with most criminal offending, a number of motives may underlie any one act or incident. In terms of data collection, this will impact upon the number of incidents officially recorded as hate crimes. An *exclusive* definition which classifies a hate crime as an act solely motivated by hate of the victim's status will likely result in fewer reported offences, while other definitions which only require that an act be motivated *in whole or in part* by hate will spawn a greater number of reported hate crimes (Roberts, 1995:11).

Although most definitions list a number of identifiable groups such as race, religion and ethnicity, differences remain. Determining which groups are to be offered protection through their inclusion may hinder the development of a uniform definition. This issue has surfaced in the United States. To date, over 40 states have enacted hate crime legislation; however, only 21 states and the District of Columbia include sexual orientation as a protected status, despite the fact that sexual orientation comprises the third-highest category of hate crime being reported to the FBI (FBI, 1999).

In Canada, some of these definitional issues are currently being addressed. Although the Hate Propaganda provisions have existed since 1970, the *Criminal Code*

was amended in 1996 to include sentencing enhancement principles (s. 718.2) where there is:

- (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.

In addition, in 1998, the CACP agreed that the identified groups within this section be incorporated into a uniform definition of what constitutes a hate crime. More about this definition will be explained in chapter 3.

### 1.3 Available Research and Data

Until recently, there was little research and literature on hate crimes in Canada. Although various high profile incidents have raised greater public awareness about hate crimes, only a select number of legal and criminological researchers have examined this issue at great length. Most of the literature has dealt with constitutional issues and legislation, hate group activity, policing matters, and general issues of racism and discrimination. The number of hate crime articles in legal and sociological journals peaked in the early nineties and thereafter diminished (Janhevich, 1997). Despite the increase in hate crime research, few quantitative studies exist.

To date, few Canadian studies have examined the level of hate crime activity at the national level. A 1995 Department of Justice study found that of some 1,000 hate crime incidents reported to a select number of police departments, almost 61% were directed toward racial minorities. The report estimates that there were over 60,000 incidents of hate crime in Canada in 1994. The second most targeted group was based on religion, the majority being anti-Semitic in nature, followed by sexual orientation and ethnicity (Roberts, 1995:28). Data collected in the United States reveal a similar trend. A more detailed analysis of available data is included in subsequent chapters.

According to Roberts (1995: x-xi), there appears to be a relationship between the nature of the offence and the targeted group. Hate crimes against individuals identified on the basis of race, ethnicity and sexual orientation were more likely to involve violence whereas anti-Semitic incidents were more likely to involve property crimes. Findings from another Department of Justice report<sup>5</sup> appear to confirm this relationship, indicating that hate crime activities

<sup>5</sup> The survey covered fifty-six responses from a questionnaire administered to police, prosecutors, government officials and human rights organizations throughout Canada.

aimed at groups identified by race, ethnicity, gender and sexual orientation were more likely to be violent in nature, while religious groups were mainly the target of vandalism (Nelson and Kiefl, 1995: 12).

American research has demonstrated that hate crimes, as compared to general crimes, are more likely to involve excessive violence, multiple offenders, serial attacks, greater psychological trauma to victims, a heightened risk of social disorder, and a greater expenditure of resources to resolve the consequences of the act (Levin, 1992-93; Levin and McDevitt, 1993; Herek & Berrill, 1992).

National data collected by the FBI indicate that seven out of ten reported hate crimes are directed toward people rather than property, compared to only 11% for offences where hate is not a motivating factor (Levin, 1998: 1). Upon reviewing 452 hate crimes reported to the Boston Police Department, Levin & McDevitt (1993:11) found that nearly 50% consisted of physical assaults of which three-quarters resulted in some form of physical injury. When compared to national data, only 29% of assault victims receive physical injuries. The authors also indicate that hate crime assaults are twice as likely to cause injury and four times as likely to require hospitalisation when compared to assaults where hate is not a motivating factor (as cited in Levin, 1998:1).

Research relating to the emotional and psychological effects of hate crime victimization suggests that such offences are qualitatively different than other types of offences. A 1989 study conducted by the National Institute Against Prejudice and Violence found that victims of hate-motivated violence experienced 21% more of the standard psychological symptoms associated with stress than non-hate crime victims (Shaffer, 1996:212). Additionally, the recovery period for some hate crime victims may be longer. Based on a self-administered questionnaire, gays and lesbians who had experienced some form of physical assault due to their sexual orientation required five years to overcome their victimization. In contrast, victims of non-biased crimes experienced a decrease in crime-related psychological problems within two years (Herek et al., 1999:7). These findings tend to support those reached by the 1998 American Psychological Association (APA) report entitled *Hate Crimes Today: An Age-old Foe In Modern Dress*. Findings indicated that hate crime victims often experience intense feelings of vulnerability, anger, and depression which subsequently can lead to the formation of a number of physical ailments, learning

problems, and interpersonal conflicts. The report likened the symptoms exhibited by hate crime victims as being similar to individuals suffering from post-traumatic stress disorder (APA, 1998:4).

Others contend that the harm inflicted is not restricted to the individual victim but extends to the entire community in which the victim is deemed to belong (Roberts, 1995; Bureau of Justice Assistance, 1997; Jeffery, 1998). As a result, hate-motivated crimes have the potential to severely affect a community's quality of life.

Limited information on the characteristics of hate crime offenders is available through recent Canadian studies. Data from the Toronto Police Service indicate that hate crime perpetrators tended to be young males, the majority of them being in their teens or early 20's (Roberts, 1995: 22). In British Columbia, police data indicate that 60% of offenders are between 18 and 29 years old, while almost 20% are young offenders (British Columbia, 2000:2). These findings are consistent with data from other jurisdictions. In the United States, it is estimated that nearly 50% of all hate crimes are committed by individuals younger than 20 years of age, compared to 25% for non-hate crime offences (Bureau of Justice Assistance, 1997: 13). In Germany, a survey of Skinheads responsible for criminal acts revealed that the majority were young males between the ages of eighteen and thirty (Harnishmacher & Kelly, 1997: 42). Research in England and Wales, on the other hand, reveals that perpetrators of racial harassment and racial violence can be of all ages (Sibbitt, 1997: vii).

Offenders of hate crimes have commonly been associated with hate organizations such as Neo Nazis, the Ku Klux Klan (KKK), and Skinheads. However, research suggests that members of such radical organizations (Levin & McDevitt, 1993: 5; Gilmour, 1994: 18-19; Bureau of Justice Assistance, 1997: 20) do not commit most hate crimes. According to Winn (1994:2), most acts of right-wing violence in Canada between 1960 to 1990 were acts committed by individuals who were unaffiliated with a particular hate group organization. Although a 1995 Justice Canada study determined that organized hate groups exist in areas that reported higher levels of hate crime activity, it remains unclear whether their existence actually led to the commission of such crimes (Nelson & Kiefl, 1995: 15). Studies in the United States reached similar conclusions. Of the 1,459 hate crimes reported in the Los Angeles area between 1994 to 1995, less than 5% of these offenders were members of an organized hate group (APA, 1998: 2).

### Factors Contributing to the Commission of Hate Crimes

The research literature suggests a number of conditions that may directly or indirectly influence hate crime offending. As with other forms of offending, a number of conditions or reasons may operate at any one time. The following factors have been identified in various studies; however, they are neither exhaustive nor are they necessarily mutually exclusive:

- Minorities have often been used as 'scapegoats' in deflecting blame for the misfortune of individuals or of that of society. Conditions such as economic recessions, increased crime rates, and unemployment have been attributed to the presence and activities of minorities, helping to justify criminal activities against this segment of the population (Winn, 1994: 1; Cowl, 1994:7).
- Other research suggests that a weak economy does not necessarily result in an increase in hate crime activity. Rather, it is sudden social changes that accompany certain economic conditions that have more of an impact on rates of offending. For example, when minorities first move into a homogeneous area, their presence may be viewed as a threat to a traditional way of life, where use of force and violence is often seen as a justified response to ensure its maintenance (APA, 1998: 8).
- Some offenders may commit a hate crime merely to alleviate boredom. These 'thrill seekers' are drawn toward the excitement of committing an offence against their victim (Levin & McDevitt, 1993: 65; APA, 1998: 7).
- The economic or social success some minorities have attained may result in increased feelings of resentment by members of the larger population. As Levin & McDevitt (1993:48) argue, resentment can be found to some extent in the personality of most hate crime offenders. It may be directed toward a particular group or merely aimed at society as a whole.
- Historical animosities and hatreds that have been transmitted from one generation to another may influence some form of hate crime offending. In many respects, this reflects a learning process where individuals are socialized and indoctrinated into hating a particular group (Levin & McDevitt, 1993: 48). However, Kelly and Maghan (1997: 2) argue that ancient hatreds alone cannot explain bias violence. Political forces have manipulated many restrained racial and ethnic animosities around the world.
- Some forms of hate crime are committed under the belief of having societal permission. For example, offenders who believe their actions to be condoned and sanctioned by the larger society or community in which they live sometimes commit attacks directed toward homosexuals (American Psychological Association, 1998:2).

## 2.0 HATE CRIME DATA COLLECTION ISSUES

This chapter will examine reasons for and against the collection of hate crime statistics, the various methods to collect such data, attempts by other jurisdictions, as well as past, current and potential data collection methods in Canada.

### 2.1 The Benefits of Collecting Hate Crime Statistics

Sound statistical data on hate crimes will rely heavily on successful reporting of such incidents. In turn, successful hate incident reporting will aid in identifying the nature of such acts. In a publication sponsored by the Office of International Criminal Justice, Cook (1993) outlines that a thorough report should help capture many of the associated social elements, as well as determine some existing trends:

To be successful we must have reliable information about who was involved, what happened, what it looks like, where it was happening, how often, how many victims, and by whom. The data will define the problem, will define the target and the causes, and will help law enforcement develop a course of action. Answers to these questions are important in assessing the needs of the victim and the community as well as in determining the appropriate police response (Cook, 1993:145).

The reasons below present a more detailed discussion of why hate crime statistics should be collected.

#### *(1) To assess the magnitude of the problem*

The need to quantify and assess the magnitude of the problem has been cited as the most important reason for the collection of hate crime statistics. Roberts (1995:35) explicitly notes that first one needs to determine the magnitude of the problem that has yet to be fully acknowledged, in part because of under-reporting.

Currently, there is no concerted effort to collect police-reported national hate crime data. Various police departments with hate crime initiatives and private organizations such as the League for Human Rights of B'Nai Brith collect their own data; however, there is a lack of consistency in definitions and methods of collection.

Despite limitations, these efforts have been useful in painting local pictures of hate crime as well as shaping future research and policy directions.

#### *(2) To evaluate the criminal justice response and need for resources*

Until a sound methodological approach is implemented, the debate on whether public reaction over hate crimes is driven more by emotions and perceptions than empirical data is likely to continue. Reliable evidence to indicate whether hate crimes are increasing or decreasing will help determine the level of resources that policy makers will want to expend to address the issue (Bureau of Justice Assistance, 1997:5).

Official hate crime statistics would not only help determine resource requirements, but they would also help to understand which groups are being targeted most often and how best to deal with them. In addition, better information would help in evaluating the efficacy of both justice system and community-based responses (Roberts, 1995:35).

#### *(3) The unique nature of the crime – disproportionate harm*

Numerous authors have outlined the symbolic nature of hate-motivated crimes and have argued that the harm caused by the act warrants some special attention and further study by the criminal justice system. Hate-motivated crimes victimize not only the immediate target but every member of the group that the victimized target represents (Bureau of Justice Assistance, 1997: 21).

While current hate crime statistics indicate relatively low numbers, they carry more weight than statistics for other offences. Under-reporting of these incidents sends the message that the issue is not prevalent; however, as Roberts (1995:3) notes, “[it] would be a mistake to measure the importance of hate crimes simply by the number of incidents reported to the police”. Roberts also indicates that the statistics may fail to convey the true harm inflicted in each individual incident; however, quantitative research may be the only avenue to analyze hate crimes on a large scale. Furthermore, it has been argued that such data may actually be easily brought back into their real life

context when one considers their truly insidious nature and the harm they pose to certain communities (McCaffrey, 1995).

*(4) Creation of a social indicator*

As Canadian society becomes increasingly diverse, social agencies are faced with new challenges. On the one side, Canada's reputation as a healthy multicultural society has led to a high level of international confidence during the current trend of increased globalization. On the other, Canada finds itself challenged by the changing cultural, social, and demographic landscape (Jeanotte, 1999). If domestic policies do not address these issues, the outcomes could potentially lead to increased polarization of existing negative conditions.

One potential use of collecting hate crime statistics is to view them as a "tip of the iceberg" social indicator of prejudice. As we move toward a more diverse society, the threat of increased intolerance for various groups is a plausible outcome, the most serious scenario being acts of hate-motivated crime. However, as Jacobs & Potter (1998:8) note: "[if] hate crime data are to be taken as an indicator of the overall state of inter-group relations, not just a limited crime problem, they must be approached very carefully, lest their very collection and presentation exacerbate the conflict they mean to prevent".

*(5) Address the current criminal justice agenda*

A more grounded reason to collect hate crime data is the need to inform the priorities of the criminal justice system. As noted in the introduction, a hate crime data collection strategy has long been recommended by federal, provincial and territorial governments, lobby groups, academics and the police community.

## 2.2 The Disadvantages of Collecting Hate Crime Statistics

The reasons indicated below have also been cited in the research literature and highlight problems associated with the collection of information on hate crimes.

*(1) Creation of a moral panic*

Some critics of hate crime data collection have argued that government-sponsored accounting systems have been used to create the false existence of an epidemic of prejudice-motivated crime of every kind (Jacobs & Potter, 1998:147).

*(2) "Hate crime" is not a specific offence*

Although advocating genocide (S. 318) and public incitement of hatred (S. 319) are *Criminal Code* offences under the Hate Propaganda provisions, "hate crime" in Canada is not a specific offence. As a result, some have argued that the collection of data on something intangible or imprecise appears to be problematic. However, agreement over hateful motivation as an aggravating factor to an existing crime has been ratified in the *Criminal Code*, and a uniform definition of this social condition has been approved. Questioning hateful motivation is not an issue that can be properly addressed within this report; this is an issue which is subject to debate within a legal context.

*(3) Problems with the definition*

Opponents of the collection of statistics would also argue that there are problems with the definition of hate crime. An overall consensus on which identifiable groups to include has not been reached in certain jurisdictions. For instance, although the United States has implemented the Hate Crime Statistics Act (1990), not all states include the same groups. This presents the challenge of not all groups being equally represented in official statistics. Although a uniform definition has been ratified in Canada, conformity over the use of this definition has yet to be established. This is an issue that will be examined in a later section of this report.

*(4) A socially constructed problem*

Other arguments against the collection of such data are rooted in concerns about the very concept of hate crime. Some scholars and legal experts contend that hate crimes are mere social constructions of something that has always existed. In modern society, crime and deviance have come to be typified as the most serious forms of all problems; however, given other historical contexts, we seem to be in a much better situation today than ever (Davis & Anderson, 1983:10). Acts of racial intolerance may actually be lower now than ever (Jacobs & Potter, 1998). This brings the overall argument back to the point concerning the creation of moral panic and falsified perceptions of crime.

*(5) Risk of adding to current tensions*

Still another point of contention is that the collection of such data would only add to the division of current racial, ethnic and other inter-group tensions. Jacobs & Potter (1998:9) for example note that the splintering of various offender and victim categories based upon race, ethnicity and gender may "backfire" and contribute to a balkanisation of society. A similar rationale is noted in arguments against the collection of race crime statistics.

### Under-reporting of Hate Crimes

A central issue regarding hate crime statistics relates to under-reporting. Much of the literature suggests that victims of hate crimes are less likely to report their victimization to the police when compared to other crime victims.<sup>6</sup> Also, the rate of under-reporting by certain targeted groups may be more of an issue even when compared to other hate crime victims. Research conducted in Canada and the United States suggests the under-reporting rate for hate crime victims who are targeted based on their sexual orientation is particularly high when compared to other groups who are often the victims of hate-motivated offences, such as ethnic or religious groups (American Psychological Association, 1998; Roberts, 1995; Comstock, 1991).

Various reasons have been put forward to explain the high rate of under-reporting by hate crime victims. These include:

- Fear of reprisal by their perpetrators (Roberts, 1995);
- Fear and mistrust of law enforcement because they come from different cultural backgrounds. For example, people from African or Asian countries, where law enforcement is sometimes used as a means of oppression, may be less willing to report their victimization to authorities (Bureau of Justice Assistance, 1997: 11);
- Belief that their victimization will not be taken seriously by law enforcement officials and/or the perception that the police are a potential source for further victimization. (APA, 1998; Roberts, 1995; Berk, Boyd and Hamner, 1992);
- Fear of *secondary victimization*. Secondary victimization occurs when others respond negatively to an individual's initial victimization (Herek & Berrill, 1992: 289). For example, some members within the gay and lesbian community fear having their sexual orientation revealed and may want to avoid negative reactions or repercussions that such a disclosure may elicit from individuals within and outside the criminal justice system (Roberts, 1995; Comstock, 1991);
- Even if an incident is reported to the police it may fail to be entered into official statistics because of problems involved in classifying a hate crime on the part of authorities. Police officers must record some evidence of hate motivation in order to classify an incident as a hate crime. Failing to pay special attention to the circumstances surrounding the commission of an offence, officers may not realize pertinent facts indicating the presence of hate motivation (Roberts, 1995).

## 2.3 Data Collection Strategies in Other Jurisdictions

Although data are available at the local and provincial level, there are no national police-reported statistics on all hate crimes in Canada. Other jurisdictions like the United States and Britain have had some experience in hate crime data collection.

### 2.3.1 The United States

The first and only country to officially mandate the collection of hate crime statistics is the United States (Roberts, 1999). In response to a perceived increase of attacks on racial minorities in the late 1980s, on April 23, 1990, the U.S. Congress passed the *Hate Crime Statistics Act of 1990* (HCSA). The act requires that the U.S. Attorney General collect data from State and local law enforcement agencies about crimes "that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate, the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault; simple assault; intimidation; arson; and destruction, damage or vandalism of property" (FBI, 1990a). In 1994, changes to the HCSA were made to include offences motivated against a person's disability.

Before the official proclamation of the HCSA, the development of a data collection strategy had been underway for quite some time. The FBI's Uniform Crime Report (UCR) Program had been delegated the responsibility of data collection and dissemination. The most feasible option called for the collection of hate crime statistics through the already established nation-wide UCR Program (FBI, 1990b).

In its initial plan for a data collection strategy, other options had been entertained. A nation-wide sample study approach had been proposed, involving approximately 800 law enforcement agencies. Although the UCR Section of the FBI had determined that the sampling approach would achieve the most valid assessment of national hate crime activity, it was negatively received due to high costs, support for ongoing operations, and the inability to generate meaningful geographic breakdowns that would otherwise be available through the existing UCR Program (FBI, 1990b:2).

<sup>6</sup> *The issue of under-reporting is also one that can be applied to other types of crimes. For instance, victims of sexual assault are also less likely to report incidents to the police. Victimization surveys (1999 GSS) reveal that up to 78% of sexual assaults are never reported to the police. Issues regarding under-reporting will be re-examined in a subsequent chapter.*



The primary emphasis behind developing a data collection strategy was to avoid placing any major reporting burdens on police departments. The alternative sampling approach would have created an additional workload that neither the agencies nor the federal government could support. Since hate crimes are not separate offences, but rather traditional ones motivated by the offender's bias toward an identifiable group, it was determined that such data could easily be collected by merely capturing additional information about offences already being recorded by the UCR (FBI, 1990a).

There are two possible methods of supplying hate crime data to the FBI – one is through the Quarterly Hate Crime Report (see Appendix A) and the other is through an additional hate crime data element on the National Incident-Based Reporting System (NIBRS).<sup>7</sup> The Quarterly Report requires the entry of a number of items (e.g. incident number, type of offence, motivation, victim information, location, number of offenders, offender's race, etc.), which are then submitted to the UCR Section, in addition to the regular reporting procedures (FBI, 1990b). Through the NIBRS, participating law enforcement agencies simply record whether the offence was hate-related. This is captured in an additional data element. Bias/hate motivation is one of the 56 facts collected for each offence

record under the new crime-reporting format. For more details about these data collection procedures, refer to Appendix A.

A quick review of 1998 U.S. hate crimes statistics reveals that a total 7,755 hate-motivated criminal incidents in 47 jurisdictions (46 states and the District of Columbia) were reported to the FBI. These incidents accounted for 9,235 separate offences<sup>8</sup>, 9,722 victims, and 7,489 known offenders (FBI, 1999). The majority were motivated by racial bias (56%), followed by religion (18%), sexual orientation (16%), and ethnicity (10%). Hate crimes based on disability and multiple factors made up less than 1% of the total incidents. Table 1 provides a breakdown of the motivation by offence type.

Although a directive has been put in place by the U.S. federal government, submission of data by various law enforcement agencies to the FBI is voluntary. Not all police departments report hate crime incidents to the FBI, and of those that are part of the hate crime data collection program, not all will necessarily have hate crime incidents to report. For instance, in its first report on hate crime

<sup>7</sup> The NIBRS is equivalent to Canada's Incident Based Uniform Crime Reporting Survey (UCR II).

<sup>8</sup> An incident can involve more than one offence.

Table 1  
Hate Crime Offences by Type, 1998, United States

Offence	Motivation													
	Race		Religion		Sexual Orientation		Ethnicity		Disability		Multiple		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Homicide	8	61.5	-	-	4	30.8	1	7.7	-	-	-	-	13	100
Rape	8	72.7	-	-	2	18.2	-	-	1	9.1	-	-	11	100
Aggravated Assault	717	66.1	24	2.2	194	17.9	144	13.3	3	0.3	2	0.2	1,084	100
Simple Assault	1,045	61.3	75	4.4	376	22.0	194	11.4	10	0.6	6	0.4	1,706	100
Intimidation	2,154	61.8	457	13.1	494	14.2	372	10.7	9	0.3	2	0.1	3,488	100
Other	3	100.0	-	-	-	-	-	-	-	-	-	-	3	100
<b>Total Personal</b>	<b>3,935</b>	<b>62.4</b>	<b>556</b>	<b>8.8</b>	<b>1,070</b>	<b>17.0</b>	<b>711</b>	<b>11.3</b>	<b>23</b>	<b>0.4</b>	<b>10</b>	<b>0.2</b>	<b>6,305</b>	<b>100</b>
Robbery	57	48.3	7	5.9	44	37.3	9	7.6	1	0.8	-	-	118	100
Burglary	51	51.5	25	25.3	11	11.1	10	10.1	-	-	2	2.0	99	100
Theft	45	55.6	14	17.3	15	18.5	5	6.2	1	1.2	1	1.2	81	100
Motor Vehicle Theft	2	66.7	-	-	1	33.3	-	-	-	-	-	-	3	100
Arson	28	56.0	9	18.0	10	20.0	3	6.0	-	-	-	-	50	100
Vandalism	1,225	48.1	860	33.7	284	11.1	176	6.9	2	0.1	2	0.1	2,549	100
Other	2	40.0	-	-	2	40.0	1	20.0	-	-	-	-	5	100
Against Society	15	60.0	4	16.0	2	8.0	4	16.0	-	-	-	-	25	100
<b>Total Property</b>	<b>1,425</b>	<b>48.6</b>	<b>919</b>	<b>31.4</b>	<b>369</b>	<b>12.6</b>	<b>208</b>	<b>7.1</b>	<b>4</b>	<b>0.1</b>	<b>5</b>	<b>0.2</b>	<b>2,930</b>	<b>100</b>
<b>Total</b>	<b>5,360</b>	<b>58.0</b>	<b>1,475</b>	<b>16.0</b>	<b>1,439</b>	<b>15.6</b>	<b>919</b>	<b>10.0</b>	<b>27</b>	<b>0.3</b>	<b>15</b>	<b>0.2</b>	<b>9,235</b>	<b>100</b>

- nil or zero

Source: Federal Bureau of Investigation, Uniform Crime Reporting Section. Based on 10,730 law enforcement agencies in 47 jurisdictions, representing 80% of the U.S. population.

statistics in January 1991, 2,771 agencies in 32 states submitted data on less than 5,000 total incidents (Bureau of Justice Assistance, 1997). By 1998, a total of 10,730 law enforcement agencies in 46 states and the District of Columbia participated in the Hate Crime Data Collection Program; however, only 1,810 agencies submitted incident reports. This represents less than one in five (17%) agencies that reported at least one hate crime incident.

While efforts to establish a statistical baseline of hate crimes in the United States are underway, establishing a means to gauge the rise and fall in the number of such offences remains problematic. Since the best available data are still incomplete, trend analysis is not possible. Reasons for limited data include: the number of reporting agencies fluctuates from year to year, participating agencies lack resources to investigate hate-motivated crimes, some jurisdictions fear reprisals in admitting that hate crimes exist in their communities, and certain groups are reluctant to report to the police.

Police-reported statistics and the UCR are but one of two ways to capture information on criminal offences and incidents. Another source of information is through the use of criminal victimization surveys. Through the Bureau of Justice Statistics (BJS), the U.S. Department of Justice also has in place the National Crime Victimization Survey (NCVS) which captures information on crimes experienced by individuals and households and whether or not those crimes were reported to the police. In its 1999 Incident Report, the NCVS for the first time asked three specific questions on hate crimes. Once available, these results will help paint a clearer picture on the characteristics of hate crime in the United States.

### 2.3.2 The United Kingdom

In England and Wales<sup>9</sup>, the collection of hate crime statistics has involved the adoption of policies on the part of the police as well as statistical agencies. This approach is somewhat different than a specific legislative act mandating the collection of data on hate crimes (Roberts, 1999). Unlike the Canadian and American classification, the British only record a specific form of hate crime – racist incidents. Since 1986, police forces have collected information on racist incidents based on the following definition:

*Any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person. (Home Office, 1999: 47)*

In 1999, this definition was simplified to:

*Any incident which is perceived to be racist by the victim or any other person. (Home Office, 1999:47).*

British police have collected information on racist incidents since 1986 and have been mandated to publish this information since 1991 (under Section 195 of the *Criminal Justice Act 1991*). On September 30, 1998 the government introduced the *Crime and Disorder Act 1998* to deal with the problem of racist violence and harassment. This legislation introduced new racially aggravated offences covering assault/wounding, criminal damage and harassment (Home Office, 1998). Since full monitoring was not possible until April 1999, results are still only partial. In addition to the creation of the new offences, section 82 of the Act provides clear direction to judges for sentencing enhancement (Roberts, 1999:13).

The response to hate crimes in England and Wales has been criticized for using a restrictive definition which is not as broad as the definitions used in Canada and the United States (Roberts, 1999). A racist, racial, racially-motivated or racially aggravated incident includes the following identifiable groups: race, colour, nationality (including citizenship), ethnic or national origins. Religious groups are not specifically outlined in the definition; however, they may be covered by analogy with court decisions under the 1976 Act (*Crime and Disorder Act 1998*; Roberts, 1999).

In their collection of racial incidents, the police record all incidents reported – whether they are criminal incidents or not. In 1993/94, 11,006 racial incidents were recorded by all the police forces in England and Wales, steadily rising to 13,878 in 1997/98 (Commission for Racial Equality, 1999). In 1998/99, the figures rose by 66% to 23,049 incidents. This sharp increase is thought to reflect improved recording practices, rather than an actual increase in the number of racial incidents (Home Office, 1999:47). The majority of such incidents are either damage to property or verbal harassment.

Data on racially motivated incidents are also available from the British Crime Survey (BCS). Through a nationally representative sample of approximately 16,000 adults in England and Wales, members of ethnic minorities are asked whether or not they thought that an incident had

<sup>9</sup> Scotland has its own judicial system.

been racially motivated.<sup>10</sup> The BCS does not cover damage to commercial premises nor does it address non-criminal expressions of racial prejudice and hostility, activities that have accounted for much of the racial harassment experienced by Black and Asian peoples in Great Britain (Commission For Racial Equality, 1999: 1).

In 1995, the BCS estimated that approximately 382,000 offences were deemed by the victim to have been racially motivated. During the same year, the police recorded only 12,220 racially motivated incidents (Home Office, 1999: 47). Considering 45% (172,000) of the 382,000 offences recorded by the BCS were reported to the police, official police statistics appear to underestimate the extent of (one form of) hate crime, as perceived by the victims.

In addition to racial incidents, some police forces deal with instances of homophobic violence. Although responses to such incidents are not as comprehensive as those for racially aggravated incidents, the Association of Chief Police Officers (ACPO) has ratified the following definition of homophobic incidents:

*Any incident which appears to the victim, reporting officer or any other person to be motivated by homophobia: that is animosity towards lesbians and gay men (ACPO Definition).*

The British definitions are arguably more restrictive than those offered in North America; and data on excluded groups (such as sexual orientation) must be sought from alternative sources. Nonetheless, the British model of data collection demonstrates that useful numbers can be generated in the absence of a specific legislation mandating the collection of hate crime statistics.

## 2.4 Data Collection Efforts in Canada

Hate crime statistics in Canada are currently collected through various police departments across the country, different community groups, as well as through victimization surveys. Although these methods are similar to the ones highlighted in other jurisdictions, some differences exist.

### 2.4.1 Police-Reported Statistics

To date, Canada has no centralized system for collecting national police-reported statistics relating to hate-motivated crimes. Although information on hate propaganda offences are to some extent available from the Revised Uniform Crime Reporting (UCR2) Survey and the Adult Criminal Court Survey (ACCS), the data are quite limited and therefore do not provide an accurate assessment on the level of such activity. In 1993, private member's Bill C-455

would have enacted a legislative mandate for the collection of hate crime statistics by federal, provincial and municipal agencies. However, the failure of Bill C-455 to gain parliamentary approval has left the continuation of hate crime data collection to be done in a non-standardized manner. Obtaining comparable data through these sources has been problematic.

In the absence of a legislative mandate, a number of police forces have established specialized hate/bias crime units or initiatives, the first being the Ottawa Police in 1993. This organizational response evolved partially from the Stephen Lewis Report (1992) that indicated the need for Ontario's police agencies to maintain closer contact with minorities, so as to ensure that police are able to effectively respond to the concerns of these communities (as cited in McCaffery, 1998: 29). Since then, hate/bias crime units and initiatives have proliferated throughout many of Canada's major police forces. These units have been instrumental in organizing the collection of data on hate crime incidents reported within their respective jurisdictions. British Columbia has adopted a province-wide approach which involves the Ministry of the Attorney General, municipal police departments, as well as the RCMP. More discussion on police hate crime units across Canada will be examined in the next chapter.

While some police departments have established policies and procedures to deal with hate crimes, variability in definitions and methods of data collection has made it difficult to determine the extent of hate crime activity in Canada through police-recorded incidents.

#### The Homicide Survey

The Homicide Survey maintained by the CCJS collects a number of incident, victim and offender characteristics in relation to homicides. The apparent motive of the homicide incident is one of numerous variables that police officers complete in the Homicide Survey Questionnaire. Hate crime is flagged as one possible motivation; however determining the specific motivation of a homicide incident is often difficult since the victim is dead. Should an offence be hate-motivated, the officer is then required to provide a narrative or description of the exact motivation and circumstances of the event. Since 1991, 13 hate-motivated homicides have been flagged in Canada. In 1999, no hate-related homicides were reported.

<sup>10</sup> The 1994 and 1996 BCS, for the first time, asked white respondents whether they thought race was a motive in any offences perpetrated against them. In addition, the last three "sweeps" of the survey over sampled the number of Afro-Caribbeans and Asians, in order to provide more reliable analysis for ethnic minority respondents.

## 2.4.2 Community Group Statistics

The push for enhanced research on hate crimes came from a variety of community groups. Although no national police-reported hate crime statistics exist, some community organizations have been collecting statistics on various forms of hate crime. For instance, since 1982, the League for Human Rights of B'Nai Brith has produced an annual report on the number of anti-Semitic incidents in Canada. Due to the constancy in definitions and criteria used in determining how incidents are classified and recorded, these statistics may be the best data available on the incidence of hate crimes of a particular category. As a result, these data provide a unique historical record of a particular form of hate activity in Canada over the past 18 years.

Incidents recorded by the League for Human Rights are classified in terms of vandalism or harassment. The annual audit of anti-Semitic incidents defines these terms as follows:

*“Vandalism” is an act involving physical damage to property. It includes graffiti, swastikas, desecration of cemeteries and synagogues, and other property damage, arson and other criminal acts such as thefts and break-ins where an anti-Semitic motive can be determined (League for Human Rights, 1998: 7).*

*“Harassment” includes anti-Semitic hate propaganda distribution, hate mail and verbal slurs or acts of discrimination against individuals. Death threats and bomb threats against individuals and property, as well as any kind of physical assault are also included in this broader category. This category also includes systemic discrimination in the workplace, schools and campuses, and stereotyping in the media (League for Human Rights, 1998: 7).*

According to the 1999 audit, 267 incidents were reported to the League for Human Rights, an increase of 11% from the 240 incidents recorded in 1998. Toronto alone accounted for 119 incidents in 1999 and 123 in 1998. When comparing these figures to those recorded by the police, significant differences are apparent. For 1999, the Metropolitan Toronto Police reported 38 hate crimes based upon religion while 32 such incidents were recorded in 1998. However, these differences may reflect a variation in the categories and definitions used by each source. The data provided by the Toronto Police evidently only include those incidents that were brought to their attention while the numbers provided by the League for Human Rights are more inclusive. The activities listed in their definitions tend to be broader in scope and they include a number of behaviours that would not be considered criminal, and typically not brought to the attention of the police.

Other community groups, such as the 519 Church Street Community Centre in Toronto collect information on specific types of hate crimes. The Victim Assistance Programme of the 519 Centre collects statistics on hate incidents motivated by sexual orientation. In 1999, 116 reports were brought to the attention of the 519 Centre. This compares to 98 incidents in 1998 and 95 for the previous year. It should be noted that recorded incidents are not strictly limited to criminal acts. Again, differences such as definitions, coverage, and methodology exist between the data collected by the Victim Assistance Programme on hate crimes motivated by sexual orientation and those collected by the Metro Toronto Police.

## 2.4.3 Victimization Surveys

Police-reported statistics present results from crimes reported to and by the police. An alternate way of presenting crime and criminal justice statistics is through the use of victimization surveys. Victimization surveys present results from the perspective of victims of crime, whether or not they are reported to police. Both are quite different and for this reason they can produce different, yet complementary results. Examples of victimization surveys are the National Crime Victim Survey (NCVS) and the British Crime Survey (BCS). One of Canada's victimization surveys is included as a cycle of the General Social Survey (GSS).

Victimization surveys involve random samples of the population. People are asked whether they have been the victim of a crime within a specified period. In addition, persons are asked a number of other questions in relation to the criminal incident, as well as other pertinent personal information. One key goal behind victimization surveys is to measure the extent of both reported and unreported crime. Victim surveys however are limited. For example, accuracy of the data is difficult to monitor since events are reported by respondents, based on their perceptions and not corroborated by others. In addition, they only cover select types of crimes and do not capture information on victimless crimes, crimes where the victim is a corporate or institutional entity, homicides, or in the case of the GSS, when the victim is a child (under 15 years old).

In the 1999 GSS, two specific questions relating to hate crimes were asked. This is the first time that an attempt to measure hate crime was made through the survey. The results will be presented in the last chapter of this report.

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## 3.0 POLICE POLICIES AND PROCEDURES

In Canada, there is no national mandate requiring police departments to collect hate crime statistics. However, some police departments voluntarily do so. The purpose of this chapter is to provide a snapshot of the hate crime policies and procedures that are presently in place among some police departments in Canada as of January 2000. It will identify how different police departments define a hate crime and whether or not they collect such statistics. The detailed findings of the police departments that have hate crime policies or any related documentation are included in Appendix B.

### 3.1 Methodology and General Findings

In order to identify the current police policies, the CCJS contacted 36 police agencies in Canada during January 2000. A specific selection process was not chosen. Instead, those departments that police the 25 Census Metropolitan Areas (CMA) in Canada were selected, as well as the Royal Canadian Mounted Police (RCMP), Ontario Provincial Police (OPP) and selected other municipal services. This quasi-arbitrary approach was chosen in order to establish a general idea of the current policies and procedures in the major police departments across Canada. It was determined that for the purposes of this report, most major police departments across Canada would be canvassed to provide an overview of current activities. Further work may be undertaken based upon the responses provided by these police departments.

Each department's Chief of Police was sent a letter by the Executive Director of the CCJS, outlining the nature of the special study on hate crime in Canada. The letter requested information about written policies concerning hate crimes, working definitions and criteria used for hate crime classification. It also asked if the police department collected hate crime statistics.

The CCJS received replies from 34 of the 36 police agencies (see Chart). In addition to the requested information, most respondents included positive comments about their interest in the project and many asked to be kept informed of the results of the study.

Chart

#### Summary of Police Responses

Police Department	Policies and Procedures	Hate Crime Definition	Collection of Statistics
1. Aylmer, QC			
2. BC Hate Crime Team	✓	✓	✓
3. Burnaby - RCMP	✓	✓	✓
4. Surrey - RCMP	✓	✓	✓
5. Vancouver	✓	✓	✓
6. Victoria	✓	✓	✓
7. Calgary	✓	✓	✓
8. Edmonton	✓	✓	✓
9. Halifax			
10. Halton Regional	✓	✓	✓
11. Hamilton-Wentworth Regional	✓	✓	✓
12. Hull	✓	✓	✓
13. Laval	x		
14. Longueuil			
15. Montreal	✓	✓	
16. Niagara Regional	✓	✓	
17. Ontario Provincial Police	✓	✓	
18. Ottawa-Carleton	✓	✓	✓
19. Peel Regional	✓	✓	✓
20. Québec			
21. Regina	x	x	✓
22. Royal Canadian Mounted Police	✓	✓	✓
23. Royal Newfoundland Constabulary	✓	✓	✓
24. Saint John			
25. Saskatoon	x	x	
26. Sherbrooke			
27. Sudbury	✓	✓	✓
28. Sûreté du Québec			
29. Thunder Bay	✓	✓	✓
30. Toronto	✓	✓	✓
31. Waterloo Regional	✓	✓	✓
32. Windsor	✓	✓	✓
33. Winnipeg	✓	✓	✓
34. York Regional	✓	✓	
<b>TOTAL</b>	<b>27</b>	<b>26</b>	<b>21</b>

Blank cells indicate that although police department responded, no information is available.

✓ = Police department has a specific policy and definition in relation to hate crime.

x = Police department has a related policy or definition in relation to hate crime.

Of the 34 police departments that responded to our request, 24 had actual hate crime policies and 3 had some type of related policy. With respect to definitions, 24 agencies incorporated an actual definition of hate crimes, while 2 departments used a related type of definition. Although numerous departments included all the groups outlined in the *Criminal Code* in their definition of hate crime, only the RCMP utilized the actual wording of the CACP-approved definition.

As previously noted, the POLIS Committee of the CACP had identified the need for a study on hate crimes at their February 1998 meeting, where a uniform definition of hate crime was proposed. On April 1, 1998 the CACP approved the following criteria for a definition to be used by police in collecting data on hate crimes:

*“a crime motivated by hate, not vulnerability” which is to include all the groups outlined in section 718.2 of the Criminal Code, including an “other” category so as to not miss new, emerging types of hate crimes.*

Where there appears to be less consistency is in the collection of data – 21 of the 27 police departments with policies and/or procedures collect some form of hate crime statistics.

### 3.2 Types of Strategies

As there is no uniform policy used by police departments dealing with hate crimes, a range of approaches exists. The various strategies can be grouped into four categories: (1) Department-wide approaches; (2) Designated hate/bias liaison officers; (3) Hate/bias units; (4) Joint forces initiatives. These approaches are borrowed from the 1996 Canadian Association of Chiefs of Police (CACP) publication entitled “Hate Crime in Canada: In Your Backyard”.

#### (1) Department-wide approach

The most prevalent approach to deal with hate crime incidents in Canada is the department-wide approach.

*This decentralized approach puts the onus on every member of the police organization to act, with a particular emphasis on the responding officer, his/her supervisor, the criminal intelligence officer, and the community relations or crime prevention officer (CACP, 1996: 18).*

The police departments contacted for this report that fall under the Department-wide Approach include:

- Edmonton Police Service
- Halton Regional Police
- Hamilton-Wentworth Regional Police
- Service de Police de Hull

- Département de Police de la ville de Laval
- Service de Police de la Communauté Urbaine de Montréal
- Peel Regional Police
- Regina Police Service
- Royal Newfoundland Constabulary (R.N.C)
- Saskatoon Police Service
- Sudbury Regional Police Service
- Thunder Bay Police
- Waterloo Regional Police
- Windsor Police Service
- York Regional Police

Most of the police agencies that have department-wide approaches have strict criteria, as well as written policies and procedures to classify hate crime incidents.

The four main components of the department-wide approach are the response (front line officers), investigative, intelligence and community components. In terms of the procedures followed, hate/bias crimes are handled in a similar fashion to other crimes, since the same tasks must be completed. The response and investigative components require that evidence be protected, the crime scene stabilised and that victims and witnesses be interviewed (CACP, 1996: 18). While all of the tasks are essential, the priority in which they are undertaken varies according to the department.

Depending on the situation, a hate crime case can be forwarded to an investigative officer or investigative division for follow-up and/or assistance. Cases in which the victim suffers trauma can be referred to victim services if available. The community relations division provides education and outreach through schools and community centres.

While the above are all elements of the department-wide approach, some law enforcement agencies do not have specific personnel to accomplish each task. In these situations, the police departments have mandates that call for hate crime incidents to be referred directly to specific divisions of their department. This type of arrangement is present in Hamilton-Wentworth, Montreal, Peel Regional, Regina, Royal Newfoundland Constabulary and Saskatoon.

- Hate crime statistics are collected by about three-quarters of the law enforcement agencies that fall under the department-wide approach.

*(2) Designated hate/bias liaison officer*

A second and less widespread approach used by police agencies to respond to hate/bias incidents is having a designated hate/bias liaison officer. The hate/bias liaison officer is an additional personnel member that complements other agencies using the department-wide approach. Designating one liaison officer to deal with hate/bias incidents is cost-effective and can be justified in jurisdictions with fewer incidents and police resources (CACP, 1996). The law enforcement agencies in this study that have a designated hate/bias liaison officer have detailed policies and procedures for dealing with hate crime incidents.

The role of the hate/bias liaison officer is fourfold. They are responsible for maintaining close contact with the victim and his/her group during the investigation and prosecution of the case, and they co-ordinate and facilitate community relations. Hate/bias liaison officers also review all crime cases designated as having a hate motivation in order to limit the likelihood of misidentification. Finally, they complement the overall department-wide response with added expertise (CACP, 1996: 19). Only one of the two agencies canvassed for our study that uses the liaison officer approach, collects hate crime statistics.

This type of approach is used in 2 police agencies contacted for our study:

- Calgary Police
- Niagara Regional Police

*(3) Hate/bias units*

The third approach in Canada involves the establishment of hate/bias crime units.<sup>11</sup> Hate crime units are usually located in areas that have particular problems with regard to hate crimes (CACP, 1996). Such units have detailed policies and procedures concerning hate crimes. Officers in a hate crime unit are specially trained and they have three very specific roles as an investigator, an anti-hate crime educator and part of a hate crime “intelligentsia” (CACP, 1996).

As an investigator, the officer’s role is to ensure that sufficient evidence is gathered in order to properly classify and report a hate crime. The role of anti-hate crime educator is to teach other police personnel as well as the community about the importance of appropriately addressing and identifying hate crime incidents. A member of the hate crime intelligentsia is required to monitor and track all hate crime incidents. This is accomplished through the use of databases. Each hate crime unit in our study had

well-developed systems in place to gather and disseminate statistical data on hate crimes.

The following departments have in place hate/bias crime units:

- Ontario Provincial Police
- Ottawa-Carleton Regional Police
- Toronto Police Service
- Winnipeg Police Service

*(4) Joint forces initiatives*

The fourth type of approach used by Canadian police agencies is done through joint forces initiatives. Although the approaches may differ, police departments work together across jurisdictional lines. They band together to facilitate the investigative process; enhance the gathering, analysis and dissemination of intelligence data; share crime solving strategies; and strengthen collaborative efforts to reduce bias activities (CACP, 1996). The joint forces initiative agencies regularly meet to share information and to discuss proactive strategies to combat hate crimes (CACP, 1996). They are also a valuable resource for smaller jurisdictions that may require assistance on challenging cases.

Some of the departments engaged in the joint forces initiative approach include:

- British Columbia Hate Crime Team (HCT) – all police departments in British Columbia
- Royal Canadian Mounted Police
- Ontario Provincial Police
- Other municipal departments which liaise with OPP and RCMP detachments, as well as other municipal departments.

**3.3 Conclusion**

Generally speaking, there appears to be a great deal of infrastructure, in terms of policies, procedures and definitions, in place to deal with hate crime incidents. Although not all have specialised hate crime units, initiatives are in place to deal with hate and bias crime activity.

Where there appears to be the least degree of consistency is in the collection of hate crime statistics. Nonetheless, the number of existing hate crime databases and published (as well as unpublished) statistical reports suggests there is potential for considering a data collection strategy.

<sup>11</sup> This study will simply refer to hate/bias crime units as hate crime units.



Some jurisdictions appear to be more advanced in this area than others. For instance, the British Columbia (see Appendix B) model demonstrates how a uniform policy has been broadly implemented. Although much can be

learned from this approach, not all jurisdictions proceed the same way. In addition, policy compliance remains a major issue to resolve.

## 4.0 RESULTS FROM THE 1999 GENERAL SOCIAL SURVEY

For the first time, in 1999, the General Social Survey (GSS) on criminal victimization included measures to assess the nature and extent of hate crime in Canada. These results provide a major development in Canadian hate crime research.

### 4.1 1999 GSS - Methodology

In 1999, Statistics Canada’s General Social Survey program conducted a sample survey on victimization for the third time. Each cycle of the General Social Survey focuses on various topics such as the family, time use, and victimization. The first two editions of the GSS victimization survey were conducted in 1988 and 1993. The objectives

of the survey are to provide estimates of the prevalence of 8 types of crimes and to examine a wide array of related factors and characteristics of the incidents as well as the victims involved. Computer-assisted telephone interviews (CATI) were conducted from February 1999 to December 1999 inclusive, and a typical interview lasted approximately 30 minutes.

Another source of information on crime rates in Canada is police-reported data captured through the Uniform Crime Reporting (UCR) Survey. Victimization surveys and police-reported surveys are quite different (see *Comparison of GSS and UCR Surveys*). For this reason, they can produce different, yet complementary results. Hate crime information is not available through the UCR Survey.

#### *Comparison of the GSS and UCR surveys*

Survey Characteristics	General Social Survey (GSS) on Victimization	Uniform Crime Reporting (UCR) Survey
<b>Survey type and coverage</b>	Sample (in 1999) of about 26,000 persons aged 15+ in the 10 provinces	Census of all incidents reported by all police services in Canada
<b>Historical data</b>	1988, 1993 and 1999	Available continuously since 1962
<b>Source of information</b>	Personal account of criminal victimization incidents, whether reported to police or not	Criminal incidents reported to and recorded by police
<b>Scope of survey</b>	8 categories of criminal offences	Over 100 categories of criminal offences
<b>Comparability of offence categories</b>	Sexual assault	Comparable to total sexual assault in UCR.
	Robbery	Not comparable. UCR includes robberies of businesses and financial institutions.
	Assault	Comparable to total assault in UCR.
	Break and enter	Comparable to break and enter of a residence in UCR.
	Theft of personal property Theft of household property	Not comparable. UCR does not distinguish between theft of personal and household property.
	Motor vehicle/parts theft	Comparable to UCR when theft of motor vehicle parts is removed from GSS.
<b>Sources of error</b>	Vandalism	Not comparable. UCR has a “mischief” category that includes a broader range of infractions.
	Sampling errors (i.e. differences between estimated values for the sample and actual values for the population)	Public reporting rates to police
	Non-sampling errors (e.g. inability of respondents to remember/report events accurately, refusal by respondents to report, errors in the coding and processing of data)	Police discretionary power, changes in policies and practice in relation to capturing all reported incidents

## Measuring Hate Crime

One of the objectives of the GSS is to address current and emerging social issues. As hate crime has been identified as a priority policy issue, two questions were included on the survey to measure hate crime. The first asked whether victims of crime believed that the offence committed against them could be considered a hate crime, and the second question asked what they believed the motivation was for this offence. In order to ensure that respondents understood what was meant by hate crime, they were read the following pre-amble to the questions:

“There is a growing concern in Canada about hate crimes. By this I mean crimes motivated by the offender’s hatred of a person’s sex, ethnicity, race, religion, sexual orientation, age, disability, culture or language”. The question then read as follows:

(1) *Do you believe that this incident committed against you could be considered a hate crime?*

If a person answered yes to this question, a subsequent question on the actual motivation was asked:

(2) *Was this because of the person’s hatred of your ...*

- (1) *Sex*
- (2) *Race/Ethnicity*
- (3) *Religion*
- (4) *Sexual Orientation*
- (5) *Age*
- (6) *Disability*
- (7) *Culture*
- (8) *Language*
- (9) *Other (specify)*

A respondent could provide more than one response to the aforementioned categories. Responses that fell within the “Other” category were subsequently verified and consultations with experts were held in order to determine if the reason fell within the legal definition of hate crimes.

Various survey enhancements were made to the 1999 version of the GSS. In 1988 and 1993, 10,000 Canadians aged 15 years and over residing in households across the ten provinces were interviewed. The 1999 GSS allowed for a much larger sample of approximately 26,000 households. Canada’s three largest cities were also over-sampled in an attempt to get more detailed information on visible minority populations. These changes have allowed for more reliable estimates and more detailed analysis of various sub-populations. In addition, estimates of less frequently occurring crimes, such as hate crimes are possible.

The GSS on victimization measures personal and household crime. These include sexual assault; robbery; assault; theft of personal property; break and enter; motor vehicle theft; theft of household property; and vandalism. The first four offences are considered personal offences and the last four, household crimes.

## 4.2 Data Limitations

Although the GSS provides a rich source of data for issues and topics that cannot be explored through police statistics, the data have limitations. For example, GSS data are estimates based on information collected from a sample of the population and are therefore subject to sampling error. Estimates of proportions of sub-populations and very specific variables will have wider confidence intervals. This report uses the coefficient of variation (CV) as a measure of sampling error. When the CV of an estimate is higher than 33.3%, this is considered too unreliable to be published. Because hate crime counts are generally low, estimates with many variables may be too unreliable to publish. A larger sub-sample would be required to engage in full-scale analysis. As a result, some categories of hate crime victimization and associated variables must be collapsed in order to make some valid analyses. Nonetheless, the data on hate crimes provided through the GSS give detailed information on hate crimes at the national level not available through other existing data sources.

Table 2  
Incidents of Hate Crime Victimization by Offence Type, 1999

Offence	Hate Crime			Other Offences		
	No. of incidents	%	Rate (per 1,000 population 15+ or per 1,000 households)	No. of incidents	%	Rate (per 1,000 population 15+ or per 1,000 households)
Assault	134,376	49	6	1,111,898	18	46
<i>Other Personal</i> <sup>1</sup>	76,114	28	3	2,481,674	38	102
Theft Personal Property	--	--	--	1,790,883	29	74
Robbery	--	--	--	202,083	3	8
Sexual Assault	--	--	--	488,707	8	20
<b>Total Personal Crime</b>	<b>210,489</b>	<b>77</b>	<b>9</b>	<b>3,593,571</b>	<b>58</b>	<b>148</b>
Vandalism	30,284 <sup>†</sup>	11	2	777,339	13	64
<i>Other Household</i> <sup>2</sup>	31,959 <sup>†</sup>	12	3	1,816,004	28	149
Break & Enter	--	--	--	572,399	9	47
Theft Household Property	--	--	--	748,691	12	62
Motor Vehicle/Parts Theft	--	--	--	494,913	8	41
<b>Total Household Crime</b>	<b>62,243<sup>†</sup></b>	<b>23</b>	<b>5</b>	<b>2,593,343</b>	<b>42</b>	<b>107</b>
<b>Total</b>	<b>272,732</b>	<b>100</b>	<b>n/a</b>	<b>6,186,914</b>	<b>100</b>	<b>n/a</b>

-- amount too small to be expressed.

<sup>†</sup> Coefficient of variation between 16.6% and 33.3%.

<sup>1</sup> Other Personal includes: Theft Personal Property, Robbery and Sexual Assault.

<sup>2</sup> Other Household includes: Break & Enter, Theft Household Property, Motor Vehicle/Parts Theft.

Source: Statistics Canada, General Social Survey, 1999.

In addition to these general points, there are other limitations regarding specific issues related to hate crime. Many property type hate crimes are often targeted against institutions such as community centres, churches, and synagogues. The GSS measures crimes against individuals and households and would not include crimes against the community or businesses. Police-reported statistics often include hate propaganda offences in their hate crime databases; however, the GSS does not capture any information regarding this specific offence category. Furthermore, the literature indicates that many hate crimes are committed by youths against youths; however, the GSS does not include victims under 15 years old, since only persons aged 15 and over are interviewed.

### 4.3 Incident Characteristics<sup>12</sup>

Of the total number for the eight offence types in 1999, it is estimated that 4% (272,732 incidents) were considered by the victim to be motivated by hate. This figure appears to be somewhat consistent with findings from other studies and reports. Of the four personal crimes, 6% were hate-motivated; the proportion jumps to 11% for assaults only. The proportion is lower for vandalism (4%) and the four household crimes (2%).

### Hate crimes more likely to involve assaults

A greater proportion of hate crime incidents are personal offences (77%) as compared to the total number of non-hate related incidents recorded in the GSS (58%). Whereas almost half (49%) of all hate crime incidents are assaults, less than one in five (18%) other incidents are assaults (Table 2). This supports other studies which have found that hate crimes are generally more violent than other offences (Roberts, 1995; Levin, 1999; Levin & McDevitt, 1993).

### Race/ethnicity the most common motivation

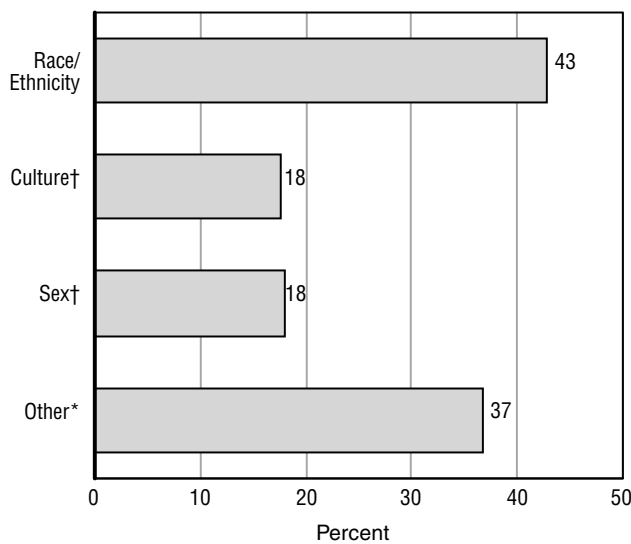
Two other important research questions that policy makers, academics and victim groups want to explore are who are the victims of hate crimes and what is the most common motivation for their victimization? According to the GSS, race/ethnicity (43%) is the most common reason

<sup>12</sup> The results presented herein give the reader as much information as could possibly be analysed from the GSS. Since some counts are too low to make valid assessments, certain categories and variables were collapsed or grouped together. More information on the characteristics of the incident will be available, since the analysis is based on all eight classifiable offences. However, when examining most victim characteristics, only personal offences are taken into consideration, thus significantly lowering the sub-sample size.

given by victims that believed a hate crime was committed against them (Figure 1). Since some of the hate crime categories did not generate reliable estimates, many were collapsed into the category “other”. It is for this reason that “other” makes up the second most common type of hate crime motivation (37%). In order of frequency, this category includes age, sexual orientation, religion, other similar factor, language and disability. Culture (18%) and sex (18%) made up the remaining categories. Culture as a motivating factor was frequently coupled with race/ethnicity.

Figure 1

**Hate Crime Victimization by Motivation, 1999**



**Note:** Totals will not add up to 100% due to multiple motivations per incident.  
 † Coefficient of variation between 16.6% and 33.3%.  
 \* In order of frequency, other includes the following categories: Age, Sexual Orientation, Religion, Other (specify), Language and Disability.  
**Source:** Statistics Canada, General Social Survey, 1999

**Hate crimes are largely an urban phenomenon occurring in commercial and public areas**

Most victims of hate crime incidents (92%) live in urban areas.<sup>13</sup> This compares to 84% of non-hate related incidents. Although provincial comparisons are not available due to low counts, a broader regional breakdown reveals that British Columbia has the highest rate of personal hate crime victimization per 1,000 population aged 15 years and older (16) followed by the Prairie provinces (11), Ontario (7) and the Atlantic region and Quebec<sup>14</sup> (6). This regional pattern is similar to overall criminal victimization rates across Canada.

Most incidents occur in commercial establishments and public institutions (30%) or on the street and in public places (27%) (Table 3). Few occur in the victim’s home (10%); however, many take place near the victim’s residence (29%).

**Many hate crimes involve multiple offenders**

Whether or not hate crimes generally involve multiple offenders is an issue that concerns many researchers. Some studies indicate that up to 75% of hate crime incidents involve multiple offenders (Garafolo, 1990; Levin, 1992-93); however, others have found that nationally (United States) only 25% involve multiple offenders (Levin & McDevitt, 1993). From the 1999 GSS, it was possible to determine if violent offences (assault, sexual assault, and robbery) involved more than one offender. Of the 170,815 violent hate crime incidents, 52% involved one offender and 47% involved multiple offenders. In comparison to other non-hate related violent incidents, 75% involved one offender, and 20% involved more than one.

**The majority do not involve physical injury**

The severity of the offence can be measured through the examination of whether or not the victim suffered any type of injury. Although other hate crime research has demonstrated that victims of hate crime face higher levels of injury, the 1999 GSS demonstrates the opposite. The majority (84%) of violent hate crime victimization incidents did not result in any physical injuries. The proportion was not significantly lower for non-hate related violent crimes (78%). However, in incidents of hate crime, victims for all offence types were twice as likely to indicate that they had suffered other forms of disturbances due to the incident. For example, in 43% of incidents of hate crime, victims indicated that they found it difficult or impossible to carry out their main activity for that day or longer; however, the proportion dropped to 22% for non-hate related incidents.

**Hate crime incidents tend to involve strangers**

Results from police-reported data and victim survey data consistently show that someone known to the victim commits the majority of violent crimes. In 1999, police-reported statistics indicated that for 30% of victims, the perpetrator was a stranger. The GSS indicates that in just

<sup>13</sup> Urban areas have minimum population concentrations of 1,000 and a population density of at least 400 per square kilometre, based on the previous census population counts. All territory outside urban areas is considered rural.

<sup>14</sup> The Atlantic provinces and Quebec were grouped together, since reliable estimates on personal hate crimes could not be generated from either region.

Table 3  
**Location, Incidents of Hate Crime Victimization, 1999**

Location	Personal			Household			Total	
	No. of incidents	%	Rate (per 1,000 population 15+)	No. of incidents	%	Rate (per 1,000 households)	No. of incidents	%
Victim's Residence	--	--	--	--	--	--	27,827 <sup>†</sup>	10
Around Victim's Residence	--	--	--	33,902 <sup>†</sup>	54	3	78,047	29
Other Residence	--	--	--	--	--	--	--	--
Commercial / Institution	78,574	37	3	--	--	--	82,320	30
Street / Public Place	60,543	29	2	--	--	--	74,266	27
Don't Know / Not Stated	-	-	-	--	--	--	--	--
Atlantic and Quebec <sup>1</sup>	50,073 <sup>†</sup>	24	6	--	--	--	61,337	22
Ontario	64,662	31	7	--	--	--	92,454	34
Prairies	42,389 <sup>†</sup>	20	11	--	--	--	53,895	20
British Columbia	53,366	25	16	--	--	--	65,046	24
Urban (Victim's household)	194,487	92	10	54,931	88	6	249,418	91
Rural (Victim's household)	--	--	--	--	--	--	--	--
<b>Total</b>	<b>210,489</b>	<b>100</b>	<b>9</b>	<b>62,243</b>	<b>100</b>	<b>5</b>	<b>272,732</b>	<b>100</b>

- nil or zero.

-- amount too small to be expressed.

<sup>1</sup> The Atlantic provinces and Quebec were grouped together, since reliable estimates on personal hate crimes could not be generated from either region

<sup>†</sup> Coefficient of variation between 16.6% and 33.3%.

Source: Statistics Canada, General Social Survey, 1999.

over one-quarter of violent incidents, the victim did not know the offender.<sup>15</sup> This finding however does not hold for incidents where the victim considered that the offence committed against them to be motivated by hate. In almost half (46%) of all violent hate crime incidents, the offender was a stranger to the victim. In those incidents where the victim was known, the offender was most likely to be an acquaintance or someone known by sight. In addition, the vast majority of violent offenders were males (89%), which is similar to the proportion of non-hate crimes (86%).

### Hate crimes more likely to come to the attention of police but satisfaction is lower

Numerous studies have found that hate crimes tend to be underreported and that too often such events never come to the attention of the police (Roberts, 1995; Levin, 1999; Levin & McDevitt, 1993). The 1999 GSS supports such findings; however, it was found that hate crimes are more likely to be reported to the police than other crimes. Of the total number of incidents where victims believed the offence was hate-motivated, 45% were reported to the police, while 53% were not reported (Table 4). In comparison, 37% of the total number of non-hate related incidents were reported to the police and 60% were not.

This slight difference is in part due to the greater proportion of assaults in hate crime incidents, which are more often reported to the police than non-hate related incidents.

Another possible explanation for such results is that the victim may have initially brought the event to the attention of the police, but never indicated to the investigating officer that the incident was hate-motivated. Furthermore, the anonymous nature of victimization surveys may have then provided more information about the event, revealing other factors associated with the criminal event that may have otherwise been left out during a police report.

However, levels of satisfaction with the police response are somewhat different. It appears as though hate crime victims are less satisfied with the actions taken by the police than those who were victims of other types of crimes. Whereas 29% of victims of other types of crimes were dissatisfied with police responses, the proportion jumps to 47% for victims of hate crimes. This difference may be explained by the aggravating circumstance of the incident and the higher degree of expectation from the police by the victim.

### 4.4. Victim Characteristics

In-depth analysis of hate crime incidents must be restricted to personal crimes when looking at victim characteristics because a household crime is committed against every member of the household and not all may possess the same characteristics.

<sup>15</sup> Includes incidents of spousal and senior assault.

Table 4  
Incidents of Hate Crime Victimization Reported to the Police by Type of Offence, 1999

Offence	Reported		Not Reported		Don't Know / Not Stated		Total
	No. of incidents	%	No. of incidents	%	No. of incidents	%	No. of incidents
Assault	67,550	50	64,789	48	--	--	134,376
Other Personal	--	--	49,195	65	--	--	76,114
Total Personal	93,926	45	113,983	54	--	--	210,489
Vandalism	--	--	--	--	--	--	30,284
Other Household	--	--	--	--	--	--	31,959
Total Household	29,556 <sup>†</sup>	47	31,764 <sup>†</sup>	51	--	--	62,243
<b>Total Hate Crime Victimization Incidents</b>	<b>123,481</b>	<b>45</b>	<b>145,748</b>	<b>53</b>	<b>--</b>	<b>--</b>	<b>272,732</b>

- nil or zero.

-- amount too small to be expressed.

<sup>†</sup> Coefficient of variation between 16.6% and 33.3%.

Source: Statistics Canada, General Social Survey, 1999.

### Women and men report similar rates of personal hate crime victimization

Little differences exist in the overall rate of female and male hate crime victimization. The rate of personal hate crime victimization was 9 per 1,000 women and 8 per 1,000 men (Table 5).

### Rates are higher for young people

In most hate crime victims are adolescents or young adults as the risk of personal hate crime victimization decreases with age. This finding is noted in all patterns of personal criminal victimization. Those between the ages of 15 and 24 experienced the highest rate of hate crime victimization with an overall rate of 22 per 1,000 population (Table 5). These younger victims reported a rate 2 times that of the next highest age group, those between the ages of 25 and 34 (11 per 1,000 population). This is a consistent pattern in victimization research and is true for crimes that are not hate-motivated.

### Risks are highest for visible minorities

In most incidents where the victim stated that the offence committed against them was motivated by some form of hatred, the victim was not from a visible minority group. Further examination of the race/ethnicity category reveals a similar pattern. However, the risk of hate crime victimization was more than 2 times greater for visible minorities than for non-visible minorities. These proportions translate to an estimated personal crime victimization rate of 7 per 1,000 non-visible minority persons and 19 per 1,000 visible minority persons.

Table 5  
Characteristics of Hate Crime Victims, 1999

Victim	No. of incidents	%	Rate per 1,000 population (15+)
Total <sup>1</sup>	210,489	100	9
Sex			
Male	100,739	48	8
Female	109,750	52	9
Age			
15-24	88,508	42	22
25-34	46,643 <sup>†</sup>	22	11
35+	75,338	36	5
Aboriginal Status			
Aboriginal	--	--	--
Non-Aboriginal	197,444	94	9
Country of Birth			
Canada	152,238	72	8
Outside Canada	57,888 <sup>†</sup>	28	12
Don't Know/Not Stated	--	--	--
Visible Minority Status			
Visible Minority	48,128 <sup>†</sup>	23	19
Non-visible Minority	162,361	77	7

-- amount too small to be expressed.

<sup>†</sup> Coefficient of variation between 16.6% and 33.3%.

<sup>1</sup> Table is based on the number of personal crimes only (assault, sexual assault, robbery, theft of personal property).

Source: Statistics Canada, General Social Survey, 1999.

Similar proportions are noted when examining the rates of persons who were victimized by a hate crime. Overall, 1% of the population aged 15 years and older was the victim of a hate crime incident. This proportion remains the same for the non-visible minority population, but increased to 3% for persons from a visible minority group.

#### **4.5 Conclusion**

While the information provided has supported results from existing studies, it has also put into question other research findings. However, one must be cautious in interpreting

the 1999 GSS data on hate crimes. First, they are estimates and must be treated as such. They are also limited because of sample size. This is reflected in some of the analysis provided above. In order to allow more detailed analysis of these types of crimes, a much larger sample is required. In addition, no property crimes against the community are captured through the GSS, which is perhaps one of the most significant limitations. Nonetheless, the 1999 GSS on victimization has provided the first available national estimates on hate crimes.



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**[www.statcan.ca](http://www.statcan.ca)**



## 5.0 CONCLUDING REMARKS

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Hate crime is currently receiving increased attention by governments, police and community groups in Canada. This has resulted in the tabling and passage of hate crime legislation, the formation of hate or bias crime units and the proliferation of government-sponsored research. Other countries such as the United States and Britain are attempting to come to grips with hatred within their own borders, indicating that the hate crime phenomenon is a global issue. However, the perceived social problem of hate crime remains a problematic area. Although research has increased in recent years, problems relating to definitions, data collection, policy responses and the effects of victimization continue to fuel debate.

Through the GSS an overall picture of hate crimes in Canada is beginning to emerge. Many questions regarding hate crimes however, remain unanswered and more detailed information is required. For instance, the literature suggests that many hate crimes are committed by youths and often the victims are also youths. Due to its sampling frame, the GSS was not able to fully address this issue. The conclusion from a data gaps perspective is that victimization surveys are only one way to collect information on criminal incidents. The other way is through police-reported data. The availability of both sources of data would complement each other and give the public, as well as policy makers a more comprehensive picture on the extent and nature of hate crime activity in Canada.

This report has also focused on current policies and procedures of selected police departments across Canada. The positive feedback from these police departments, as well as the information provided, indicate numerous initiatives and a substantial amount of infrastructure are in place to deal with hate crime incidents.

The primary problem is not in the lack of interest on the part of the police, but rather uncertainty about the best way to collect quality police-reported data. The main question is how to proceed? Although much can be learned from initiatives in foreign jurisdictions, Canada's operational criminal justice systems is not the same. Unlike the British model, in Canada there is no substantive offence relating to hateful motivation. In addition, our definition does not include the perspective of anyone involved in the incident, which makes reporting much more difficult. Likewise, although the American model possesses some attractive features, our criminal justice system does not mandate the national collection of police-reported hate crimes. In the absence of such initiatives, determining which way Canada should proceed on national police-reported hate crime statistics requires some careful consideration.

Hate activity is also flourishing through new electronic avenues such as the internet. This has definitely added to the complexity of the problem. Networks on how to best deal with these new forms of hatred have already been established; however, monitoring these new forms of hate crimes and hate propaganda at the national level remains an arduous task. At this point, qualitative approaches appear to be the best way to understand these new form of hate-motivated activities.

Legislation, in the form of sentence enhancement, has emerged as the primary means to address hate crimes, where sentences are increased for offences where hate is deemed to have been a motivating factor. Data are lacking in this area, and to better inform policy, there is a need for information on the nature and extent of these crimes. The current initiative by the CCJS to collect and analyse hate crime data may better inform policy makers, as well as the Canadian public.

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## APPENDIX A – U.S. UCR AND NIBRS

### QUARTERLY HATE CRIME REPORT Offenses Known to Law Enforcement

Form Approved  
OMB No. 1110-0015  
Approved through 5/3/97

#### Summary Page

This report is authorized by Title 28, Section 534, U.S. Code, and the Hate Crime Statistics Act of 1990. Your cooperation in using this form to report hate crimes known to your department will assist the FBI in compiling comprehensive and accurate data regarding incidence and prevalence of Hate Crime throughout the Nation. Please submit this report on a quarterly basis, by the 15th day after the close of the quarter, to Federal Bureau of Investigation, Criminal Justice Information Services Division, Attention: Uniform Crime Reports/Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306.

City _____		County _____		State _____	
Name of Agency _____			Name of Identifier _____		
Name of Preparer _____			Title _____		
Quarter and Year of Report:	January-March	<input type="checkbox"/>	April-June	<input type="checkbox"/>	
	July-September	<input type="checkbox"/>	October-December	<input type="checkbox"/>	
Year _____					
Total number of incidents reported in this quarter _____					
If there were no hate crimes in this quarter, check this box. <input type="checkbox"/>					

Deletion of incident(s) previously reported [Applicable only for deletion of entire incident(s)].

#### Incident Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

#### Date of the Incident

____/____/____	____/____/____	____/____/____
Month	Day	Year

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____/____/____	____/____/____	____/____/____
Month	Day	Year

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____/____/____	____/____/____	____/____/____
Month	Day	Year

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____/____/____	____/____/____	____/____/____
Month	Day	Year

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____/____/____	____/____/____	____/____/____
Month	Day	Year

NOTE: Public reporting for this collection of information is estimated to average .17 hours per response, including the time for reviewing. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to, Federal Bureau of Investigation, CJIS, ATTN: Uniform Crime Reports, 1000 Custer Hollow Road, Clarksburg, WV 26306; and to the Office of Information and Regulatory Affairs, OMB Number 1110-0015, Office of Management and Budget, Washington, D.C. 20503.

## APPENDIX A – U.S. UCR AND NIBRS

HATE CRIME INCIDENT REPORT																
Initial	<input type="checkbox"/>	Adjustment	<input type="checkbox"/>	ORI	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Date of Incident	___/___/___				
Incident No.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Page	<input type="text"/> of <input type="text"/> of Same Incident				
<b>UCR Offense</b>				<b>Offense Code</b>												
#1	<input type="text"/>	<input type="text"/>	<input type="text"/>	#4	<input type="text"/>	<input type="text"/>	<input type="text"/>	01 Murder	07 Motor Vehicle Theft							
#2	<input type="text"/>	<input type="text"/>	<input type="text"/>	#5	<input type="text"/>	<input type="text"/>	<input type="text"/>	02 Forcible Rape	08 Arson							
#3	<input type="text"/>	<input type="text"/>	<input type="text"/>	#6	<input type="text"/>	<input type="text"/>	<input type="text"/>	03 Robbery	09 Simple Assault							
								04 Aggravated Assault	10 Intimidation							
								05 Burglary	11 Destruction/Damage/ Vandalism							
								06 Larceny-Theft								
<b>Location (Check one for Offense #1)</b>																
01	<input type="checkbox"/>	Air/ Bus / Train Terminal						14	<input type="checkbox"/>	Hotel /Motel / etc.			Enter Location Code if Different from Offense #1			
02	<input type="checkbox"/>	Bank / Savings and Loan						15	<input type="checkbox"/>	Jail / Prison						
03	<input type="checkbox"/>	Bar / Night Club						16	<input type="checkbox"/>	Lake / Waterway						
04	<input type="checkbox"/>	Church / Synagogue / Temple						17	<input type="checkbox"/>	Liquor Store						
05	<input type="checkbox"/>	Commercial / Office Building						18	<input type="checkbox"/>	Parking Lot / Garage						
06	<input type="checkbox"/>	Construction Site						19	<input type="checkbox"/>	Rental Storage Facility						
07	<input type="checkbox"/>	Convenience Store						20	<input type="checkbox"/>	Residence / Home						
08	<input type="checkbox"/>	Department / Discount Store						21	<input type="checkbox"/>	Restaurant						
09	<input type="checkbox"/>	Drug Store / Dr.'s Office / Hospital						22	<input type="checkbox"/>	School / College						
10	<input type="checkbox"/>	Field / Woods						23	<input type="checkbox"/>	Service / Gas Station						
11	<input type="checkbox"/>	Government / Public Building						24	<input type="checkbox"/>	Specialty Store (TV, Fur, etc.)						
12	<input type="checkbox"/>	Grocery / Supermarket						25	<input type="checkbox"/>	Other / Unknown						
13	<input type="checkbox"/>	Highway / Road / Alley / Street														
<b>Bias Motivation (Check one for Offense #1)</b>																
<b>Racial</b>				<b>Religious</b>				<b>Disability</b>								
11	<input type="checkbox"/>	Anti-White						21	<input type="checkbox"/>	Anti-Jewish			51	<input type="checkbox"/>	Anti-Physical Disability	
12	<input type="checkbox"/>	Anti-Black						22	<input type="checkbox"/>	Anti-Catholic			52	<input type="checkbox"/>	Anti-Mental Disability	
13	<input type="checkbox"/>	Anti-American Indian/ Alaskan Native						23	<input type="checkbox"/>	Anti-Protestant					Enter Bias Motivation Code if Different from Offense #1	
14	<input type="checkbox"/>	Anti-Asian/Pacific Islander						24	<input type="checkbox"/>	Anti-Islamic (Moslem)			#2	<input type="text"/>	<input type="text"/>	
15	<input type="checkbox"/>	Anti-Multi-Racial Group						25	<input type="checkbox"/>	Anti-Other Religion			#3	<input type="text"/>	<input type="text"/>	
<b>Ethnicity/National Origin</b>				<b>Sexual</b>									#4	<input type="text"/>	<input type="text"/>	
32	<input type="checkbox"/>	Anti-Hispanic						41	<input type="checkbox"/>	Anti-Male Homosexual			#5	<input type="text"/>	<input type="text"/>	
33	<input type="checkbox"/>	Anti - Other Ethnicity/ National Origin Specify _____						42	<input type="checkbox"/>	Anti-Female Homosexual (Lesbian)			#6	<input type="text"/>	<input type="text"/>	
								43	<input type="checkbox"/>	Anti-Homosexual (Gay & Lesbian)						
								44	<input type="checkbox"/>	Anti-Heterosexual						
								45	<input type="checkbox"/>	Anti-Bisexual						
<b>Victim Type: For each offense code listed above, check all applicable victim types</b>																
Victim Type:	Offense Code #1	Offense Code #2	Offense Code #3	Offense Code #4	Offense Code #5	Offense Code #6	1. Religious Organization	Offense Code #1	Offense Code #2	Offense Code #3	Offense Code #4	Offense Code #5	Offense Code #6			
1. Individual*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
2. Business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
3. Financial Institution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
4. Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
*Indicate the total number of individual victims involved in the incident.							<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
<b>Number of Offenders</b> <input type="text"/> (Use "00" for "Unknown")																
<b>Suspected Offender's Race as a Group (Check one)</b>																
1	<input type="checkbox"/>	White						5	<input type="checkbox"/>	Multi-Racial Group						
2	<input type="checkbox"/>	Black						6	<input type="checkbox"/>	Unknown						
3	<input type="checkbox"/>	American Indian / Alaskan Native														
4	<input type="checkbox"/>	Asian / Pacific Islander														

## APPENDIX A – U.S. UCR AND NIBRS

### INSTRUCTIONS FOR PREPARING QUARTERLY HATE CRIME AND HATE CRIME INCIDENT REPORT

#### GENERAL

This report is separate from and in addition to the routine Summary UCR submission and the Hierarchy Rule does not apply. Also, in the Summary UCR system, the offenses of Intimidation and Destruction/Damage/Vandalism of Property are reported only when arrests occur. On this form, all are to be reported when they have been determined to have occurred and are bias-motivated, regardless of whether arrests have taken place. Refer to the Hate Crime Reporting Guidelines for additional information, clarification, and explanation.

#### SUMMARY PAGE

1. At the end of each calendar quarter, a single Summary Page, along with an individual Incident Report for each hate-motivated incident identified during the quarter (if any), should be jointly submitted. If none occurred, submit only the Summary Page.
2. The Summary Page should be used to identify your agency, to state the number of hate-related incidents being reported for the calendar quarter, and to delete any incidents previously reported which were determined during the reporting period not to be hate related.

#### HATE CRIME INCIDENT REPORT

3. The Incident Report should be used to report initially a hate-related incident or to adjust information in a previously reported incident.
4. Provide an identifying incident number which preferably will be your "case" or "file" number.
5. Provide codes for all offenses within the incident determined to be hate related and the number of victims for each such offense. In multiple offense incidents, report only those offenses determined to be hate related. Should more than six offenses be involved in one incident, use additional Incident Reports and make appropriate entries in the page  of  portion of the form.
6. Provide the most appropriate location for each hate-related offense.
7. Provide the nature of the hate/bias motivation for each hate-related offense
8. Provide the victim type for each offense identified within the hate-related incident.
9. Where the victim type is an "individual," indicate the total number of individual victims (persons) involved in the incident irrespective of the number of offenses in which they were involved.
10. Provide the number of offenders, if known, or report that such is unknown.
11. Provide the suspected offender's race, if known. If there was more than one offender, provide the race of the group as a whole.
12. Include on separate paper any additional comments/information you feel will add clarity to the report. (optional)

## APPENDIX A – U.S. UCR AND NIBRS

**What is the hate crime data element's number?** — Data Element 8A: This data element should be used to flag offenses that were motivated by the offender's bias. Designated in NIBRS as Data Element 8A, it should be added as a Mandatory for each of the offenses of NIBRS Volumes 1: *Data Collection Guidelines* and Volume 4: *Error Message Manual* for which hate crime applies.

**Bias Motivation** — 2 Characters (A): This data element indicates whether the offender was motivated to commit the offense because of his/her bias against a race, religion, disability, sexual orientation, or ethnicity/national origin. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The most appropriate of the following codes is to be entered into the data element:

### *Racial Bias:*

- 11 = Anti-White
- 12 = Anti-Black
- 13 = Anti-American Indian/Alaskan Native
- 14 = Anti-Asian/Pacific Islander
- 15 = Anti-Multi-Racial Group

### *Religious Bias:*

- 21 = Anti-Jewish
- 22 = Anti-Catholic
- 23 = Anti-Protestant
- 24 = Anti-Islamic (Moslem)
- 25 = Anti-Other Religion (Buddhism, Hinduism, Shintoism, etc.)

- 26 = Anti-Multi-Religious Group
- 27 = Anti-Atheist/Agnostic

### *Ethnicity/National Origin Bias:*

- 32 = Anti-Hispanic
- 33 = Anti-Other Ethnicity/National Origin

### *Sexual-Orientation Bias:*

- 41 = Anti-Male Homosexual (Gay)
- 42 = Anti-Female Homosexual (Lesbian)
- 43 = Anti-Homosexual (Gay and Lesbian)
- 44 = Anti-Heterosexual
- 45 = Anti-Bisexual

### *Disability Bias:*

- 51 = Anti-Physical Disability
- 52 = Anti-Mental Disability

### *None/Unknown [NIBRS Magnetic Tape Submissions Only]:*

- 88 = None (no bias)
- 99 = Unknown (offender's motivation not known)

**Note:** In NIBRS, incidents which do not involve any facts indicating bias motivation on the part of the offender are to be coded as 88 = None, while incidents involving ambiguous facts (i.e., where some facts are present but are not conclusive) should be coded 99 = Unknown. Agencies that do not report through NIBRS should not submit hardcopy reports for either type of incident.

## APPENDIX B – POLICE POLICIES AND PROCEDURES – DETAILED FINDINGS

Listed below are the results from those police departments that have specific or related policies and procedures regarding hate crimes.

### (1) Ottawa-Carleton Regional Police

Since 1993, the Ottawa-Carleton Regional Police Service has had policies and procedures in place to deal with both hate/bias crime and hate propaganda. A hate crime unit has been established to deal with such incidents. The Ottawa-Carleton Regional Police Service defines a hate crime as:

*a criminal offence 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 similar factor. Hate/Bias crimes include Hate Propaganda.*

In addition, hate propaganda is defined as:

*any written, verbal or electronic material which advocates or promotes genocide against any group or makes statements which are likely to promote hate against a group because of their race, religion, ethnic origin, gender or sexual orientation.*

This is unlike the *Criminal Code* definition of hate propaganda, which does not include sexual orientation as an identifiable group.

Once there is suspicion that an incident is hate-motivated, it is brought to the attention of the hate crime unit by the investigating officer. The hate crime unit has created detailed procedures for all parties involved in the investigation of a hate crime incident which include: the communications section, the patrol supervisor, the senior officer, the investigating officer, the intelligence section as well the diversity/race relations unit.

The major responsibilities of the hate crime unit include the co-ordination of all investigations on hate/bias motivated crimes as well as the provision of investigative support and skills to officers in the hate crime unit. There is also a provision that requires the hate crime unit to educate both the community as well as the entire

Ottawa-Carleton Regional Police Service about hate/bias crimes and hate groups.

The Hate Crime Unit also has a priority of liaising with other departments within the service, such as the Intelligence section and other law enforcement agencies. The purpose of this network is to ensure and encourage information sharing about hate/bias motivated crimes and the activities of known hate groups/individuals.

In addition, the Ottawa-Carleton Police Service Hate Crime Unit has a relationship with the Crown Attorney. Specifically, the unit is required to provide specialized knowledge and support to the crown attorney prosecuting hate/bias motivated crimes.

The Ottawa-Carleton Police Service collects hate crime statistics and has established a database that allows information to be captured about such incidents including location, offence type, bias motivation category, the number of charges laid and the disposition that the offender received. There is also a database containing information on known hate groups and individuals active within the Regional Municipality of Ottawa-Carleton.

### (2) Toronto Police Service

The Toronto Police Service (TPS) has an extensive policy on hate crime and hate propaganda. There is a specialized Hate Crime Section within their Intelligence Services. Based on section 718.2 of the *Criminal Code*, the definition of a hate crime used by the TPS is:

*a criminal offence committed against a person or property that is based upon the victim's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.*

In addition, the Toronto Police Service defines hate propaganda as

*any written, verbal, 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 or ethnic origin.*



Their policy requires the dispatchment of a police officer to every report of a suspected hate/bias incident or hate propaganda incident. In order to determine if the crime was Hate/Bias motivated officers must follow the criteria listed in *The Officer's Guide to Identifying and Reporting Hate/Bias Incidents*. Once the incident has been determined to be hate motivated, a supervisor must be notified.

It is the duty of the sergeant to request the attendance of personnel from the other units of the Toronto Police such as the divisional detective office, Forensic Identification Services, and Victim Services as appropriate. Written specific duties are listed for every officer in the Toronto Police Service involved in a hate crime investigation.

In addition to the detailed policies and procedures, the Toronto Police Service also collects hate crime statistics and maintains an information base to assist divisional analysts and investigators. Since 1993, they have published statistics on hate crimes based on reported offences. A report is released annually and is widely available to the public. The "1999 Hate Bias Statistical Report" has a methodology section outlining the criteria used to classify the incidents. The hate crime data are broken down by victimized groups, occurrences by month, and location of offences. All of this information is presented in table, chart and text format.

### (3) British Columbia Hate Crime Team

British Columbia is the only jurisdiction in Canada that has a uniform hate crime policy for the entire province. The provincial Hate Crime Team was created in 1996 with a mandate to ensure the effective identification, investigation and prosecution of crimes motivated by hate. The Hate Crime Team (HCT) office was opened in 1997 to carry out this task.

Although the HCT recognizes that many hate incidents are not criminal in nature; they have in place a formal definition of a hate crime, based on s.718.2 of the *Criminal Code*:

*A hate/bias crime is a criminal offence committed against a person or property which is motivated by the suspect's hate, prejudice or bias against an identifiable group based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.*

In addition to criminal offences motivated by hate, the HCT also examines incidents of hate propaganda as defined in sections 318-320 of the *Criminal Code*.

The HCT spells out a number of guidelines for police officers and agencies/departments to follow. These guidelines can be broken down into four main responsibilities. First, the members must attend the scene of an incident in order to identify the crime as hate-related. At this stage, officers are trained to take detailed notes on various visual, written and verbal cues that may be present at the scene. For example, the officers would assess if the offence coincided with a significant holiday to the victim or suspect's group.

Second, the members must fully investigate the incident. Officers must attend all hate/bias crime scenes and properly secure evidence, witness and victim statements, consult with senior officers and utilise other police resources.

Third, the investigator must give the victim of the incident paramount consideration. Police officers should be cognisant of the *Victims of Crime Act*, which provides victims with information on services, compensation, the criminal justice system and their right to privacy.

Finally, police officers must document the incident and forward a copy of the report to crown counsel and the HCT. The summary of the offence must clearly state that the offence is hate/bias-motivated and include the reasons why they believe this to be so. The crown has a substantial role to play in the HCT.

An additional component of the HCT mandate is the collection of statistics and their dissemination in a status report. A database is in existence containing all reported hate/bias incidents from the municipal police departments and RCMP detachments in the province of British Columbia. A high level of detail is captured in these statistics which includes the time and date of the incident, location, offence type, accused and victim relationship and demographic information on both the victim and the accused. Some of this information is used for internal purposes only. The statistics collected by the BC HCT match numerous variables to the CCJS' Revised Uniform Crime Reporting Survey (UCR2).

### (4) Calgary Police Service

The policy and procedures of the Calgary Police Service are designed to assist police officers in identifying crimes motivated by hate or bias toward an individual or group, and to define appropriate steps for helping victims and apprehending suspects. There is not a hate crime unit in place but rather a Hate/Bias Co-ordinator within the Cultural Resources Unit, overseeing all issues relating to

hate. The Calgary Police Service's definition of a hate/bias crime is based on section 718.2 of the *Criminal Code*.

*a criminal offence committed against a person or property that was motivated in whole or in part, by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, or sexual orientation of the victim.*

In addition to the above definition of a hate crime, the Calgary Police Service has a list of criteria to determine if an incident is a possible hate/bias motivated crime. There are also detailed written procedures that the police officers, initial investigator, supervisor and hate/bias co-ordinator must follow upon receiving a report of possible hate/bias crime.

Moreover, the Calgary Police Service has a strategy for community relationships. This pro-active approach links law enforcement with various social agencies. Through liaison with schools, ethnic community groups and government agencies, the hate/bias co-ordinator maintains community outreach and education of hate/bias crime.

A further role of the hate/bias Co-ordinator is to liaise with the Crime Analysis Unit in order to compile and maintain a database of all information relevant to offences motivated by hate/bias. Hate crime statistics are collected and are organized based on district where the offence occurred, type of offence and type of hate/bias crime.

#### (5) Edmonton Police Service

The Edmonton Police Service does not have a specialized Hate Crime Unit. However, it does have both policies and procedures in place to deal with bias motivated Crime as well as hate propaganda. When an investigating officer deems an incident as being a bias motivated crime or hate propaganda offence, they refer the case over to the Cultural Resources Unit as well as the Integrated Intelligence section. The Edmonton Police Service defines Bias Motivated Crime as

*a criminal offence committed against a person or property, that is based in whole or in part, upon the victim's race, religion, nationality, ethnic origin or sexual orientation.*

Hate Propaganda is defined 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 C.C.*

An investigator must consider a list of criteria in order to determine if a crime is bias motivated. There are also written procedures for the four parties involved in the bias incident investigation. These four parties consist of the initial investigator, the sergeant, the detective and the intelligence officer.

There is a statistical database that is maintained by the intelligence officer. The data is collected once the Investigator or Sergeant classifies the initial report as being hate or bias motivated. The central registry then codes the event appropriately and it is entered into the database. The database contains numerous details such as the identity of the victimized group, the area and frequency of occurrence and the final result of the investigation. There are plans to amend the basic report form in the future. The form will be altered to have a mandatory yes/no box for bias motivated crimes.

#### (6) Halton Regional Police Service

The Halton Regional Police Service has a policy in place to deal with hate crime and hate propaganda as per the guidelines set out by the Solicitor General of Ontario.<sup>16</sup> There is no specialized hate crime unit. District personnel who capture the details of the incident in a General Occurrence Report investigate complaints of hate crime or hate propaganda. These reports are clearly marked stating that the incident is a hate motivated crime and forwarded to superiors. The intelligence Bureau oversees the investigation and will provide additional assistance if requested by the Divisional Commander.

For Halton Regional Police Service, a hate-motivated crime is

*a criminal offence committed against a person or property which is motivated by the suspect/offender's hate/bias against a racial, religious, ethnic or sexual orientation group.*

The definition used by Halton Regional Police for hate propaganda is taken directly from the *Criminal Code* of Canada under sections 318 and 319.

There is a list of responsibilities for the Intelligence Bureau and District Commander. The Intelligence Bureau is in charge of co-ordinating all information within the region

<sup>16</sup> In January 1994, the Ontario Ministry of the Solicitor General and Correctional Services announced standards, issued to all police services, regarding hate/bias motivated crimes and hate propaganda offences. The standards were issued to assist police in playing a leadership role in the development of policies and procedures to effectively respond to hate crimes.

relating to hate crime and hate propaganda. They must liaise with other policing agents in addition to providing assistance to district investigators and the Office of the Crown Attorney. Through collaboration with the Training Bureau, the Intelligence Bureau must assist in educating members of the Halton Regional Police Service on matters relating to hate crime and hate propaganda.

The District Commanders must ensure that hate crime and hate propaganda complaints are investigated as thoroughly as possible at District level. The District Commanders must also keep the Deputy Chief of Operations well informed of each hate/bias crime investigation. They must guarantee that a Liaison Officer is appointed to meet and establish a rapport with victims and or the community. They are obliged to keep the community informed of hate/bias crime occurrences and the status of the police investigation.

The Halton Regional Police Service keeps track of hate/bias motivated crime. The data, which are drawn from the general occurrence reports, are presented in a more qualitative than quantitative format. The incident is numbered, dated and contains a synopsis of the events that took place. There is also a description of the intervention that the police undertook including charges laid.

#### (7) *Hamilton-Wentworth Regional Police Service*

Incidents of hate crime in the Hamilton-Wentworth region are referred to the Street Crime Unit, which has a joint mandate for investigating gang activity and hate crime activity. The definition of a hate/bias crime used by the Hamilton-Wentworth Regional Police is

*a criminal offence committed against a person or property which is motivated solely, or in part, by the suspect's hate/bias against a race, religion, ethnicity, sexual orientation, disability group, age or gender.*

Hate Propaganda is classified 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 of the Criminal Code.*

The Hamilton-Wentworth Regional Police has detailed procedures for all the parties involved in a hate crime investigation. These parties consist of police officers, including the first officer at the scene, the Patrol Supervisor, the Divisional Commander, the Intelligence Branch, The Chief of Police and the Street Crime Unit (which includes the Hate Crime Officer).

The Street Crime Unit has three main responsibilities for hate incidents. Upon commencement of an investigation into a suspected hate/bias crime or hate propaganda incident, the Street Crime Unit must ensure that the Division Commander is kept abreast of any developments in the investigation. If an arrest is made involving a hate bias/crime or hate propaganda, the Street Crime Unit is responsible for ensuring that the Crown Attorney is made aware that the crime was motivated by hate/bias.

Hate Crime statistics are kept by the Hamilton-Wentworth Regional Police. It is the responsibility of the Street Crime Unit to maintain a database containing all information relevant to criminal offences that are motivated by hate/bias. The hate/bias incidents are broken down in table and chart format by year, month, and group.

A Community Relations Branch is also in place to actively work to eliminate any discrimination faced by identifiable groups including: members of racial minorities, aboriginal people, women, people with disabilities, gays, lesbians, bisexual and transgendered persons and other cultural or religious minorities. The Community Relations Branch acts as a liaison, building partnerships between the community and the police.

#### (8) *Service de police de la Ville de Hull*

Since 1993, the Hull Police Service has had policies and procedures in place to deal with Hate Crimes. There is no specialized hate crime unit. If a police officer has grounds to believe that an incident is hate/bias motivated, they will inform their supervisor who will alert investigators. The Hull Police Service considers a hate crime to be:

*a crime motivated by hate and discrimination based on the victim's race, nationality, ethnic origin, colour, religion, sexual orientation and gender.*

The Hull Police Service has written procedures for each member of the police service involved in the investigation of a hate crime. Hate crime statistics are collected, however, they are only broken down by the number of incidents per year. Since 1996, there has been community outreach in the form of a liaison committee that is in contact with the gay, lesbian and transgendered communities.

#### (9) *Département de Police de la ville de Laval*

The Laval Police Department does not have a formal definition of what constitutes a hate crime or a specific hate crime policy. Instead, hate crime incidents are referred to the Community Relations Division. Since the mid 1980's, the information section of the Community Relations Division has compiled statistics and information on

incidents that could have an impact on the multicultural dynamic of the community (e.g. hate-motivated crimes, gangs, etc.)

*(10) Service de Police de la Communauté Urbaine de Montréal*

Since 1993, the Montreal Urban Community (MUC) Police have had policies and procedures in place dealing with hate crimes; however, no Hate Crime Unit exists. It is the Anti-Gang Unit of the Organized Crime Division that is primarily responsible for overseeing the investigation of hate crime incidents. Hate Crimes are defined as:

*a crime motivated by hate and discrimination based on the victim's race, nationality, ethnic origin, colour, religion, sexual orientation or gender.*

There are written procedures for the investigating officer, crime prevention supervisor, the Anti-Gang Unit and the Security Liaison module. The Montreal Police Department has not collected hate crime statistics since 1995.

*(11) Niagara Regional Police Service*

In the Niagara Regional Police, hate crime issues are overseen by the Hate Crime Co-ordinator who is a member of the Intelligence Unit. Hate or bias motivated crime is defined as:

*a criminal offence committed against a person or property that is based solely or partly upon the victim's race, religion, nationality, ethnic origin, sexual orientation or disability.*

Hate Propaganda is defined as:

*any offence that promotes or advocates genocide; any statement made in any public place that incites hatred against any identifiable group that is likely to lead to a breach of the peace; any statement, other than in private; and*

*conversation, that wilfully promotes hatred against any identifiable group.*

There are written procedures for nine parties involved in the investigation of hate crime or hate propaganda incidents. The Intelligence Unit has a variety of responsibilities. Besides overseeing hate crime investigations, they must liaise with other police services through the Criminal Intelligence Service of Ontario (CISO) in order to share information about the incidents. They also must take an active part in providing training to both service members as well as to the community about hate crimes. Procedures also dictate that a data bank is to be kept; however, there are no hate crime statistics available from the Niagara Regional Police.

*(12) Ontario Provincial Police (O.P.P)*

The O.P.P maintains a Hate Crime Unit, which is part of the Intelligence Section, Investigation Support Bureau in general headquarters in Orillia. Staffing on the Hate Crime Unit includes one Detective Sergeant and two Detective Constables. The mandate of this unit is to conduct multi-jurisdictional strategic and tactical operations which target individuals or organized groups involved in hate crime activity or who align themselves with the philosophies of hate crimes. Depending on the circumstances, the O.P.P Hate Crime Unit may assume the role of lead investigative agency or provide investigative support to other O.P.P locations or municipal police services in Ontario. The O.P.P classifies hate crime as:

*a criminal offence committed against a person or property motivated solely, or in part, upon the race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, or sexual orientation of the victim.*

Hate propaganda is defined 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 Criminal Code.*

The O.P.P has written procedures regarding the identification, investigation and notification of hate related incidents. However, the O.P.P does not have policy regarding the collection of data on hate crimes.

*(13) Peel Regional Police*

Policies and procedures are in place to deal with hate crimes and the current directive is in draft format. These policies fall under the Race and Ethnic Relations Bureau. The Peel Regional Police does not have a designated hate/bias motivated crimes unit, but rather, each divisional Criminal Investigation Bureau is responsible for investigating the incidents within their respective divisions. The Peel Regional Police defines Hate/Bias Crime as

*a criminal offence committed against a person or property which is motivated by the suspect's/offender's hate/bias towards the victim's race, nationality, ethnic origin, language, colour, religion, sex, age, disability, sexual orientation or any other similar factor.*

Section 318 and 319 of the *Criminal Code of Canada* are the sources for the definition of Hate Propaganda used by the Peel Regional Police.

There are detailed procedures in which each party of the Peel Regional Police service is expected to follow in

response to a potential hate crime incident. These procedures include how an investigation should be conducted and a list of criteria that officers should consider during the investigation.

The officer in charge of the Race and Ethnic Relations Bureau also holds the title of Regional Hate/Bias Crimes Co-ordinator. This Co-ordinator has several roles including acting as a liaison with other police agencies and co-ordinating training programs to members of the service. He or she must also act as a resource to members of the community and ensure that all occurrences related to hate/bias crime incidents are reviewed.

In conjunction with the Race and Ethnic Relations Bureau, the Regional Hate/Bias Crime Co-ordinator is responsible for the task of compiling and maintaining a data base of all information relevant to offences that are motivated by hate/bias for the purposes of submitting a statistical report, through the chain of command, to the Chief of Police biannually.

The statistics, presented in an annual statistical report, are broken down in two formats. They are presented by year, (police) division, and victim group as well as by the type of offence, year and (police) division.

#### (14) Regina Police Service

The Regina Police Service does not have a hate crime unit or a specific policy dealing with hate crime. However, they have procedures in place to deal with hate propaganda. The Major Crimes division is the division in charge of investigating hate crime incidents.

The Regina Police Service uses the *Criminal Code* definitions found in section 318, 319, 320 and 718.2, as their parameters for hate crimes. There are currently no statistics available. In January 2000, the Regina Police Service began a special study to begin identifying and enumerating hate crimes. The results of this study will be forthcoming at the end of the year 2000.

#### (15) Royal Canadian Mounted Police (R.C.M.P)

Although, the R.C.M.P has a specific policy on hate crimes, it does not have a Hate Crime Unit nor any members designated solely for the investigation of hate crimes. This is due to the highly rural nature of the R.C.M.P's policing jurisdiction. In larger areas such as in British Columbia, the R.C.M.P has a partnership with the local jurisdictional police to investigate hate incidents. At the time of writing

this report, the R.C.M.P was the only police service using the POLIS definition for hate crimes:

*"a crime motivated by hate, not vulnerability" where there is 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.*

The exact *Criminal Code* definitions found in section S. 318, S. 319, and S. 320 are used to define hate propaganda offences.

The policy for hate motivated crimes also dictates that victims of hate crimes should be given a high priority. In addition, there is a provision that promotes education and awareness of hate crimes through liaison, courses and workshops with community support groups.

The R.C.M.P collects hate crime statistics. Once identified, hate crime incidents are given a survey code (DK 29) and entered into a database. The database can provide totals of hate crime incidents in each province/division by year and offence type.

#### (16) Royal Newfoundland Constabulary (R.N.C)

The R.N.C does not have a specific policy on hate crimes nor a specific hate crime unit. Hate Crime incidents are to be investigated by the Major Crime Unit. Although no formal definition exists, the RNC has in place a database that is capable of capturing information on crimes where the motivation is religious, ethnic, sexual, gender, racial or miscellaneous (other). This database also provides information on the date, offence type and the relationship between the accused and the victim(s).

#### (17) Saskatoon Police Service

The Saskatoon Police Service does not have a specific policy on hate crime nor a hate crime unit. Hate crime incidents would be examined through the Serious Crime Unit. They do not have a formal definition of a hate crime however they use the S. 319 definition of hate propaganda. There is also a written policy for Hate Propaganda that dictates the roles for the investigating member. Recently the Saskatoon Police Service has begun keeping track of hate crime incidents.

#### (18) Sudbury Regional Police Service

The Sudbury Regional Police Service's policies and procedures in place for hate crimes and hate propaganda

involves two sergeants who have received specialized training and who are assigned to follow up on suspected hate crime incidents. The Sudbury Regional Police Service defines hate/bias crime as a

*a criminal offence committed against a person or property which is motivated by hate/bias on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar fact.*

The Procedures for hate/bias crimes contain a list of factors that officers should consider prior to classifying the incident as hate/bias motivated. There are also responsibilities listed for each party involved in the investigation of hate/bias offences. Should an incident be considered a hate crime, it is to be recorded as such by the attending officers and referred to the sergeant in charge who will then advise the Criminal Investigating Officer. It is the responsibility of the Intelligence branch to liaise with other police services through the CISO and to ensure that a database is kept of all information relevant to criminal offences motivated by hate/bias.

#### (19) Thunder Bay Police

The Thunder Bay Police have a policy on hate crime and hate propaganda, however there is not a specific hate crime unit. Once there is suspicion that a criminal offence was motivated by hate, the Uniform Staff Sergeant is notified by the investigating officers. The Uniform Staff Sergeant will ensure that the criminal Investigation Branch and the Intelligence Branch are also informed of the incident. Hate crime is defined as:

*a criminal offence against a person or property that is based upon the victim's race, religion, nationality, ethnic origin or sexual orientation.*

The Thunder Bay Police use the *Criminal Code* definition of hate propaganda.

The procedures outline criteria that officers should consider when determining a possible hate crime. There is also a list of responsibilities for the members of the police force to follow when investigating a hate crime. Members of the intelligence section must provide specialized knowledge during investigations and network with other police agencies to share information.

Members of the Intelligence Section must compile and maintain a database of all information relevant to offences motivated by hate collect statistics.

#### (20) Waterloo Regional Police

In the same manner to many other police services, the responding officer is to take note on the general occurrence report if the incident is hate-motivated using pre-established criteria. The completed occurrence report must be forwarded to the attention of the officer in charge of Divisional Detectives and the Officer in charge of the Intelligence Branch. Hate/bias motivated crime is defined as:

*a criminal offence committed against a person or property which is motivated by the suspect's/offender's hate/bias towards the victim's race, nationality, ethnic origin, language, colour, religion, sex, age, disability, sexual orientation or any other similar factor (Procedure of the Waterloo Regional Police Service, Hate/Bias and Hate Propaganda, 1997: 1)*

With respect to hate propaganda the *Criminal Code* definition is used.

There are also written responsibilities for the members of the police force to follow when investigating a hate crime. The officer in charge of the Intelligence Branch is responsible for sharing information on hate/bias and hate propaganda incidents with other agencies. Hate crime statistics are collected by the officer in charge of the Intelligence Branch who maintains a data bank on all hate/bias and hate propaganda incidents.

#### (21) Windsor Police Service

Although the Windsor Police Service does not have a specific hate crime unit, there are many other units and divisions involved in the investigation and aftermath of a suspected hate crime incident. The responding officer is required to consider criteria in order to determine if the incident was hate or bias motivated. The Street Crimes Branch has officers trained in the recognition and investigation of hate/bias crime and the Branch is responsible for conducting the follow-up investigation into all hate/bias motivated crimes. A hate/bias motivated crime is defined as

*a criminal offence 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.*

Also involved in the hate crime investigation is the Victim Services Unit which acts as a police liaison providing victims with information regarding the status of their case and to facilitate referrals to community services. It is the responsibility of the Staff Sergeant in charge of the Criminal Intelligence Branch to maintain a database on hate/bias

motivated crimes and incidents. The Staff Sergeant must also disseminate this information to members of the Police Service as well as other agencies.

*(22) Winnipeg Police Service*

The Winnipeg Police Service has a Hate Crime Unit which is comprised of the following: specially trained members of Division Plainclothes Units, a group of trained members from the Operations Divisions and the Ethnic Liaison Unit. The sergeant of the Major Crimes Unit co-ordinates the Hate Crime Unit. A hate crime is defined as an offence motivated by the offender's bias against race, religion, nationality or sexual orientation.

Hate crime incidents are to be specifically flagged as such by the initial investigators. The policy also includes the role of the shift supervisors, divisional hate crime investigators, hate crime co-ordinators and strategies for media release. Hate crime statistics are collected and disseminated by the hate crime Co-ordinator and the data are broken down by year, offence type and by the victim's group.

*(23) York Regional Police*

The York Regional Police's policies on hate crime and hate resemble those of other police departments in Ontario. An initial officer flags the incident and refers the file to other units. A York Regional Police officer must advise the Victim's assistance unit, the criminal investigations branch, the inter-community relations branch and the intelligence branch. A hate/bias motivated crime is defined as:

*A criminal offence committed against a person or property which is motivated by the suspect's/offender's hate/bias towards the victim's race, nationality, ethnic origin, language, colour, religion, sex, age, disability, sexual orientation or any other similar factor.*

Sections 318 and 319 of the *Criminal Code* are used to define incidents of hate propaganda.

The York Regional Police does not collect data on hate/bias motivated crimes.

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