



Alberta Hate / Bias Crime Report



June, 2009

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## PREFACE

The Alberta Solicitor General and Minister of Public Security is responsible for ensuring safe communities through policing and crime prevention, victims' services and corrections. The Minister is responsible for ensuring victims of crime are treated with dignity and respect and that they receive information and assistance during the police investigation and any criminal court proceedings that may result (Alberta Justice, 2008).

The Hate-Bias Motivated Crime and Incidents Provincial Strategy Committee (now Alberta Hate Crime Committee) was formed in 2002 to develop a province-wide framework that encourages and supports a collaborative, integrated approach to preventing, enforcing and responding to hate and bias motivated activities in Alberta. The impetus for this committee came out of the community and policing agencies that met in Ottawa and Red Deer to look at ways to best address these issues. The Alberta Hate Crime Committee members represent government and community sectors working to reduce the number of hate and bias crimes in Alberta. As advocates and front line practitioners with diverse communities, they have seen the negative impact of racism in our society and its worst outcome - hate crime. However, Alberta law enforcement has not been able to keep pace with the large number and increasing complexity of hate/bias crimes and incidents in our communities. The Alberta Hate and Bias Crime Committee noted this gap and commissioned a research report (Stewart, 2007).<sup>1</sup>

The report clearly noted that many Albertans feel marginalized and at risk in their communities due to racism and hate/bias crime. Unfortunately, few come forward to report incidents to the police for fear of re-victimization, apathy, or a sense of futility. Police members acknowledged that they often do not have the tools or knowledge to act on these types of crimes, and many denied their existence due to the lack of reports. These findings were echoed by Crown Prosecutors across the province who feel unprepared and under-resourced to address hate/bias crime. By utilizing the research and recommendations within this report, Alberta could be a leader in the field of hate crime prevention, detection, and investigation.

The Alberta Hate Crime Report 2008 is intended to provide a base-line of hate crime data available in the province. The goal is to develop a mechanism to encourage data collection and reporting on these types of crimes, to raise awareness of their prevalence, and to establish a process to provide annual updates and, over time, trend analysis.

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<sup>1</sup> This report will hereafter be referenced as *Combating Hate*. For more information about hate and bias crime in Alberta, please see the full report Stewart, C. (2007) *Combating Hate and Bias Crime and Incidents in Alberta* available at: <http://www.kanataint.ca/hatecrimereport.pdf>

## ACKNOWLEDGMENTS

We would like to acknowledge the cooperation of the policing services across Alberta that provided data or responded to the request for data and thank Angela Renwick formerly with the Solicitor's Generals Office for her work in requesting and compiling the data. We would also like to thank the members of the Alberta Hate Crime Committee who have volunteered their time and energies for more than five years to bring the issue of hate crime to community groups, human rights agencies, and law enforcement across Alberta in order to better inform efforts to prevent, detect, report, investigate and prosecute hate crimes. Finally, we would like to thank all of the individuals and communities who have witnessed or experienced hate crimes or incidents for their courageous efforts to bring these issues forward.

The Alberta Hate Crime Committee has representation from the following organizations. We thank these representatives for their ongoing expertise, support, contributions, and commitment.

Edmonton Police Service - Hate Crime Unit  
United Way of Calgary and Area  
RCMP - Diversity/Hate & Bias Portfolio  
Lethbridge Regional Police Service  
Institute of Sexual Minority Studies and Services, University of Alberta  
Edmonton Police Service Chief's Advisory Council  
Society for Safe and Caring Schools & Communities  
Alberta Solicitor General and Public Security - Victims Services and Crime Prevention Unit  
Culture and Community Spirit - Human Rights and Citizenship  
Alberta Human Rights and Citizenship Commission  
Citizenship and Immigration Canada - Multiculturalism Programme - Edmonton  
Citizenship and Immigration Canada - Calgary  
University of Calgary  
City of Calgary  
Calgary Police Service - Hate Crime Unit

## EXECUTIVE SUMMARY

This report explores the incidence of hate crime in communities across Alberta as well as some of the definitional and data collection issues that impact our ability to understand the scope and nature of hate and bias crime and activity in our province. An overview of hate crime legislation is provided as well as the impact of hate crime on communities and the experiences of victims and communities targeted by hate crimes. It is clear from an examination of successful prosecutions, and a closer look at the groups targeted by perpetrators of hate, that a more coordinated and integrated approach to hate crimes is required across the province. This will necessitate a partnership between communities, policing agencies and justice officials. This partnership is needed not only to ensure that hate crimes are reported, responded to appropriately, and recorded to establish trend data, but also to ensure that all Albertans, including members of policing and justice agencies, have the education, training and tools they need to recognize and address hate crime and incidents in our communities. Recommendations are made in a number of areas including a proposal to amend the criminal code to make it easier to charge and prosecute hate-motivated perpetrators of crime.

## DEFINITIONS OF HATE CRIME

What is a hate crime? The Canadian Association of Chiefs of Police adopted this definition:

*A crime motivated by hate, not vulnerability, where 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.*

Alternatively, The Canadian Center of Justice Statistics has proposed that the national definition for Canada be:

*Hate crime is a criminal violation motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor (Canadian Center of Justice Statistics).*

However, police services are not bound to use these definitions and many have adopted other definitions that better reflect their understanding of the issue or local realities. Examples include the following:

- A criminal offence committed against a person or property that is based solely upon the victim's race, religion, nationality, ethnic origin, sexual orientation, gender or disability (Metropolitan Toronto Police Service)
- A criminal offence committed against a person or property, the motive for which is based in whole or in part upon the victim's race, religion, nationality, ethnic origin, gender, disability or sexual orientation (Halifax Police Service).
- An offence committed against a person or property which is motivated in whole or in part by the suspects' hate, prejudice or bias against an identifiable group based on real or perceived race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor. (Edmonton Police Service).
- A criminal offence committed against a person or property which is motivated by the suspect/offender's hate/bias against a racial, religious, ethnic, sexual orientation or disability group (Ottawa-Carlton Regional Police Service)
- Hate crime is "a criminal offence motivated by hate, prejudice or bias based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor. Hate activity is "an act or attempted act where the offender's bias or prejudice against any identifiable group of people is a factor in determining who is victimized. The actions may be directed at people, property or public order. The actions do not meet the necessary elements required to prove a crime." (Calgary Police Service)

In Canada, a major contributing factor to the lack of quantifiable nation-wide statistics on the prevalence of hate crime has been the absence of a uniform definition. The United States has had a formal working definition which guides their Hate Crime Statistics Act since 1990.

The Alberta Hate Crime Committee advocates for the adoption of a uniform definition for the province of Alberta that incorporates two key concepts not in the national definition. These are the concepts of “in whole or in part” to address crimes which are not solely hate crimes, but in which hate motivation plays a role. It also adopts the language ‘based on real or perceived membership in a group as a number of hate crimes are perpetrated against people presumed to be a member of the target group, e.g., a straight male who is the victim of gay-bashing. The resulting definition is the one currently in use by the Edmonton Police Service:

*An offence committed against a person or property which is motivated in whole or in part by the suspects’ hate, prejudice or bias against an identifiable group based on real, or perceived race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.*

While no national definition is available, Canada does have an effective body of hate crime legislation.

## HATE CRIME LEGISLATION

Canada has a 40 year history of legislation responding to hate propaganda and hate crime. The criminalized notion of hate, as it pertains to the Canadian context emerged following the 1965 Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada (Canadian Minister of Justice, 1966). In its agenda for legislative action, the Committee wanted to ensure that the fundamental principles of: the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Canadian Bill of Rights were addressed. As a result, in 1970, Parliament undertook the effort to amend the Criminal Code thus rendering hate propaganda a punishable offence.

Following this amendment, under the new provisions (currently sections 318-320) of the Criminal Code, it became illegal to espouse religious, racial and ethnic hatred. The new hate propaganda laws prohibited the advocating of genocide, the public incitement of hatred, and the wilful promotion of hatred.

*Under Section 318, it is a criminal act to "advocate or promote genocide" - to call for, support, encourage or argue for the killing of members of a group based on colour, race, religion, sexual orientation or ethnic origin.*

*Section 319 has two subsections. 319 (1) deals with publicly stirring up or inciting hatred against an identifiable group based on colour, race, religion, ethnic origin or sexual orientation. 319 (2) makes it illegal, in a public place, to communicate for the purpose to wilfully promote hatred. This can include by telephone, broadcast or through other audio or visual means.*

*Section 320 deals with the Courts authorization to seize any publication it deems to be hate propaganda; this includes hate propaganda made public and is stored on a computer system.*

In the 1990s, there was renewed interest and lobbying for action against hate. The original groups that had lobbied for hate propaganda legislation embarked on a new venture and were accompanied by other affected groups. The focus was now on a "new" form of hatred coined as "hate crime". This in turn would spawn some legislative changes, namely Bill C-41 (now S 718.2 of the Criminal Code).

*Section 718.2(a)(i), encourages judges to consider in sentencing whether the crime was motivated by hate of: the victim's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar. The court shall take into consideration an increased sentence for any relevant aggravating circumstances relating to the offence or the offender including an offence motivated by hate.*

Finally, a section that is rarely used but has potential to be used more effectively, is:

*Section 430 (4.1), makes it a crime to commit a mischief to religious property if the act was motivated by bias, prejudice or hate based on religion, race, colour, or national or ethnic origin.*

Despite these recourses in the law, the insidious nature of hate crime is that its effects go beyond the impact on an individual, to having an impact on an entire targeted community.

## HOW DO HATE CRIMES IMPACT THE COMMUNITY?

Hate crimes are often called "message crimes," because of the impact that they have on members of an entire community. For example, when a hate crime occurs a community may experience:

- Feelings of victimization projected to an entire community,
- Sense of group or community vulnerability
- Community fear/tension
- Community reactive crime
- Copycat incidents
- Community polarization
- Loss of trust in Police, and/or
- Heightened security concerns at schools, churches, and private homes.



Dauvergne, Scrim, and Brennan (2008) found that 40% of victims of hate crime incidents in the General Social Survey found it "difficult or impossible to carry out their daily activities compared with 23% of victims of non-hate crimes. Violent hate crime incidents were also more likely to result in victims feeling fearful and unsafe in their communities (p. 16). And yet, hate crime goes largely unreported leaving communities feeling vulnerable.

Part of the reason for this vulnerability comes from policing, the justice system, and the education system.

## PROSECUTIONS - POLICING & JUSTICE

There have been only 2 successful prosecutions of hate activity in the past 2 years, both by Edmonton Police Service. Stewart (2007) outlines a number of reasons for this finding including:

- Need for police to obtain permission from the Attorney General to initiate prosecution under the hate motivated Criminal Code sections
- Not considering hate as an aggravating factor by the Crown
- Unfamiliarity of hate sections and definitions by police, Crown and judges
- Lack of experience in applying these sections of the Criminal Code by the Crown
- The high burden of proof necessary to prove these charges in Court
- Lack of application of 718.2 in Alberta
- Lack of articulation of hate motivation by law enforcement investigators
- Lack of resources or support to charge under hate crime legislation
- Lack of awareness of existence of hate/bias crime or incidents or resistance to admitting it exists by police/Crown
- Lack of reporting from community members due to fear or a belief they will not be taken seriously by the justice system or uncertainty of whether encounter warrants police attention

Victims of hate crimes (47%) are often less satisfied with the actions taken by the police in response to their complaints than are victims (29%) of other types of crimes (Janhevich, 2001).

## SCHOOL RESOURCE OFFICER (SRO) REPORT

In 2008, the Alberta Association of School Resource Officers (AASRO) conducted a survey of officers across the province to gain a better understanding of the issues they face (Banister Research, 2008). When asked to rate the importance of a number of issues they encounter as an SRO, 59% (n=62) said hate crime/racial conflicts were important, just slightly below gang activity at 62%. Bully was identified by 94% of respondents and is often related to hate bias incidents. While 21% (n=43) of respondents

delivered anti-bullying programmes, there were no programmes specifically targeted to hate crimes or internet hate despite school-age youth being the largest targets and perpetrators of hate/bias crime or incidents (Dauvergne, et al., 2008). Hate/bias incidents have a severe effect on young people impacting their self-esteem, school performance and sense of safety and security (Khanna, 1999, Pruegger & Kiely, 2002). Khanna found that young people often do not report incidents to teachers because they do not think the teacher will be supportive, or that he or she will blame the victim, while Pruegger & Kiely heard from youth who described the teacher as the offender. A study of 331 elementary school children in Toronto found that 14% were bullied because of their race (Pepler, Connolly & Craig, 1999). Despite these experiences and statistics, racial or hate/bias incidents have not been taken seriously in the educational system often due to limited resources, competing priorities, and a reluctance to admit that these occur (Khanna, 1999).

These findings speak to the need for programs in schools that address the alienation, emotional vulnerability and anger that youth at risk for perpetrating hate crime experience, as well as support programmes for youth targeted by these acts (Khanna, 1999).

A growing area of concern, particularly for youth is the availability of internet hate websites.

## **INTERNET HATE**

The Internet has become a rich source for recruitment and dissemination of hate and neo-Nazi ideology. Some groups have developed a presence on Facebook, YouTube, Second Life, online games, blogs, and chat rooms, creating a tangled web where even the most innocent user can be ensnared. Many of the sites have innocuous names and use youth friendly devices like bright graphics. Other sites post disclaimers or warnings to protect them from liability. The internet provides both anonymity and wide distribution in a way no other medium makes possible.

The Criminal Code, the Canadian Human Rights Act, The Charter of Rights and Freedoms, The Broadcasting Act and the Immigration Act all have regulations or prohibitions that can be used to address on-line hate. For example, under section 320.1 of the Criminal Code, a judge has the authority to order the removal of hate propaganda from a computer system that is available to the public. Such authority extends to all computer systems located within Canada. Despite this, prosecuting internet hate crime is a challenge for law enforcement as it is pervasive, anonymous and crosses national boundaries. The Simon Wiesenthal Center has estimated there are at least 8,000 known postings or web addresses spreading hatred or intolerance; a 30% increase over last year (2008).

There are, however, some significant wins in the fight against hate propaganda. Fantino (2003) noted that:

*In a landmark ruling in the first ever human rights complaint involving an Internet Hate Site, the Canadian Human Rights Tribunal found Ernest Zundel, a well known hate mongerer, to have contravened the Canadian Human Rights Act. The Tribunal's Chief Commissioner stated: "Hate messaging and propaganda have no place in Canadian Society. As a tool of mass communication, the Internet has a tremendous impact on our daily lives. We now know that the Internet is not a 'Lawless Zone' and cannot be used to promote hate."*

In 2008, The B.C. Supreme Court convicted a white supremacist for posting hate material on the Internet. The offender was sentenced to four months in jail, plus restrictions on his use of computers for three years.

In 2006 a Two Hills man was given a 16-month jail sentence for inciting hatred against Jews on his website in what was called a groundbreaking Internet hate-crime case.

These examples illustrate that when police, community groups and crown prosecutors work together, it is possible to successfully prosecute cases under hate crime legislation in Canada. In 2001, the Government of Canada printed a useful booklet entitled *Illegal and Offensive Content on the Internet* (See <http://dsp-psd.pwgsc.gc.ca/Collection/C2-532-2000E.pdf>). It provides information on how to empower and self-regulate internet use and while it does not address hate sites in particular, it does provide some good information on how to protect oneself and report suspicious sites. Another good source for information is the Media Awareness Network which posts a useful fact sheets for youth about on-line hate. See [http://www.media-awareness.ca/english/issues/online\\_hate/index.cfm](http://www.media-awareness.ca/english/issues/online_hate/index.cfm).

## CLOSER LOOK AT OFFENDERS

In addition to internet recruitment, hate groups consciously target recruitment of youth and many leaders became active in high school or college (Turpin-Petrosino, 2002). The hate movement has become expert in delivering its message to youth, especially disaffected youth. Hate group members tend to be academically unsuccessful, insecure, alienated, impotent, angry, and have poor family relationships. It is not uncommon to come from backgrounds of family violence and child and substance

abuse. However, we must not make the mistake of underestimating the intelligence, resources and organization of these groups.

As with other crime, perpetrators of hate crime tend to be young, but unlike other violent crimes, the offender is more likely to be a stranger or an acquaintance (Janhevich, 2001). Hate crimes also are more likely to involve assaults and are more violent than other offences although the majority do not involve physical injury. The offender is most often male (89%) and the crimes often involve multiple offenders.

## CLOSER LOOK AT TARGETED GROUPS

### **Hate crimes go unreported**

**Aboriginals fear re-victimization by police and justice system: report**

The law recognizes a number of groups that are targeted by hate in our communities. These include racialized and Aboriginal people; religious groups; gender and sexual identity groups; and persons with disabilities. However, recognition of what groups are included varies as we have seen in the definitions earlier in the report. In some U.S. jurisdictions, homeless individuals are now being included as a protected group in hate crime definitions.

***Racialized Persons*** - Racialized individuals and communities continue to experience the highest incidents of hate motivated crime. Members of racialized groups, whether immigrant or Canadian-born, endure racial slurs, exhortations to 'go back to where they came from', and discrimination in nightclubs, employment, education and health systems which are not included as hate crimes. In the 2006, Black persons represented almost half (48%) of police-reported incidents in Canada (Dauvergne et al., 2008).

In Calgary, the Aryan Guard promulgates neo-Nazi propaganda and white supremacist rhetoric. They have been opposed by anti-racism demonstrators but they continue to spew their messages of hate while staying once step within the bounds of actionable hate-legislation.

It is also important to note that crimes motivated by race or ethnicity may also be inspired by anti-immigrant hate. Immigrants to Canada tend to be more worried than native born Canadians about hate crimes, especially those who are racialized (Silver, Mihorean & Taylor-Butts, 2004).

***Aboriginal Persons*** - Incidents of racism, discrimination and hate are such prevalent experiences for Aboriginal people in Canada that they have become part of 'the norm'. This shocking finding in interviews with Aboriginal people across Alberta (Stewart, 2007) explains, in part, the low rates of reporting of hate crimes and incidents in these communities.

*As much as you think you've heard it all, there are some simply shocking [hate incidents] where you're like, 'I can't believe that would still happen' - especially in a city such as Calgary (Christy Morgan, Calgary Urban Aboriginal Initiative). Ms. Morgan goes on to say that many Aboriginal people do not come forward after a hate incident or crime because it can seem to daunting and pointless. Most people figure, 'what's the point of putting myself through that when I feel like I may not be supported?... They just want someone to hear them and not judge them on it.'* (Klaszus, 2007). As respondents noted in other communities, people have experienced not being taken seriously by the police on these issues.

metro 

'I was scared for my life'

Neil MacKinnon/Metro Calgary

31 July 2008 05:49

**Religion** - On December 14, 2005, in the first criminal prosecution related to Internet hate propaganda to go to trial in Canada, former Edmonton resident Reinhard Mueller was convicted by a jury of the willful promotion of hatred under s. 319 of the *Criminal Code*. The charge arose as a result of anti-Semitic material on his website that described Jews as sub-humans, and Judaism as demonic (Warman, n.d.). Members of the Jewish faith account for almost two-thirds of hate crimes motivated by religion (Dauvergne, et. al., 2008), but again, current definitions may overlook wide-spread anti-Muslim/Arab sentiment prevalent since September 11, 2001 that has resulted in racial profiling, and discrimination in schools, employment and society at large. These findings may reflect the better organization and vigilance of the Jewish community in working with the police and responding to being targeted, whereas other communities may still need to forge these partnerships and relationships based on mutual trust.

**Gender** - is included by some, not all jurisdictions in hate crime definitions. It has been argued that anti-female hate crime motivation should be considered in crimes of violence against women. In Canada, the murder of 14 women<sup>2</sup> in an attack by gunman Marc Lépine in 1989 provoked some debate as to whether the attack could be considered a hate crime as the killer specifically targeted women while shouting that he was fighting feminism and 'I hate feminists'.

In a 2006 report of hate crimes in Canada, it was noted that there were large differences between self-reported hate crime motivated by gender (27%) and that identified by police (1%). This may be due to different definitional interpretations of hate motivation (Dauvergne, Scrim & Brennan, 2008).

<sup>2</sup> The murdered women were Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte, and Barbara Klucznik-Widajewicz . Lépine injured 4 men and 10 other women before killing himself.

*Gender & Sexual Identity Communities* - Compared to all other target communities, crimes motivated by sexual orientation are the most likely to be crimes against the person with about 60% involving assault (Silver et al., 2004). Individuals in these communities are more likely to suffer violent crimes. They are also the least likely to report incidents to the police and data suggest that hate crimes directed at members of these groups are less likely to result in a conviction (Roberts, 1995).

*Persons with Disabilities* - Mental and physical disability are included in hate crime definitions consistently across the country, yet violations are grossly under-reported with only 5 incidents reported in 2006 (Dauvergne, et. al.). Community representatives on the Alberta Hate Crime Committee talk about the difficulty of separating issues of physical or mental abuse against persons with disabilities and actions motivated by hate.

*Homeless Persons* - No definition in Canada was found that specifically includes economically disadvantaged or homeless persons as protected by hate crime legislation. However, in the U.S., Maine and Maryland have included homeless persons in their hate crime legislation partially due to the rise of 'homeless' bashing.

In 2005, the beating death of Paul Richard Crouch, a homeless man in downtown Toronto, led to calls for it to be prosecuted as a hate crime (Toronto Disaster Relief Committee, 2005). Reports of the crime seemed to confirm that Mr. Crouch was targeted because of his status as a homeless person. The murder provoked fear in the homeless community and horror in the wider community.

It is clear that membership or perceived membership in a marginalized group can put one at risk for victimization of hate crimes and incidents. But, the blame can not be solely placed on individual perpetrators. Canada has systems and practices in place that nurture, support and promote discrimination either consciously or unconsciously. Until these are dismantled, individual perpetrators will feel free to act on their feelings of exclusion and hate.

## **METHODOLOGY OF REPORT**

The data in this report were obtained from the national hate crime survey (Dauvergne, Scrim & Brennan, 2008) and a survey conducted across Alberta in 2008. The Solicitor General's office sent out a request to police services and RCMP detachments across Alberta in order to elicit any data they may have from 2000-2008. It was expected that few services would be able to provide data but it was considered that this, in itself, was important information about the state of awareness and data collection across the province. It is hoped that this report will serve as encouragement for services not only to consistently use the UCR2.2. reporting system, but also to track data for the next annual provincial hate crime report.

## DATA COLLECTION ISSUES

Apart from the lack of a national definition, there are numerous other barriers to obtaining reliable data. The Canadian Centre for Justice Statistics (Dauvergne, 2008) released a report looking at hate crime in Canada. It is based on police reported data from the Hate Crime Supplemental Survey and the incident-based Uniform Crime Reporting Survey (UCR2.2), as well as victimization data from the General Social Survey. While this report is an important step in understanding hate crime and victimization, few police services in Alberta use the UCR2.2 system.

*One of the biggest problems identified ... is the lack of a substantive offence section that is useable for police. An example of this problem would be where a person goes to the local synagogue and spray paints swastikas on the outside of it. Currently we have the offence of mischief, but it does not meet the ingredients of the current hate crimes sections. This leaves us with using 718cc and showing that the offence of mischief has the mitigating circumstance of a hate / bias "crime" and a higher sentence should be sought. Of course it is up to the judge and who knows which way they will go on a case by case basis. It would be much better if there were an actual Hate/ Bias Crime section where we could charge the person in this example with "hate crime" rather than or including mischief. The hate crime section could be broken down into different subsection whereby a hate crime of violence could be straight indictable and other hate crimes such as mischief and threats could be dual procedure. In reporting, the issues are numerous including a complete lack of accurate UCR statistics (Sgt. Dave Maze, Lethbridge Regional Police Service).*

This statement summarizes concerns expressed by police officers interviewed across Alberta for the Combating Hate (Stewart, 2007) report. Sgt. Stephen Camp of the Edmonton Police Service has proposed changes to the Criminal Code to overcome some of these difficulties. These changes are discussed in the Next Steps section at the end of the report.

## ALBERTA HATE CRIME DATA

The data below are few, but they provide a picture of the lack of reporting structures and integrated provincial approach to collecting and reporting hate crime statistics. While these data represent a small start in establishing a base line, they do speak to the need to track hate crime and send a clear message to the community that hate crimes are against the law and

that when coming forward to report a hate crime or incident, they will be taken seriously. This may encourage reporting in the future and lead to more robust statistics of this issue in Alberta. The data also vary as to how they are reported and for what period of time.

Hate Bias Crime Officers have reported that their resources have been stretched to the limit due to increased case loads and a decrease in staff assigned to these roles, which are leaving gaps in training, intelligence, and enforcement related to hate crimes (Stewart, 2007).

*General.* There were 892 police-reported hate crimes in Canada in 2006 (Dauvergne, Scrim & Brennan, 2008). Racially motivated crimes are the most prevalent and this is reflected in our data as well. Hate crime reported in the largest census metropolitan areas in Canada, had Calgary with the highest rates of police-reported hate crime per population with Edmonton as 4<sup>th</sup> highest. This could reflect better reporting practices as well as the presence of dedicated hate crime officers or units, or could reflect the relative youthfulness of the population in Calgary and Edmonton due to the economy as youth 12-17 years are most likely to be accused of hate crime. These results are just the tip of the iceberg as it is estimated that only 10% of hate crimes are reported and in the Alberta Hate Crime Survey, 70% of respondents indicated that members of their communities would rarely report hate/bias crimes (Stewart, 2007).

It should be noted that the hate crimes described in this report are ones that were reported and investigated by the police as hate crimes. There are many other hate incidents in our community which either do not rise to the level of a chargeable offense, or that are not recognized by the police as a hate crime. For example, in 2008 August, four white supremacists from the Aryan Guard in Calgary were charged with mischief and disturbance, after vandalizing a shopping mall and spewing racial slurs in the hamlet of Gleichen, AB. Despite the racial slurs, this was not charged as a hate crime. The RCMP was inundated with calls and emails from people who feared for their safety and met with the Siksika Tribal Council to address those concerns.

*Edmonton.* In 2002, with seed money from Canadian Heritage, the Edmonton Police Service formed a two- person Hate and Bias Crime Section. Edmonton's approach to hate crime filing is to initially review all files on a series of criteria in order to determine level of priority (i.e., which files need immediate attention). At that point, the files are assessed to determine which of the five sub-categories they fit into:

- Criminal files with Hate: these are files which are defined as criminal offences under the Criminal Code of Canada and appear to contain elements of hate as a motivating or aggravating factor.

- Non- Criminal files with Hate: these are files which could also be defined as hate "incidents". They involve incidents which are not defined as criminal offences under the Criminal Code of Canada but do appear to have elements of hate as a motivating or aggravating factor.
- Criminal Files without hate: Criminal code offences, however, there is no evidence to support an allegation of hate as being a component in the file.
- Non-criminal without hate: Files which are sent to HCU for review but do not have either a criminal element nor hate as a motivating factor.
- Intelligence files: All other files which are sent to our office and contain information on persons of interest to the Hate Crimes unit.

The following chart lays out hate crime reporting for the years 2003-2008. As can be seen, hate motivated incidents appear to be comparable from 2007-2008. Hate incidents have increased (non-criminal with hate), however, this may be explained by a more streamlined reporting system (i.e., electronic transfer of reports to the Hate Crimes unit). As well, Hate Crimes officers have observed more diligence by Patrol units in getting reports to them. This can also be demonstrated by the rise in *non-criminal without hate* files received by the unit.

Intelligence files (as well as total files) have markedly dropped from 2007 to 2008. This is due to the restructuring of the intelligence files received and many are no longer counted in the file total.

**Example: Successful Prosecution:** The Western Canada For Us (WCFU) hate group started in Edmonton in 2003 led by Glenn Bahr. A website was developed and 101 members signed up. His headquarters was in the south side of Edmonton. After concluding that he was propagating hate and breaching section 319 (2) Wilful Promotion of Hatred, the EPS Hate Crimes Unit executed a search warrant at his residence and seized the computer. The day after, the website went down and Glenn Bahr fled to B.C. After an investigation the Attorney General endorsed the charges of Wilful Promotion of Hatred and the EPS Hate Crimes Unit arrested Bahr in B.C. After a nine day preliminary inquiry he was committed to stand trial. Prior to the criminal trial the EPS hate crimes investigator testified at the CHRC tribunal which found him guilty under Section 13 of the CHRA and levied a fine of \$10,000.00. Due to the fine, the Alberta Justice Department did not pursue the criminal trial and stayed the charge of 319 (2) CCC. The WCFU has not been back.

EDMONTON POLICE SERVICE HATE / BIAS CRIME  
2003 ~ 2008 STATISTICS

\* HC refers to a hate crime. HII includes hate incidents and intelligence gathered

Target Community	2003		2004		2005		2006		2007		2008	
	HC	HII	HC	HII	HC	HII	HC	HII	HC	HII	HC	HII
Aboriginal	3	1	2	0	0	5	1	1	-	-	-	-
Arab	-	-	-	-	1	2	4	1	-	-	-	-
Asian	1	1	2	0	3	0	1	0	-	-	-	-
Black	3	1	8	6	10	5	6	0	-	-	-	-
Caucasian/White	-	-	-	-	0	1	2	1	-	-	-	-
Christian	-	-	-	-	1	0	2	2	-	-	-	-
East Indian	1	2	0	1	3	2	2	2	-	-	-	-
Jewish	10	1	16	14	9	6	4	1	-	-	-	-
Muslim	9	2	7	2	0	1	0	1	-	-	-	-
GLBTQ / Sexual Orientation	7	14	5	6	8	2	3	1	-	-	-	-
Anti-National	1	0	-	-	-	-	-	-	-	-	-	-
Hispanic	0	0	0	1	-	-	-	-	-	-	-	-
Non-White	3	2	0	9	-	-	-	-	-	-	-	-
Other	-	-	0	1	0	4	1	5	-	-	-	-
<b>TOTAL</b>	<b>62</b>		<b>80</b>		<b>63</b>		<b>41</b>		<b>278</b>		<b>155</b>	

These are REPORTED incidents and crimes only. The total for each year is the number of files reported to the EPS which had a hate/bias motivation. Cells in black indicate no data.

## SUN NEWS Edmonton

Tue, December 2, 2008

### 'Hate mail'

Shocking anti-gay, anti-abortion rants found in north-side mailboxes

In 2007, the Edmonton Police Service reported a total of 278 hate crime or hate crime related files, including 20 criminal files; 13 non-criminal files of hate incidences; and 234 intelligence or 'other' files.<sup>3</sup> In 2008, the total number to end of November was 155, with 22 criminal files; 23 non-criminal files; and 90 intelligence files. No breakdown by community was provided for these years.

Incidents included assault, assault with a weapon, break and enter, hate propaganda, etc.

Crimes included assault, assault with weapon, mischief, uttering threats, fraud, arson, hate propaganda, etc.

*Brooks.* Brooks reported no case specific documented hate crimes over the past year.

*RCMP - K Division.* The chart below represents Hate Crimes for K Division by Detachment from 2002 - 2008. The chart was completed by Client Services in response to the original letter dated June 6, 2008 and updated at the end of the year. The RCMP has one officer assigned out of K Division to address all diversity and hate crime needs.

K Division reported that currently, they are unable to collect any statistics with respect to Section 718.2 - Sentencing Procedures for Hate and Bias Motivated Crime. However, the PROS (Police Reporting and Occurrence System) will be updated in the summer of 2009. It will allow the collection of statistics in relation to hate crime/incidents and will break up the statistics into a number of different motivating factors. This will result in standardized reporting in UCR 2.2 (Uniform Crime Reporting).

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<sup>3</sup> In 2007 10 files were listed as criminal or non-criminal files without a hate component but were included in the total. In 2008, 20 files fell into these categories but were listed in the total.

HATE CRIMES ~ "K" DIVISION BY DETACHMENT ~ 2001 - 2007

Detachment	Crime Type	2002	2003	2004	2005	2006	2007	2008
Banff Mun. Det	Crimes Against Humanity	-	-	-	-	-	-	-
Beaverlodge	Crimes Against Humanity	-	-	-	-	-	-	-
Brooks Municipal	Public incitement of hatred	-	-	-	-	-	1	-
Chestermere	Wilful promotion of hatred	-	-	-	-	1	-	-
Claresholm Rur. Det	Crimes Against Humanity	-	-	-	-	-	-	-
Cochrane Mun. Det.	Wilful promotion of hatred	-	-	-	-	-	-	1
Cochrane Mun. Det.	Public incitement of hatred	-	-	-	1	-	-	-
Cochrane Mun. Det.	Crimes Against Humanity	1	-	-	-	-	-	-
Cochrane Rural Det.	Crimes Against Humanity	1	-	-	-	-	-	-
Drayton Valley Mun. Det.	Wilful promotion of hatred	-	-	-	-	-	-	1
Drumheller Rur. Det	Wilful promotion of hatred	-	-	-	-	-	-	1
Drumheller Rur. Det.	Crimes Against Humanity	1	-	-	-	-	-	-
Drumheller Mun. Det.	Crimes Against Humanity	-	-	-	-	-	-	-
Elk Point	Crimes Against Humanity	-	-	-	-	-	-	-
Fort McMurray City	Crimes Against Humanity	3	1	-	-	-	-	-
Fort McMurray Rur.	Crimes Against Humanity	2	-	1	-	-	-	-
Fort Saskatchewan Mun.	Crimes Against Humanity	-	-	-	-	-	-	-
Fort Saskatchewan Rur.	Crimes Against Humanity	-	-	-	-	-	-	-
Grande Prairie Mun. Det	Wilful promotion of hatred	-	-	-	-	-	-	1
Lac La Biche	Wilful promotion of hatred	-	-	-	1	-	-	-
Leduc City	Crimes Against Humanity	-	-	1	-	-	-	-
Morinville Rur. Det.	Public incitement of hatred	-	-	-	-	1	-	-

HATE CRIMES ~ "K" DIVISION BY DETACHMENT ~ 2001 - 2007  
(CONT.)

Detachment	Crime Type	2002	2003	2004	2005	2006	2007	2008
Morinville Mun. Det.	Crimes Against Humanity	-	-	-	-	-	-	-
Red Deer City	Crimes Against Humanity	-	-	-	-	-	-	-
Red Deer City	Wilful promotion of hatred	-	-	-	-	-	1	-
Red Deer Rural	Crimes Against Humanity	-	-	-	-	-	-	-
Rocky Mtn Hse Mun.	Wilful promotion of hatred	-	-	-	-	-	1	-
Stettler	Crimes Against Humanity	-	-	-	-	-	-	-
Stony Plain Mun Det.	Crimes Against Humanity	-	-	-	-	-	-	-
Stony Plain Rural Det.	Crimes Against Humanity	-	-	-	-	-	-	-
Strathmore	Wilful promotion of hatred	-	-	-	-	1	-	-
Thorsby	Crimes Against Humanity	1	-	-	-	-	-	-
Turner Valley	Crimes Against Humanity	-	-	-	-	-	-	-
Two Hills Rur.	Wilful promotion of hatred	-	-	-	-	-	1	1
Viking	Crimes Against Humanity	1	-	-	-	-	-	-
Wainwright Mun.	Crimes Against Humanity	-	1	-	-	-	-	-
Wetaskiwin Mun. Det.	Crimes Against Humanity	-	-	-	-	-	-	-
<b>Totals</b>		<b>10</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

*Lethbridge.* In 2005, the Lethbridge Regional Police Service's (LRPS) Cultural Resources Unit Officer used Calgary's and Edmonton's knowledge bases to develop its policy, procedure, and training program for hate/bias crimes and incidents.

Lethbridge did not report any numbers due to many of the problems that have been mentioned for police with hate crime reporting. However, Sergeant David Maze in charge of the Integrated Intelligence Unit whose mandate is to investigate hate crimes in SW Alberta sent this report:

The Lethbridge Regional Police Service in the past has not collected statistics on hate crimes as they are currently listed in the criminal code as we have had no incidents. However we have investigated matters whereby section 718CC applies and consideration on sentencing has been an issue.

Recent incidents include:

- 23 June 2008 Second Degree Murder plus Aggravated Assault: Accused attacks two First Nations persons in back alley killing one and severely injuring the other. Yells racial slurs during the attack and makes comments to police about his hatred for "Indians."
- 28 May 2008 Threats to Kill: Accused is member of Aryan Guard and made racial slurs during and before incident.
- 28 May 2008 Threats to Kill / Possession Weapon Dangerous: Accused is First Nations person and made racial slurs towards victim and victims children.
- 16 September 2007: Aryan Guard goes on pamphlet campaign in Lethbridge handing out White Supremist information flyers encouraging people to join their group. State they want Canada to be as white and Japan is Japanese.
- 15 September 2007 Cause a Disturbance: Members of the Aryan Guard enter a local bar and start harassing a black male who calls police for assistance. Threats are made with numerous racial slurs.
- 21 May 2007 Tim Hortons: An employee writes "no drunken Indians" on a white board in the kitchen area that could only be viewed by staff. Employee terminated after First Nations staff member complains about incident.

According to the LRPS they are unable to go back further given that offences where hate or bias may have played a role have not been tracked. LRPS has also not issued any charges under the current criminal code sections for hate crime.

In 2009, the LRPS is taking reports of hate crimes and incidents right at the front counter to encourage citizens to come forward.

*Calgary.* The Calgary Police Service was the first municipal service in Alberta to have a dedicated Hate/Bias Crime Officer (2000) and was instrumental in encouraging other police agencies to address this issue in a coordinated manner. Reported Hate/Bias Crimes in Calgary range from 71 in 2001, to a high of 133 in 2004, and YTD totals of 68 in 2008 November. Calgary's reporting structure allows for a breakdown in the type of offense and the targeted group. Race continues to be the leading target of perpetrators of hate.

**TYPES OF HATE / BIAS CRIME (2001) ~ CALGARY POLICE SERVICE**

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	0	2	2	3	20	0	3	0		30
Bomb Threat	0	0	0	0	0	0	0	0	0	0
Break & Enter	0	0	0	0	2	0	0	0	0	2
Harassment	0	0	0	0	1	0	0	0	0	1
Hate Propaganda	0	0	0	0	0	0	0	0	0	0
Mischief	0	1	0	2	15	2	0	0	0	20
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	2	0	0	0	0	2
Theft	0	1	0	0	3	0	0	1	0	5
Threat	0	2	0	1	5	3	0	0	0	11
<b>TOTAL</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>6</b>	<b>48</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>71</b>

TYPES OF HATE/BIAS CRIME (2002) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	2	4	0	0	30	3	4	0	0	43
Bomb Threat	0	0	0	0	3	2	0	0	0	5
Break & Enter	0	0	0	0	1	1	0	0	0	2
Harassment	0	0	0	0	4	0	0	0	0	4
Hate Propaganda	0	0	0	0	0	0	0	0	0	0
Mischief	1	1	1	1	9	0	4	1	0	18
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	2	0	0	0	0	2
Theft	0	0	0	1	0	1	0	0	0	2
Threat	2	1	0	0	17	1	5	0	0	26
<b>TOTAL</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>66</b>	<b>8</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>102</b>

TYPES OF HATE/BIAS CRIME (2003) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	1	6	0	1	39	1	8	0	0	56
Bomb Threat	0	0	0	0	2	0	0	0	0	2
Break & Enter	0	1	0	4	0	1	0	0	0	6
Harassment	0	0	0	0	0	0	0	0	0	0
Hate Propaganda	0	1	0	0	0	0	0	0	0	1
Mischief	1	5	0	5	16	5	5	0	0	37
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	2	0	1	0	0	3
Theft	0	0	0	0	4	1	0	2	0	7
Threat	0	1	0	0	14	1	1	0	0	17
<b>TOTAL</b>	<b>2</b>	<b>14</b>	<b>0</b>	<b>10</b>	<b>77</b>	<b>9</b>	<b>15</b>	<b>2</b>	<b>0</b>	<b>129</b>

TYPES OF HATE / BIAS CRIME (2004) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	5	8	2	2	35	1	4	0	0	57
Bomb Threat	0	0	0	0	6	0	0	0	0	6
Break & Enter	0	0	0	0	2	0	0	0	0	2
Harassment	0	0	0	0	0	0	1	0	0	1
Hate Propaganda	0	0	0	0	0	0	0	0	0	0
Mischief	2	5	0	1	19	7	2	1	0	37
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	5	0	0	0	0	5
Theft	1	0	0	0	3	1	0	0	0	5
Threat	0	0	2	1	12	4	1	0	0	20
<b>TOTAL</b>	<b>8</b>	<b>13</b>	<b>4</b>	<b>4</b>	<b>82</b>	<b>13</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>133</b>

TYPES OF HATE / BIAS CRIME (2005) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	1	1	1	2	19	2	5	0	0	31
Bomb Threat	0	1	0	0	2	0	0	0	0	3
Break & Enter	0	0	0	0	1	2	0	0	0	3
Harassment	0	0	1	0	0	2	0	0	0	3
Hate Propaganda	0	0	0	0	0	0	0	0	0	0
Mischief	0	3	1	0	27	3	4	0	0	38
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	3	0	1	0	0	4
Theft	0	0	0	0	1	0	2	1	0	4
Threat	0	2	0	0	2	2	4	0	0	10
<b>TOTAL</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>55</b>	<b>11</b>	<b>16</b>	<b>1</b>	<b>0</b>	<b>96</b>

TYPES OF HATE / BIAS CRIME (2006) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	3	9	0	0	41	2	10	0	0	65
Bomb Threat	0	1	0	0	3	0	0	0	0	4
Break & Enter	1	0	0	0	0	1	0	0	0	2
Harassment	0	0	0	0	2	0	2	0	0	4
Hate Propaganda	0	0	0	0	0	0	0	0		0
Mischief	1	4	0	0	23	9	1	0	0	38
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	3	0	0	0	0	3
Theft	0	0	0	0	1	0	0	0	0	1
Threat	0	2	0	1	8	1	0	0	0	12
<b>TOTAL</b>	<b>5</b>	<b>16</b>	<b>0</b>	<b>1</b>	<b>81</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>129</b>

TYPES OF HATE / BIAS CRIME (2007) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	1	4	2	1	22	0	16	0	0	46
Bomb Threat	0	7	0	0	1	0	2	0	0	10
Break & Enter	0	1	0	0	1	0	0	0	0	2
Harassment	0	0	1	0	0	0	0	0	0	1
Hate Propaganda	0	0	0	0	0	3	0	0	0	3
Mischief	0	5	0	0	21	12	1	0	0	39
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	1	0	0	0	0	1
Theft	0	0	0	0	2	0	0	0	0	2
Threat	1	1	0	2	2	1	3	0	0	10
<b>TOTAL</b>	<b>2</b>	<b>18</b>	<b>3</b>	<b>3</b>	<b>50</b>	<b>16</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>114</b>

TYPES OF HATE / BIAS CRIME (2008) ~ CALGARY POLICE SERVICE

Offences	Disability	Ethnic	Gender	Nationality	Race	Religion	Sexual Orientation	Age	Total	
									Month	YTD
Assaults	0	3	0	0	21	0	1	0	0	25
Bomb Threat	0	1	0	0	2	0	0	0	0	3
Break & Enter	0	0	0	0	1	1	0	0	0	2
Harassment	0	0	0	0	0	0	0	0	0	0
Hate Propaganda	0	0	0	0	0	0	0	0	0	0
Mischief	0	7	0	0	10	4	2	0	0	23
Obscene Mail	0	0	0	0	0	0	0	0	0	0
Robbery - Roll Job	0	0	0	0	2	0	1	0	0	3
Theft	0	1	0	0	2	0	0	0	0	3
Threat	0	1	0	1	6	1	0	0	0	9
<b>TOTAL</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>44</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>68</b>

## NEXT STEPS

In an interview in 2007 after the release of the Combating Hate report, a spokesperson for the Solicitor General and Public Security's (SGPS) office said that that office had no plans to create a hate crime team (the creation of an integrated approach with a provincial hate crime coordinator was recommended in the report) because the SGPS believes individual police services are doing enough (Klaszus, 2007).

### *Coordinated Approaches*

However, it is apparent from the lack of available data and the issues around reporting raised in this report, that an integrated approach is needed to ensure that police services, Crown Prosecutors and community members understand how to identify, charge, prosecute and report violations to the Criminal Code dealing with hate. Even the few police services that have a focused response to hate crime and incidents recognize that they are not doing enough and they are often working in isolation. It is instructive to see what other police jurisdictions are doing in response to hate crime and this is displayed in Appendix 1. This chart clearly indicates that more is needed for an integrated approach. While Lethbridge Regional Police are not reflected in this chart as they did not have a hate crime unit at the time of the study, it is evident that it is mainly major centres that have the capacity to deal with this issue at a local level or, in many cases, regional approaches have been taken, which is why a coordinated provincial approach is required to support smaller centres and promote sharing of intelligence, data, training, and community response initiatives.

Two examples of coordinated approaches come from B.C. and Ontario<sup>4</sup>

**1. British Columbia.** The BC Hate Crime Team (HCT) has been operational since 1996 and uses the resources of three members, the Royal Canadian Mounted Police (RCMP), the Vancouver Police Service, and a half-time prosecutor from the BC Attorney General's office. Their role is to assist 12 municipal police agencies and 50 RCMP detachments in hate crime investigations and community awareness initiatives. They have facilitated annual hate crime training conferences for police officers and Crown counsels, ensuring that frontline members understand the latest resources and case laws. The BC HCT has formed partnerships with over 200 non-governmental organizations, enabling them to develop several publications including "Responding to Incidents of Racism and Hate: A Handbook for Service Providers," "End Hate Crime: Hate/Bias Crime Policy Guide" and the "Hate Crime Pocket Guide" for police officers.

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<sup>4</sup> These two examples come verbatim from Stewart, C. (2007). Combating hate and bias crime and incidents in Alberta, pp. 16-17. Report commissioned by the Alberta Hate Crimes Committee. Alberta Education Fund and Canadian Heritage.

2. **Ontario.** The Ontario Ministry of Community Safety and Correctional Services fully funds the Hate Crime Extremism Investigative Team (HCIET), a joint services task force involving ten municipalities mandated to collect, evaluate and disseminate information on those suspected of promoting hated or committing hate/bias crimes. At the same time, the Ontario Provincial Police Hate Crime/Extremist Unit conducts multi-jurisdictional strategic and intelligence operations and investigations. Both of these entities assist in the training of officers at various levels, often in conjunction with the Ontario Police College (Mock, K., 2006,). One motivator for the increased level of vigilance of Ontario agencies may be that they are mandated by section 12(1)(h) of the Police Services Act (1999), which states that “Every chief shall develop and maintain procedures on and processes for undertaking and managing general criminal investigations and investigations into... hate or bias motivated crimes and hate propaganda.” Ontario has the largest number of hate/bias crime units in the country and has the policies and mandates to support their growth. Many jurisdictions have taken advantage of specialized conferences and workshops in this field, including the Tools for Tolerance course hosted by the Simon Wiesenthal Center (2007).

### *Education & Training*

*No long-term hate-crime reduction strategy can succeed without a substantial educational component. All service providers (police officers, Crown prosecutors, front-line victim service workers, correctional officers and supervisors) must be trained to appreciate the special impact of hate incidents on victims and their communities, and to understand the specific services and supports each victimized community requires. ((Hate Crimes Community Working Group, 2006, p. 3).*

There are a few excellent training programmes or guides available on identifying and responding to hate crime and collecting hate crime data. These can be found at:

*Canadian Centre for Justice Statistics. Incident-Based UCR2.2 Training. This manual is part of training offered by Statistics Canada. It provides case scenarios, information on laws, offenders, impact on individuals and communities, and how to report hate-motivated crime data using the nationally standardized definition under the Uniform Crime Reporting Survey (UCR2.2).*

*City of Edmonton. Hate and Bias Crime Investigation. Online training available at the Canadian Police Knowledge Network. Retrieved 2009 January 7 from [http://www.cpkn.ca/course\\_list\\_e.html](http://www.cpkn.ca/course_list_e.html).*

*Ontario Police College. Hate Crimes Awareness. Online training available at the Canadian Police Knowledge Network. Retrieved 2009 January 7 from [http://www.cpkn.ca/course\\_list\\_e.html](http://www.cpkn.ca/course_list_e.html).*

*Ontario Police College (2007). Responding to Hate Crimes: An Ontario Police Officer's Guide to Investigation and Prevention. Retrieved 2009 January from <http://www.opconline.ca/res/HateCrimes/final%20online%20PDF-English.pdf>.*

*U.S. Department of Justice (1999). Hate Crime Data Collection Guidelines. While this is U.S. based, there are some good examples and tips that may be useful. Retrieved 2009 January 7 from <http://www.fbi.gov/ucr/hatecrime.pdf>.*

There have also been a number of recommendations made over the years to improve hate crime data reporting and collection and these are reproduced in Appendix 2.

In terms of training for Victim Advocates, a network of police-based victim assistance programs provide services to victims of crime across the province. Services provided to victims include information, support and referrals. Victim Advocates receive standardized training through the Alberta Solicitor General and Public Security Victim Advocate Certification program. Training topics include: the impact of victimization, communication skills, crisis intervention, crimes and trauma, court preparation, and working with diverse people. Also included is a training module on Hate Crimes. This module helps advocates understand the unique impact of hate crimes and enables them to provide support and information to victims of hate crimes, as well as referrals to appropriate community agencies.

#### *Amend Criminal Code*

As noted earlier, there has also been an initiative led by Sgt. Stephen Camp of the Edmonton Police Service to make amendments to the Criminal Code. The proposed bill states:

#### **Group Reveals More Than 8,000 Disturbing Hate Sites On The Internet**

Monday October 20, 2008  
CityNews.ca Staff

This initiative proposes two strategies to incorporate a standard approach to dealing with hate crimes. The first argues that ten sections of the *Criminal Code of Canada* incorporate a subsection identifying hate crime as a motivating factor. Each of the ten sections, *and the Criminal Code*, would now have a common definition of hate. This would allow for better collection of statistics and for the motivation to be part of an individual's criminal record.

The second strategy involves adding one stand alone hate crime section:

*Everyone commits a hate crime who, while committing a criminal offence is motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.*

So for example, in the event a person commits a criminal offence, and the motivation is "hate" and there is a reasonable likelihood of conviction, he/she would be charged with the offence (assault for example) and additionally charged with the Criminal Code section of hate crime.

Inclusion of hate motivation in criminal code offenses would make it easier for police to identify and lay charges, for data to be reported nationally, and for decisions around prior acts, sentencing and probation. What needs to occur in the short-term is:

### *Communities*

Communities need to be better educated on the impact of hate crime, what they can do about it, and how they can support targets of hate crime. One example of such an initiative is Red Deer which has an Anti-Racism Response Team (ARRT). The team focuses on getting 'everyone' to feel personally accountable for hate/bias crimes and incidents in the community. But it realized that most people do not know what to do to help. So, the team provides interactive and experiential anti-racism education and involves the community in making a difference to victims in practical ways. Through the training, the ARRT has raised or collected money that goes into a bank account to help targets of hate crimes with things like fixing smashed windows, putting in extra lighting, etc. The team has also developed a good relationship with the media.

BY JAMIE KOMARNICKI, CANWEST NEWS SERVICE



An anti-racist protestor, right, clashes with white-pride supporters in downtown Calgary, Alberta, March 21, 2009. The anti-racist group came out in force to stop a march to City Hall organized by the Aryan Guard.

Photograph by: Stuart Gradon, Calgary Herald

Another way that communities can respond is to report hate crime or incidents when they see or experience it. The back cover of this report contains information on how people can report hate crimes in their communities.

### *Police & Justice*

Police need to work more closely with communities to identify hate crimes and ensure this motivation is recorded. Follow-through with the Crown must be provided and a mechanism to collect data must be incorporated. Training police, prosecutors and judges on hate crime legislation is imperative. Some Alberta police services are doing a good job in this area and can be looked to for leadership and best practices.

### *Government*

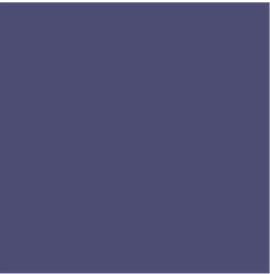
The Alberta government is working to create welcoming communities. For example, the *Help Make a Difference and Welcoming Communities* initiatives, as well as excellent information posted on Alberta Human Rights and other government websites, are useful. Addressing issues of hate crime and incidents and the needs of targets should be part of this integrative approach. But to effect this, we need to build on recommendations from the community, other jurisdictions, the police and the justice system. Appendix 3 provides recommendations from the Alberta Combating Hate report (2007). One of the recommendations, to create a Provincial Hate Crime Team is supported by Richard Moon in his report on Section 13 of the Canadian Human Rights Act in which he states:

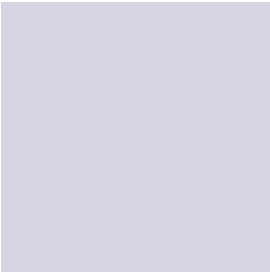
*Each province should establish a provincial "Hate Crime Team," composed of both police and Crown law officers with experience in the area to deal with the investigation and prosecution of hate crimes including hate speech under the Criminal Code (See [http://www.chrc-ccdp.ca/publications/report\\_moon\\_rapport/summary\\_resume-en.asp](http://www.chrc-ccdp.ca/publications/report_moon_rapport/summary_resume-en.asp)).*



## CONCLUSION

Some of the priority areas for action from the Combating Hate report (Stewart, 2007, p. 22) are:

- 
- Train and update law enforcement personnel
  - Develop a standard definition and response to hate crime
  - Take a zero tolerance approach to charging and prosecuting hate/bias motivated crimes
  - Implement long-term funding for a provincial strategy
  - Engage community liaison committees with participation from Aboriginal and minority groups
  - Develop public awareness/education programs
  - Support victims, their families and communities
  - Standardize data collection and dissemination
  - Institute a resource or ombuds position that would instill diverse community trust
  - Centralize knowledge and resources



It is hoped that an annual Hate Crime Report will be produced in Alberta and that this first report will serve to inspire policing agencies across the province to gather and report incidents of hate in their communities so that we can have a better understanding of how hate manifests in our province and thus, how best to tackle it together.

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## APPENDIX 1.

Hate Crime in Canada: An Overview of Issues and Data Sources. Centre for Justice Statistics. From Janhevich, D.E. (2001). Retrieved 2009 March 27 from <http://dsp-psd.tpsgc.gc.ca/Collection-R/Statcan/85-551-XIE/0009985-551-XIE.pdf>, pg 21.

### SUMMARY OF POLICE RESPONSE

Police Serve	Policies & Procedure	Hate Crime Definition	Collection of Statistics
Aylmer, QC	✓	✓	✓
BC Hate Crime Team			
Burnaby - RCMP			
Surrey - RCMP	✓	✓	✓
Vancouver			
Victoria			
Calgary	✓	✓	✓
Edmonton	✓	✓	✓
Halifax	✓	✓	✓
Halton Regional	✓	✓	✓
Hamilton-Wentworth Regional	✓	✓	✓
Hull	✓	✓	✓
Laval	X		
Longueil			
Montreal	✓	✓	
Niagara Regional	✓	✓	
Ontario Provincial Police	✓	✓	
Ottawa-Carleton	✓	✓	✓
Peel Regional	✓	✓	✓
Québec			

Blank shaded 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.

SUMMARY OF POLICE RESPONSES (CONTINUED)

Police Serve	Policies & Procedure	Hate Crime Definition	Collection of Statistics
Regina	✓	✓	✓
RCMP	✓	✓	✓
Royal Nfld Const.	✓	✓	✓
Saint John			
Saskatoon	X	X	
Sherbrooke			
Sudbury	✓	✓	✓
Sûreté de Québec			
Thunder Bay	✓	✓	✓
Toronto			
Waterloo Regional	✓	✓	✓
Windsor	✓	✓	✓
Winnipeg	✓	✓	✓
York Regional	✓	✓	
<b>TOTAL</b>	<b>27</b>	<b>26</b>	<b>21</b>

Blank shaded 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.

## APPENDIX 2.

Recommendations to Improve Response and Knowledge of Hate Crimes in Canada. From Roberts, J.V. (1994).

Disproportionate harm: Hate crime in Canada. Department of Justice.

See [http://www.justice.gc.ca/eng/pi/rs/rep-rap/1995/wd95\\_11-dt95\\_11/index.html](http://www.justice.gc.ca/eng/pi/rs/rep-rap/1995/wd95_11-dt95_11/index.html).

*Author's note: While a few of these recommendations are no longer relevant, most remain of critical importance 14 years after this report.*

1. A uniform definition of a hate crime should be developed in consultation with all stakeholders in the area across Canada. These stakeholders should not be restricted to the criminal justice system.
2. Consistent with the practice in other countries, the definition of a hate crime should not require the exclusive motivation threshold currently used in some jurisdictions. Hate crimes should be defined as crimes in which hatred or bias was *in whole or in part* responsible for the commission of the offence.
3. In order to protect the privacy of individual victims, the definition of a hate crime should refer to the "actual or perceived" group status of the hate crime target.
4. Uniform guidelines should be developed to permit greater consistency in the application of the definition of what constitutes a hate crime.
5. The Canadian Centre for Justice Statistics should adopt the collection of hate crime statistics as a priority for future information requirements in the area of criminal justice.
6. Questions relating to hate-motivation should be added to the data elements currently collected on the revised Uniform Crime Reporting (UCR) survey (UCR II).
7. In order to estimate the true extent to which hate crimes are underreported, questions about hate-motivation should also be added to the General Social Survey (GSS) victimization survey.
8. Consideration should be given to increasing the amount of resources devoted to research into the nature and origins of hate crimes in Canada.
9. Consideration should be given to the creation of new Criminal Code offences which would better reflect the true nature of hate crimes. One such offence could be defined as the desecration of property which carries religious significance.

These offences would replace the application of mischief as a charge in cases of hate crimes directed at synagogues and other places of religious worship.

10. Greater efforts need to be made to increase visibility of the criminal justice response to hate crimes. This includes reaching out to the groups that have traditionally been the target of hate-motivated crimes.
11. Specialized Hate Crime Units should be created in all major urban police forces across the country. These units should be composed of officers with special training in the area of crimes motivated by hate or bias. In addition to the conventional police functions of responding to incidents, and gathering evidence, these units should also participate in various police-community activities. The experience of the Ottawa, Toronto and Montreal police services shows how an effective Hate Crime Unit should function.
12. Hate crime units in police agencies should be constantly in contact with the populations most at risk for hate crimes. This suggests periodic meetings with these groups to ensure that these communities are aware of hate crime trends, and that the police are responsive to the communities that they serve and protect.
13. In light of the extremely low reporting rate, and the disproportionately high rate of violence in hate crimes directed at gays and lesbians, a principal focus of any hate crime strategy should be upon the gay/lesbian communities.
14. In order to promote greater public awareness of this form of criminality, an effort should be made to convey information about hate crime motivation to the news media, so that this material will be communicated to the public.
15. When an individual receives an enhanced sentence for a hate-motivated crime (according to case law or the new Sentencing Bill), this ground for aggravation should be noted in the reasons for sentence, and should be part of the offender information system which is communicated to federal or provincial correctional authorities.
16. Confronting hate crimes is not the unique jurisdiction of the criminal justice system. As with other socio-legal issues such as drinking and driving and domestic violence, a general social response is necessary. Accordingly, a greater effort should be made to educate the public about this form of criminal behaviour. A major focus of any such initiative should be directed at schools.
17. Community groups should take an active role in educating their members about ways to respond to hate crimes when they occur.
18. Community surveys should be conducted of the populations most at risk in order to gauge the extent to which they have confidence in the criminal justice response to reports of hate crimes.
19. Consideration should be given to a national police training workshop, which would involve police officers from all hate crime units across the country, in order to promote a uniform police response to the investigation of hate crimes.

### APPENDIX 3.

Combating hate and bias crime and incidents in Alberta. Report commissioned by the Alberta Hate Crimes Committee. From Stewart, C. (2007). Alberta Education Fund and Canadian Heritage.

Rationale for these recommendations in their entirety can be found in the report at <http://www.kanataint.ca/hatecrimereport.pdf>.

1. It is recommended that the Government of Alberta dedicate resources to the development of a province-wide integrated team responsible for prevention, detection, and investigation of hate/bias crimes. The AHCT requires the skills of a number of dedicated professionals to support the local prevention initiatives, frontline investigations, and targeted prosecutions within the province.
2. It is recommended that the Government of Alberta form a Minister's Advisory Committee within the Ministry of the Solicitor General, to bring community stakeholders together. This report has identified the impact of hate crimes on communities and the importance of engaging and informing vulnerable communities. The proposed advisory committee would be victim centered and act as a conduit of information between the affected communities, the AHCT, and the government.
3. It is recommended that the Government of Alberta engage in a progressive public relations campaign to promote awareness of hate crime legislation, laws, and preventative practices.



## HATE CRIME PREVENTION: WHAT CAN YOU DO?

### What is a Hate & Bias Crime?

A hate crime is an offence committed against a person or property which is motivated in whole or in part by the suspects hate, bias, or prejudice towards an individual or identifiable group based on real or perceived race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

Examples of hate crimes include:

- Violence, threats of violence,
- Acts of mischief or vandalism,
- Distribution of hate literature, hate mail,
- Threatening phone calls, and/or
- Destruction of religious property or symbols.

### What is a Hate & Bias Incident?

Incidents are acts motivated by hate, bias, or prejudice that are not criminal in nature, but cause serious harm to individuals and communities. Incidents can lead to violent or criminal behaviour.

Examples of hate incidents include:

- Intimidation against identifiable groups or individuals,
- Distribution of prejudicial material, and/or
- Name-calling or use of racial slurs against individuals.

### If You Witness a Hate & Bias Crime...

Notify the police immediately. Call 9-1-1 if it is an emergency, such as fire, serious injury, or a crime in progress. Otherwise, call the police non-emergency line.

Make sure that the investigating officer understands that you perceive the crime as being motivated by hatred.

Keep the material or literature, take notes, and photograph vandalism.

Do not blame yourself. You are not responsible for someone else's unwanted comments, actions, or bias.

### What can I Expect when I Report a Hate Crime?

You should be received with respect and concern. Your complaint should be taken seriously and investigated.

The police service should provide the name of a victim support service, if available in your community. See [http://www.solgen.gov.ab.ca/victim/help\\_for\\_victims.aspx](http://www.solgen.gov.ab.ca/victim/help_for_victims.aspx) for information about Alberta's Victim's of Crime Act and <http://www.solgen.gov.ab.ca/publications/default.aspx?id=5086> for what you can expect as a victim of crime.





### How do Hate Crimes Impact the Community?

Hate crimes are often called "message crimes," because of the impact that they have on members of an entire community. For example, when a hate crime occurs a community may experience:

- o Feelings of victimization projected to an entire community,
- o Sense of group or community vulnerability,
- o Community fear/tension,
- o Community reactive crime,
- o Copycat incidents,
- o Community polarization,
- o Loss of trust in Police, and/or
- o Heightened security concerns at schools, churches, and private homes.

For Examples of Responding to Hate Crimes, Visit these Websites:

Edmonton Police Service:  
<http://www.police.edmonton.ab.ca/Pages/HateBias/Mainframe.asp>

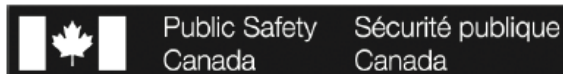
Calgary Police Service:  
[http://www.calgarypolice.ca/community/hate\\_bias.html](http://www.calgarypolice.ca/community/hate_bias.html)

Settlement and Integration Services (Ontario):  
<http://www.hatecrimes.ca/whataishatecrime.asp>

For more information about hate and bias crime in Alberta, please see *Combating Hate and Bias Crime and Incidents in Alberta*, authored by the Alberta Hate Bias Crime and Incidents Committee (AHBCIC).

To read the full report, please visit:  
<http://www.kanataint.ca/hatecrimereport>

AHBCIC gratefully acknowledges funding and support from the following organizations:



# HATE & BIAS CRIME



