



HATE IMPRISONS EVERYONE

report hate crime

hate is silent so speak up

look inside yourself

you can make a difference

THE ~~STOP~~ ~~HATE~~



HATE CRIMES:

WHAT YOU SHOULD

GUIDELINES FOR THE INVESTIGATION OF HATE / BIAS CRIME AND INCIDENTS

DEFINITION OF HATE/BIAS CRIME

A hate and bias crime, as per Section 718.2 C.C. is any 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 and physical disability, sexual orientation or any other similar factor.

Other sections of the Criminal Code of Canada that are associated with hate/bias crimes are:

Section 318 C.C. - Advocating Genocide

Section 319 C.C. - Public Incitement/Wilful Promotion of Hatred

Section 320 and 320.1 C.C. - Seizure of Hate Propaganda via Search Warrant

Section 430 (4.1) C.C. - Mischief Relating to Religious Property

Section 718.2 C.C. - Sentencing Principles

Note: Consent from the Alberta Attorney General is required to lay a charge under Section 318 C.C. and Section 319(2) C.C. **But, an officer does not need consent to investigate the incident as a hate crime or to list hate motivation as a possible factor.**

DEFINITION OF HATE/BIAS INCIDENT

Those actions or occurrences that are non-criminal in nature, but evoke similar effects on the community. Examples include racial slurs and hate literature. Even if not a criminal offense, it is important to record a hate/bias incident as these can escalate into crimes.

WHY IS HATE/BIAS CRIME TREATED DIFFERENTLY FROM OTHER CRIMES?

A hate/bias crime or incident not only affects the individual target, but can have a devastating impact on the whole community to which the target belongs. Crimes or incidents of hate have been linked to forms of terrorism in that the offender is sending out a clear message of hate to the target and to the target's community. For example, a gay motivated assault may cause fear, distress, anxiety, anger and resentment in the entire gay community. Failure by the investigator to deal with the file appropriately can lead to negative consequences, which include mistrust of the police, community polarization, retaliation and copycat incidents.

WHAT EVIDENCE IS NEEDED TO DETERMINE A HATE/BIAS CRIME?

The mere fact that the offender is biased against the target's race, religion, ethnic/national origin, sexual orientation, or disability, does not mean that a hate crime has occurred. Rather, the offender's criminal act must have been motivated, in whole or part, by his/her bias.

GUIDELINES FOR THE INVESTIGATION OF HATE / BIAS CRIME AND INCIDENTS

Therefore, before an incident can be reported as a hate crime, sufficient objective facts must be present to meet a probable cause standard that the offender's actions were motivated, in whole or part, by bias. While no single factor may be conclusive, facts such as the following, particularly when combined, are support for a finding of bias.

- The offender and the target are of different race, religion, ethnic/national origin, sexual orientation, or ability.

Example: the target(s) is black and the offender(s) is white.

- Bias-related oral comments, written statements, or gestures made by the offender which indicate his/her bias.

Example: the offender calls the target a "Kike".

- Bias-related drawings, markings, symbols or graffiti are left at the crime scene.

Example: a swastika is painted on the door of a synagogue.

- Certain objects, items, or things, which indicate bias are used.

Example 1: the offender(s) wear white sheets with hoods covering their faces, or leave a hooded white sheet behind.

Example 2: a burning cross is left in the front yard of the target's residence.

- The target is a member of one of the groups outlined in Section 718.2 and is overwhelmingly outnumbered by members of another group, or in the neighborhood where the target lives and the offenses took place. This factor loses significance with the passage of time.

Example: it is most significant when the target first moved into the neighborhood and becomes less and less significant as time passes without an incident.

- The target is visiting a neighborhood where previous hate crimes have been committed against other members of the same group, and where tensions remain high against his/her group. Remember the target does not have to actually belong to the group the offender is biased against, s/he may only be perceived to belong. For example: Sikh individuals were attacked post-911 as offenders assumed they were Muslim.
- Several incidents have occurred in the same locality, at or about the same time, and the targets(s) were all of the same background.
- A substantial portion of the community where the crime occurred perceives that the incident is motivated by bias.

GUIDELINES FOR THE INVESTIGATION OF HATE / BIAS CRIME AND INCIDENTS

- The target was engaged in activities promoting his/her community.

Example: the target is a member of the NAACP, or participating in a gay rights demonstration.

- The incident coincided with a holiday relating to, or a date of, particular significance to the targeted group or the offender(s).

Example: Martin Luther King Day, Rosh Hashana; Hitler's Birthday

- The offender was previously involved in a similar hate crime or is a member of a hate group.

- There were indications that a hate group was involved.

Example: a hate group claimed responsibility for the crime or was active in the neighborhood.

- A historically established animosity exists between the target(s) group or the offender(s) group.
- The offender had some understanding of the impact their actions would have on the target.
- The target was in an area associated with a particular group? e.g., Chinatown

When you conduct ANY investigation always consider the possibility of hate being the motivating factor.

Procedures for officers attending a hate/bias crime or incident:

- Attend the scene and remain objective
- Look for hate/bias motivated crime factors
- Record the community's and/or the target's perception of what motivated the attack, regardless of your own opinion
- Ensure that the target is provided assistance and utilize Victim Services Units
- Ensure all evidence is gathered - photographs, physical evidence, statements
- Document all hate/bias evidence on the Prosecutor's Information Sheet (PIS) including community concerns or potential problems
- Ensure proper scoring of hate and bias crime/incidents on PROS
- Advise National Enforcement Section if hate or bias crimes involve members of an organized hate group and/or incidents are related to national security