

HAMILTON POLICE SERVICES BOARD
-INFORMATION-

DATE: 2010 April 19
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Glenn De Caire
Chief of Police
SUBJECT: *Year-End Report: Hate Crime – 2009*
(PSB 10-036)

BACKGROUND:

Hate/Bias Crime:

As defined in the Policing Standards of Ontario, "Hate/Bias crime" 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 person's race, religion, ethnicity, sexual orientation, disability group, age or gender*". This definition has been adopted by the Hamilton Police Service and incorporated within our internal policy.

In the Criminal Code of Canada, Hate Crimes can be separated into two (2) distinct categories – those that fall under the Hate Propaganda section and any other criminal offences where there is evidence to support a Hate/Bias motivation.

Hate Propaganda offences include the following:

- Advocating Genocide
- Public Incitement of Hatred
- Willful Promotion of Hatred.

For these offences, the Attorney General's consent must be received before proceeding with a criminal charge. Each of these offences is specific and includes the targeting of a person from an "identifiable group".

An identifiable group is defined by the *Criminal Code of Canada* under section 318. (4) as, "*any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation*". With respect to all other criminal offences, before an occurrence can be classified as "Hate/Bias", there must be evidence present demonstrating the criminal offence was motivated by bias, prejudice or hate, based on 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 1994, the Canadian Government adopted hate crime sentencing regulations.

Pro-Active Initiatives

The Hate Crimes Unit is currently involved by way of training, education and prevention in a number of activities geared toward our communities and internally within the Hamilton Police Service.

These include:

- A Forum with the City's taxi drivers to address violence experienced in their workplace perceived to be hate related.
- A Crime Stoppers' video being available to both public and our members on Hate Crimes for training.
- Developing an educational program for the numerous communities in our City on the prevention, recognition and reporting of Hate Crimes. This will be done in conjunction with our Victim's Services Branch and Recruiting Branch. We can assist with the fall out Hate Crimes create, and encourage members of our diverse communities to become involved with the Hamilton Police Service for recruitment.
- A training video produced by the Hate Crimes/Extremism Investigative Team (HCEIT) for front-line officers.
- Attendance at In-Service Training for front-line officers to educate on Hate Crimes.
- Training with Auxiliary Officers on Hate Crimes.

It should be noted that all these measures are currently under review and in the process of being updated through the Ontario Police College, in conjunction with Settlement Integration Services Organization (SISO) and our Training Branch.

Hate Crime Unit (H.C.U.):

The Hamilton Police Service's H.C.U. is now a Unit of the Victims of Crimes Branch, located in the Investigative Services Division. The Unit was moved from the Intelligence Branch, to the Victim's of Crime Branch, to orient its focus on victims, as opposed to police intelligence gathering and operations. The H.C.U. was established in 2003 and concentrates on incidents where hate or bias has been identified as a precipitating component in the commission of a criminal offence.

The Unit has been mandated to:

- Conduct investigations, arrest offenders and prepare cases for court in relation to Hate/Bias based offences.
- Provide investigative support and specialized skills to officers in all other sections who are involved in the investigation of Hate/Bias crimes.
- Collect intelligence and maintain intelligence files to enable the monitoring and tracking of known, active hate crime groups and individuals.

- Liaise with other police services to ensure the passage of relevant information pertaining to Hate/Bias crimes and groups.
- Liaise with the Community Relations/Race Relations section and be a resource to community groups for education and crime prevention in the area of Hate/Bias crimes.
- Maintain and track all reported Hate/Bias incidents for statistical purposes.
- Develop and implement internal training on hate based crime.

Hate Crime/Extremism Investigative Team (H.C.E.I.T.) of Ontario:

In 2003, the Hamilton, Ottawa, Guelph, London and Waterloo Regional Police Services, in partnership with the Ministry of Community Safety and Correctional Services, formed the Hate-Crime Extremism Investigative Team (H.C.E.I.T.). The team expanded to 13 police agencies by including Toronto, Oxford County, Halton Regional, York Regional, Peel Regional, Brantford, Niagara Regional and Durham Police Services.

The mandate of the team is to conduct coordinated, multi-jurisdictional strategic and tactical intelligence enforcement operations and to target those individuals or organized groups involved in hate motivated activity and criminal extremism:

- Collect, evaluate, collate, analyze, disseminate and effectively utilize information / intelligence on targeted activities.
- To provide specialized investigative support with matters involving hate propaganda, the promotion of genocide, hate motivated crimes, and the diverse variants of criminal extremism.
- To facilitate the exchange of information with other law enforcement and/or government agencies.
- To assist with the training of law enforcement officers with the identification and investigation of hate crime criminal extremism.
- To provide specialized, up-to-date intelligence to assist each respective police agency in response/planning of major events.
- To develop Provincial consistency in the investigation, occurrences reporting, intelligence gathering and statistic gathering of hate crime extremism related incidents.

Statistical Overview:

In 2009, the Hamilton Hate Crime Unit received and classified a total of 88 hate-bias related incidents. (See Figure 1)

Of this total number of reported incidents, 23 involved offences, that were committed against a person or property, fell within the parameters of a “hate crime”, as defined and utilized by the Hamilton Police Service. Incidents were classified, as follows:

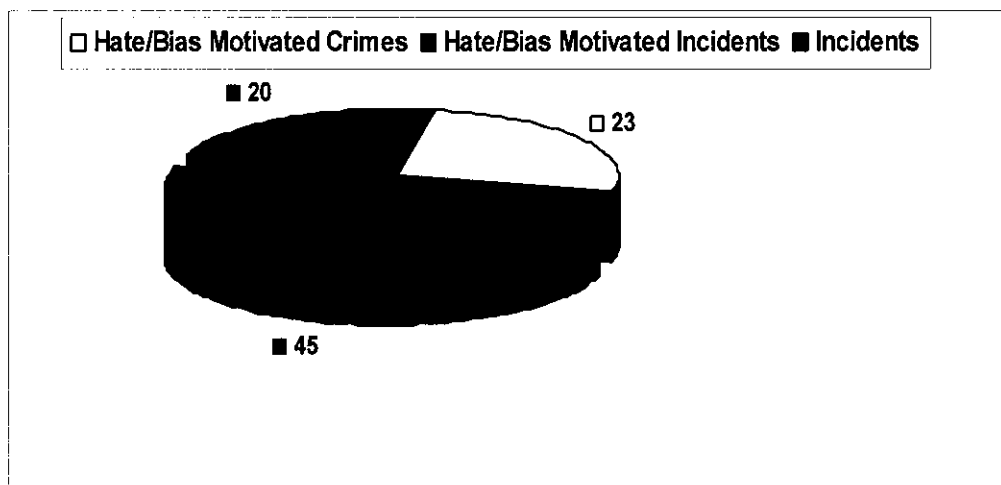
- 1) **Hate/Bias Motivated Crimes**
Includes any criminal offence where there is information to illustrate that the offence was motivated solely, or in part, because of a bias or prejudice, based on the victim's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor. (Includes all Hate Propaganda offences.)

- 2) **Hate/Bias Motivated Incident**
This category includes any incident that involves hate or bias towards any member of the public because of their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor. These incidents cannot be proven to have been motivated solely or in part because of the person's bias / prejudice towards the victim, but include some type of racial overtone. i.e. the use of racial epithets / odious remark.

- 3) **Incident**
An "Incident" includes incidents that occurred at a place of worship, a private dwelling house or business belonging to a member of an identifiable group. The motivation is ambiguous and there is no information/evidence to suggest that the incident occurred due to a hate or bias. The event is captured for the purposes of data/tracking in the case of a reoccurrence.

Note: The data included in this report has been collected using the actual or "perceived" bias of the suspect. In most cases, this "perceived" bias is not always accurate, but nevertheless was the reason for the person having been targeted. The "perceived" race, religion, or sexual orientation of the victim may have been the foundation of a criminal offence or racial epithet. It is with this caution, that one particular race of persons or other identifiable group may appear to be the group most targeted. (See Figure 1)

Figure 1: 2009 – Incident Classification Breakdown



The reported incident types are broken down by category. These types include identified offences in the Criminal Code of Canada and non-criminal calls for service to which the Hamilton Police respond (e.g. neighbour disputes).
(See Table 1)

Table 1: 2009 – Incident Breakdown by Type and Category

Offence/Incident Type	Race/Colour	Religion	Sexual Orientation	Other	Total
Mischief (Graffiti)	31	8	8		47
Assault	11		3		14
Assault with a Weapon	1				1
Utter Threats	7		3		10
Mischief Under \$5000	8				8
Indecent/Harassing Phone Calls	3			1	4
Criminal Harassment	1		3		4
TOTAL	62	8	17	1	88

Identified Patterns from Overall Reported Incidents:

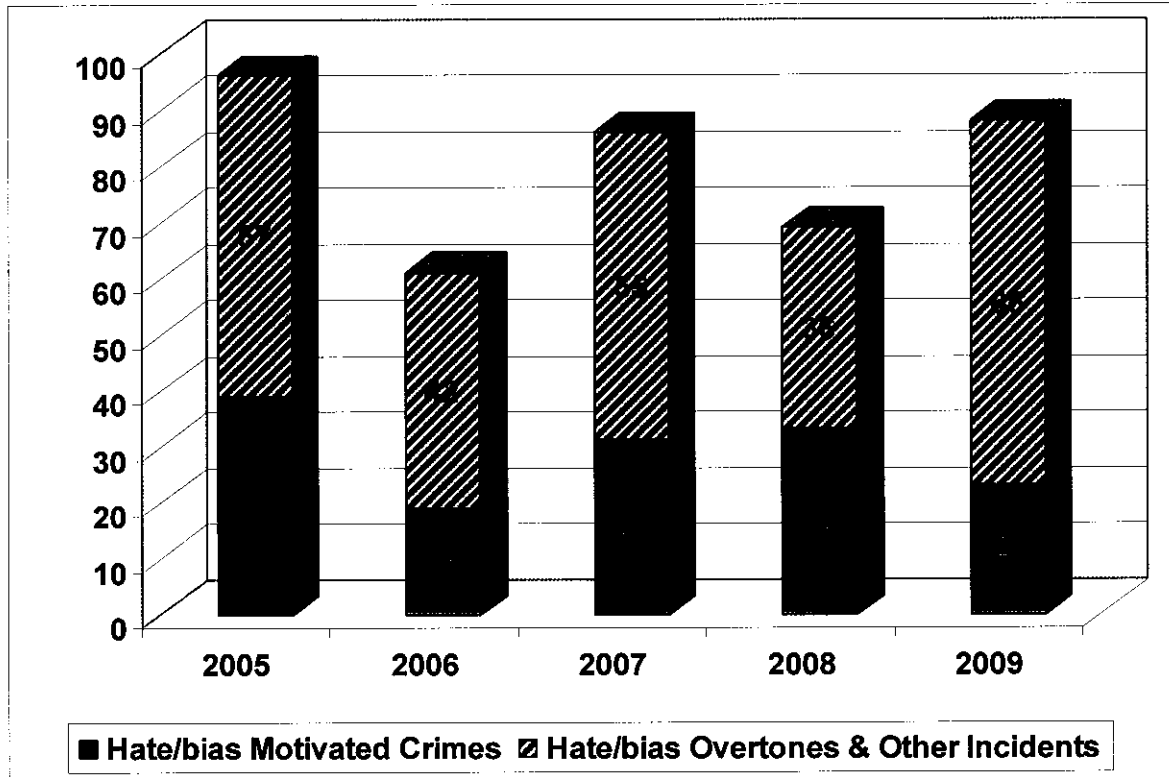
The greatest number of reported incidents was directly related to racial bias: Race (RA). A total of 65 incidents were related to race accounting for a 74% of total reported incidents. **Thirty-one (31)** of these incidents were mischief (graffiti) incidents. As in 2008, the graffiti incidents most commonly occurred on streets, city parks, places of worship and at or near schools.

Overall, there was an **increase** in the total number of reported incidents. In 2009, a total of 88 incidents were reported compared to 69 in 2008. This represents an overall increase of 28 % in total reported incidents.

By way of comparison the following chart shows the break down of the **Hate/Bias motivated crimes** in relation to the total **Hate/Bias incidents** reported annually, over the last five-year period.

(See Figure 2)

Figure 2: "Hate/Bias Motivated Crimes" in Comparison to "Hate/Bias Motivated Incidents" (2005 – 2009)



As stated earlier, 23 of the total reported incidents involved offences that were committed against a person or property and were classified as "Hate/Bias motivated crimes". The 23 crimes classified in 2009 represent a 30% decrease in this category when compared to the 33 crimes reported in the previous year.

Victimization by Identified Group:

The black community was the most targeted in Hate/Bias incidents in 2009. There were 29 incidents targeting this community. These incidents accounted for 32% of the total number of reported incidents.

The second most targeted group was with regard to Sexual Orientation. This group had 17 incidents accounting for 19% of total reported incidents.

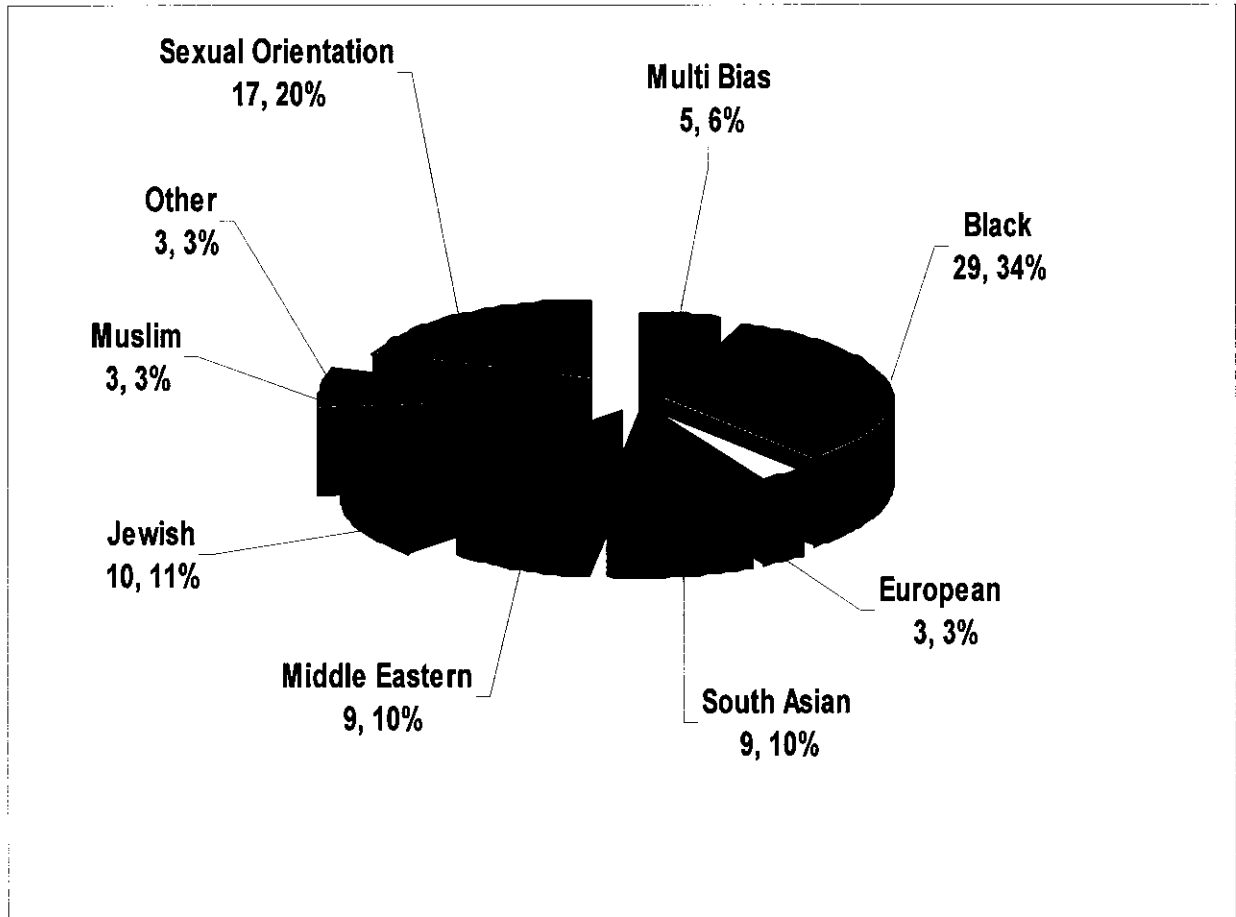
The third most targeted group was the Jewish Community with ten (10) incidents, accounting for 11% of the total reported incidents.

The fourth and fifth groups targeted were the South Asian and Middle Eastern Communities with nine (9) incidents each. These accounted for 10% of the total reported incidents for each community.

(see Figure 3)

Figure 3: 2009 Victimization by Identified Group

(Other category in this graph refers to derogatory graffiti with no clear victim)

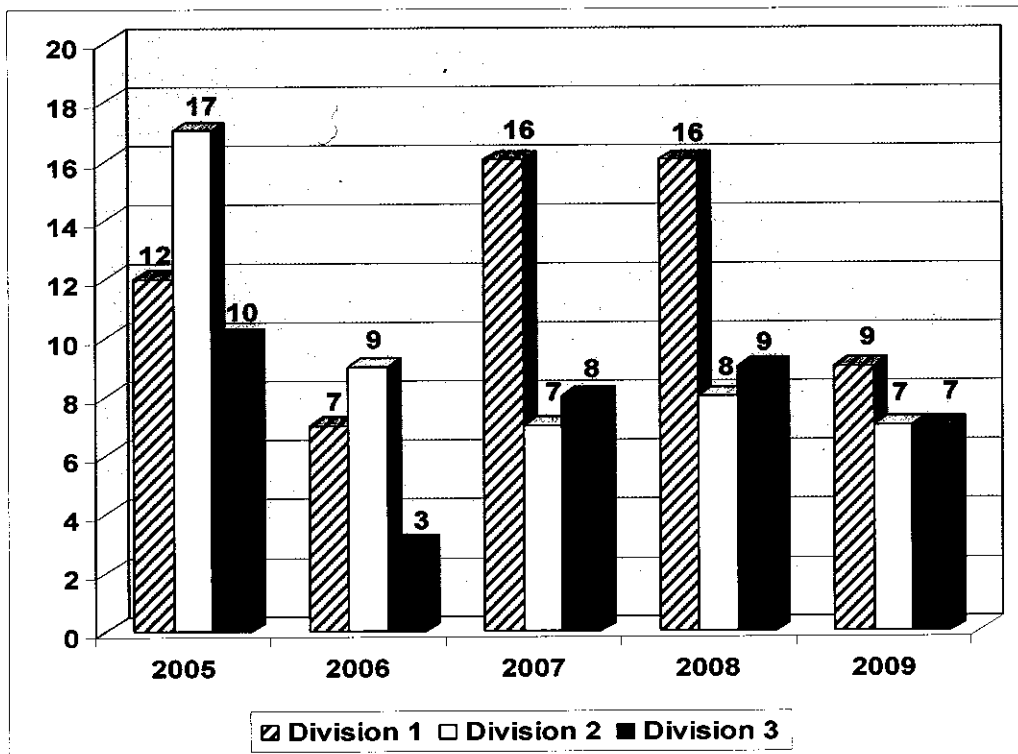


Although the statistics from police reports gives a measure of quantity of incidents, the overall impact on each group can be profound regardless of the numbers. It is important to acknowledge there are secondary victims for each crime that include family, friends and community members who identify with the targeted groups. It is also important to consider there is under reporting of Hate/Bias crimes. The Hate Crime Community Working Group, in their final report to the Attorney General and the Minister of Community Safety and Correctional Services, indicate that only 10% of all Hate Crimes are believed to be reported.

Divisional Breakdown:

A review of the Divisional breakdown of the 23 “Hate/Bias motivated” crimes was conducted. In 2009, nine (9) incidents were recorded in Division One, seven (7) in Division Two and seven (7) in Division Three. The following chart shows a five-year comparison 2005-2009. *(See Figure 4)*

Figure 4: Hate/Bias Motivated Crimes by Division (2005-2009)



Community Outreach:

When Hate Crimes occur, it is vital that there be dialogue between the community and the service providers, especially the police. Unaddressed Hate Crimes lead to mistrust and may eventually destabilize a community.

Public education campaigns and community involvement encourages citizens to report Hate Crimes. This is a priority goal for the H.C.U. in 2010 and will incorporate the involvement of our Victims Services Branch.

It is anticipated that this education and encouragement to report will likely cause a spike in statistics over the next few years. However, it is believed that this will give a better reflection of Hate/Bias events in our communities. This, in turn, will enable the H.C.U. to address the situation in the communities more comprehensively, using the resources available within the Police Service and from within the community itself.

The following are some highlights of outreach and education initiatives the H.C.U. has undertaken in partnership with the community:

- Community education with SISO.
- Crime Stoppers Ontario production of educational DVD, "Hate Destroys Lives".
- Chief's Advisory Committees.

- Deputy Chief Leendertse's address to the Canadian Parliamentary Inquiry into Anti-Semitism.
- Participation with the Hamilton Centre for Civic Inclusion (HCCI).
- Information sessions & cooperation with McMaster University Security.
- Recruit training with the H.P.S. Training Branch.
- Community Discussion Panels.
- Participation in Crime Prevention Awareness Week
- Work with the LGBTQ, Sikh, Muslim, Jewish, Black, Aboriginal Communities.
- Participation with the Woman Abuse Working Group.
- Participation with the Interfaith Committee.

Future Outlook:

The ultimate goal of the H.C.U. is to eradicate hate. In 2010 and beyond, the H.C.U. will continue to remain active in investigating Hate/Bias crimes and incidents. The H.C.U. will endeavour to enhance existing relationships, and develop new relationships with the numerous distinct communities that make up the City of Hamilton.

We must be cognizant as international incidents unfold they play out on the streets of Hamilton and manifest themselves at a local level.

The H.C.U. recognizes several upcoming national and local events may have significant impact and repercussions on the Hamilton community in terms of Hate/Bias related incidents, and the following emerging trends and areas of concern have been identified:

2010 G8 Summit (Huntsville) and G20 Summit (Toronto)

- Civil disorder in surrounding areas.
- Protests – anti-capitalist, anti-globalization, environmentalists, etc.
- Counter-conference – religious counter-summit planned in Winnipeg (Desmond Tutu, Dali Lama & Aga Khan IV).

2015 Pan Am Games (Hamilton and surrounding area)

- Possible civil disorder within our City.
- Protests – anti-capitalists, anti-globalization, environmentalists, etc.
- Local reaction to building projects for facilities.
- Boycotting of sponsors.
- Anarchism.

Local Anarchist Movement

- Guelph Police vehicle arsons.
- Annual Anarchist Book Fair.
- Anarchist reaction to the H.P.S. graffiti strategies.
- Anarchist graffiti/anti-police graffiti observed in Hamilton.

2010 Strategies:

1. To deal with upcoming international, national and local events that may have an effect on hate-bias crime incidents in Hamilton, the H.C.U. has moved to the Victims of Crimes Branch while maintaining it's important links with the Hate Crimes Extremism Investigative Team. This allows the H.C.U. to liaise within the Intelligence community, and to monitor and track known and emerging hate groups, arising issues and potential threats. It further assists in the needs of the local communities by encouraging familiarity with police as it is now victim-oriented.
2. The H.C.U. with the assistance of HCEIT will continue to support multi-disciplinary, multi-jurisdictional units aimed at monitoring and dismantling hate groups, proactively dealing with arising situations and supporting the many distinct communities within Hamilton.
3. The H.C.U. and the H.P.S. have developed, and will continue to develop relationships with numerous distinct communities in Hamilton. 2010 will see the development of many more due to the shift to Victims of Crimes Branch. This will include further education community members on what Hate Crimes are, how to deal with them and how to report them. This educational component will encourage reporting and therefore more realistic statistics should emerge giving a truer picture. This will enable us to form a better plan of action toward extinguishing Hate Crimes.
4. Hate is a learned behaviour. Like bigotry and prejudice, people learn these behaviors through history and as they become products of their environment and cultural group. To address this issue, the H.C.U. will work with the H.P.S. Race and Community Relations representative, School Liaison Officers, Crime Managers, Crime Prevention Officers and Victim Services Branch to develop educational initiatives to be presented in schools, Internal H.P.S. training and to the community groups with whom we are partnering.



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