




Hate Crimes and Incidents:

A Frontline Officer's Initial
Response Guidebook





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This Guidebook offers concrete recommendations that are specific to the initial frontline response in identifying hate crimes and incidents. These recommendations are intended to provide responding officers with the knowledge and tools to better serve and support victims and their broader communities, hold offenders accountable for their actions, and enhance the overall quality of police hate crime response practices.

Though many of the recommendations provided in this Guidebook are specific to criminal investigations, providing a strong and supportive police response to hate incidents is also important. Though they may not meet the threshold for laying criminal charges, such incidents nevertheless cause great harm to victims and their broader communities. Much of the information in this Guidebook is therefore applicable to calls for service involving both hate crimes and incidents.

The information presented in this Guidebook is sourced or reproduced from similar guidebooks made available by domestic and international police services and associations (with attribution provided throughout).

Where necessary, procedural/operational guidelines have been adapted for use by police services across Canada, with the assistance of members of the Hate Crimes Task Force.



Table of Contents

What is a Hate Crime or Incident?.....	5
Initial Response Recommendations for Frontline Officers and Supervisors	6
Recommended Initial Response Procedures.....	7
Establishing Hateful Motivation: Key Bias Indicators	9
Victim, Suspect and Situational Considerations.....	10
Property Offence Considerations.....	11
Providing a Supportive, Victim-Centred and Trauma-Informed Response	12
Responding Officers Should:.....	13
Responding Officers Should Avoid:.....	14
Conclusion.....	15
Works Cited	16

What is a Hate Crime or Incident?

A hate crime is a criminal offence committed against a person or property that is motivated in whole or in part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression, or on any other similar factor. The *Criminal Code* uses the term “identifiable groups” to describe legally protected groups, and an intersection of more than one identifiable group can be targeted in one offence.

Hate crimes encompass violence and other forms of harm against individuals or groups, and also include certain property crimes. Property includes places of worship, such as a temple, mosque, synagogue or church, or objects or locations of religious significance, such as schools, community centres, or cemeteries.

There are a number of provisions within the *Criminal Code* that address hate crimes:

- Advocating genocide - section 318;
- Public incitement of hatred - section 319(1);
- Wilful promotion of hatred - section 319(2);
- Wilful promotion of antisemitism - section 319(2.1);
- Mischief to property - religious/educational, etc. - section 430(4.1); and
- Conversion therapy - sections 320.101-104; 273.3(1).

Outside of these specific offences, section 718.2(a)(i) states that a sentence for a crime that was motivated solely or in part by bias, prejudice, or hate toward an identifiable group (for example, an assault, damage to property, uttering threat(s)) should be increased.

A hate incident involves the same characteristics as a hate crime but does not meet the threshold to be classified as an offence under the *Criminal Code*. It is defined as a non-criminal action that is motivated by bias, prejudice or hate against a person or property, based on their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression or on any other similar factor. In other words, hate incidents are “awful but lawful” non-criminal actions or behaviour that are motivated solely or in part by hate against an identifiable group.

Initial Response Recommendations for Frontline Officers and Supervisors

Frontline police officers and supervisors play a critical role in the initial response to hate crimes and incidents. A robust police response can reinforce the message that hate crimes will be vigorously investigated. A fulsome police response to non-criminal hate incidents, which have traditionally been overlooked, can also serve to mitigate feelings of fear and anxiety that stem from these occurrences.

Responding officers play a key role in providing reassurance and access to support through a victim-centric, trauma-informed approach, which can help to stabilize victims and their broader communities and initiate the recovery process.

In addition to responding to and investigating calls for service that may involve a hateful motivation, there are public events that may increase the likelihood of hate crimes and incidents, such as protests and rallies.

Due to permit and other regulatory requirements, such events are often scheduled in advance. Police service(s) should leverage this advanced notice to conduct a risk assessment, identify potential scenarios wherein a hate crime or incident may take place, and develop a response plan to maintain public safety. Should a hate crime or incident occur, the initial response recommendations described below should be followed.

The initial response recommendations outlined in this Guidebook are informed by the *Canadian Victims Bill of Rights*, which emphasizes the importance of victim-centred and trauma-informed approaches when interacting with and supporting victims of hate crimes and incidents.

Recommended Initial Response Procedures

The safety and security of victims is of paramount importance when responding to calls for service that involve a suspected hate crime. Upon arrival, responding officers should act immediately to:

- Secure the scene; identify and preserve physical evidence;
- Stabilize the victim(s) and request medical attention where necessary; and,
- Ensure the safety of victim(s), witness(es) and suspect(s)

Note: Responding officers should neither confirm nor deny that the incident is a hate crime or incident in the presence of the victim(s). A comprehensive investigation is required to determine whether there is sufficient evidence to support deeming that an incident was motivated by hate.

Once the scene is secured and above recommendations have been followed, responding officers should:

- Report the suspected hate crime and direct all media-related inquiries to the on-duty supervisor;
- Engage the services of interpreter(s) as required to facilitate communication with involved parties and to ensure that the victim(s) has a voice in the process;
- When interacting with the victim(s), engage in a respectful manner while keeping their safety in mind and apply a **trauma-informed approach**;
- Ensure victim safety concerns are acknowledged and addressed while providing information on their rights and on the availability of local services and support (speak with victims about their support needs and preferences, identify culturally-responsive and trauma-informed local agencies that are in keeping with victim's needs and preferences and assist victims in accessing their preferred services and support types);
- Inform victim(s) about what to expect based on the probable sequence of events in the investigation and beyond; provide contact information to facilitate follow-ups;

- Begin preliminary investigation and record information on:
 - Identity of suspect(s)
 - Identity of witness(es)
 - Whether there have been similar prior occurrences in the area against the same victim(s)/target community
 - The incident itself; document the incident thoroughly, noting the presence of any hate crime indicators and, wherever possible, documenting verbatim quotations made by the suspect(s)
 - Available evidence; secure this evidence by taking photographs of offensive graffiti and symbols of hate. If applicable, consider seizing offence-related digital evidence
 - Whenever possible, apply a trauma-informed approach to interviewing the victim;
 - In situations involving property offences (for example, racist symbols spray painted on a wall or structure), contact the owner/manager of the property to ensure that the physical evidence is removed once it has been documented. Officers should also follow up to ensure that this is accomplished in a timely manner; and,
 - Appeal to witnesses to come forward and canvas the community. Secure any video footage from neighbouring residents, businesses, and organizations.
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In instances that may have a security nexus or involve live situations that could pose a threat to public safety at large (beyond jurisdictional boundaries), information should be shared via community alert mechanisms and/or secure intelligence pathways to ensure a coordinated response to mitigate any broader community safety concerns. If there are extended public safety concerns, consider identifying and engaging with community leaders to provide reassurance, support and to share security-specific information and advice, where necessary and appropriate.

Once the initial response is complete and the above noted recommended actions have been engaged, the investigation should be turned over to the area responsible for hate crimes (if applicable) per organizational policy.



Establishing Hateful Motivation: Key Bias Indicators

Hate crimes and incidents may be motivated entirely or partially by hate. A crime motivated by hate and another factor, such as ignorance, fear, feelings of personal shame or powerlessness, is still motivated by hate (alongside additional factors). Proving that the conduct was motivated by hate – in full or in part– is crucial given the extremely high legal threshold for prosecuting hate crimes.

Documenting the who/what/when/where/why/how criteria therefore takes on particular importance when investigating and prosecuting offences that are suspected to have been motivated by hate.

Gleaning insight into a suspect's motives may help determine whether the suspect's actions were motivated, in whole or in part, by hate. The presence of these indicators does not necessarily confirm that the occurrence was motivated by hate/bias but may indicate the need for further investigation into motive.

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Victim, Suspect and Situational Considerations

- Does the victim(s) belong to an identifiable group?
- Perceptions of the victim(s) and witness(es) about the crime/incident and potential motivating factors.

Note: Interviews should follow policy, but interview tactics should ensure that victim(s)/witness(es) not be directly asked whether they believe the offence constitutes a hate crime. It is appropriate to ask if they have any idea why the offence occurred.

- Did the suspect(s) make comments (verbal or written, in person or online) or use symbols or gestures that reflect hate before, during or in the immediate aftermath of an incident?
- Has the suspect been previously involved in hate crimes and/or incidents?
- Were the suspect(s) and the victim(s) from different racial/ethnic, religious, national origin, sexual orientation, gender or gender identity/expression or disability groups?
- Were there similar previous incidents in the same location or neighborhood that might suggest that a pattern of offending and/or escalation exists?
- Is the victim easily identifiable as a member of their community? For example, by clothing/symbols (e.g. religious garb, flags associated with the 2SLGBTQI+ community) or conduct (e.g. attending places of worship, cultural events and celebrations)?
- Did the incident coincide with a holiday or day of particular significance to the victim(s), suspect(s) or their communities (e.g., a religious holiday or event; to copy-cat or pay tribute to a previous and often sensationalized hate/extremist event perpetrated in Canada or elsewhere)?
- Is there evidence that points to the involvement of organized hate groups or their members?
- Is there no other apparent motive(s) for the offence/incident (e.g. economic gain)?

Note: Two searchable databases of hate symbols, characters and themes exist to assist in their identification:

1. The Toronto Holocaust Museum's Online Hate Research and Education Project

2. The U.S. Anti-Defamation League (ADL)

Officers interested in gaining a fulsome understanding of active hate groups in their area of jurisdiction should also contact the area within their service that houses this information.

Property Offence Considerations

- What is the property's function? Is it a place with cultural or religious significance (such as a place of worship or a cemetery) or a community facility (such as a cultural centre or a historical monument)?
- Were there any recent events at the property involving an identifiable group (e.g. a Pride event held at a community centre that was subsequently vandalized)?
- Has the property been subject to previous hate-motivated offences?

Note: Check in with your service's crime analyst for graffiti or general mischief to property trends in the area.

- When investigating a graffiti-related mischief, be sure to determine the meaning behind any symbols used or displayed and/or the timing of the offence.



Providing a Supportive, Victim-Centred and Trauma-Informed Response

Hate crime perpetrators target victims because of core aspect(s) of their identity (for example, their race/ethnicity, gender identity or religion).

Victims, their families and communities often feel degraded, shamed, frightened and vulnerable in the wake of a hate crime or incident.

Hate crimes and incidents can significantly affect the healthy and positive coexistence between different segments of a community. Taking a victim-centred and trauma-informed approach ensures that the victim's rights, the safety of the public and the reparation of harm remain top priorities throughout any investigation.

Responding Officers Should:

- Remain calm, objective and compassionate; treat victims with respect and in a professional and individualized manner.
- Always ask the victim(s) how they wish to be addressed, instead of assuming a person's identity based on their appearance.
- Recognize and accommodate the victim's need to be heard, believed and taken seriously.
- If a victim does not appear to be cooperative or is exhibiting aggressive behaviour, this may be due to their reaction to the trauma inflicted by the hate crime. If possible, give the victim the space and time they need to process their situation.
- Where possible, ensure that victim(s) have support from friends, family, faith leaders and/or community leaders/elders throughout the criminal justice process.
- Ask victim(s) what they need and if/how they want police to help them; officers should respect victim preferences, provide information of victim services and supports, and assist with referrals if requested/needed.
- Reassure victim(s) that they are not to blame for what happened, that the police will vigorously investigate the crime and otherwise assist in holding the suspect(s) accountable, and that every effort will be made to protect their safety.
- Use trauma-informed interview techniques, as traditional interview techniques can inadvertently re-traumatize victim(s). For an overview of trauma-informed victim interviewing techniques developed for sexual assault victims, though the general principles underpinning questions to ask/avoid apply in the context of hate crime as well, see the [International Association of Chiefs of Police's Successful Trauma Informed Victim Interviewing Guide](#) (links to an online PDF).
- Encourage victim(s) and witness(es) to tell the story in their own words; allow them to vent feelings about the crime or incident.

Responding Officers Should Avoid:

- Abrupt or rushed interactions/communication with victim(s).
- Telling victim(s) that you know how they feel.
- Directly asking victims whether they think their victimization was motivated by hate.
- Criticizing the victim's behaviour.
- Making assumptions about the victim's status as a member of one or more identifiable groups, including their national or ethnic origin, religion, sexual orientation, or gender identity. Whether a hate crime has been committed depends on the suspect's motive, not the victim's status.
- Allowing personal value judgements about the victim's identity, behaviour, lifestyle choices, or culture to affect objectivity.
- Using offensive, biased or outdated terminology.
- Belittling the seriousness of the incident, especially if it does not meet the chargeable threshold, didn't involve serious harm and/or the suspect is a young offender.



Conclusion

Responding officers are often the first representatives of the criminal justice system that victims of hate encounter; they play a critical role in securing the scene, stabilizing the victim(s), and providing important information, assistance and access to supportive services tailored to specific victim needs. The quality of initial contact with responding officers can influence victims' perceptions of the entire criminal justice system which can affect their willingness to cooperate, share information and participate in the criminal justice process.

Hate crimes and incidents intentionally and specifically target individuals because of their personal identity characteristics. They are very personal crimes with profound negative impacts for victims and their broader communities. A strong, supportive and immediate police response provides crucial assistance to victims, but it can also bolster relationships and trust between police and the communities they serve, leading to increased reporting, enhanced investigations and, by extension, a greater likelihood that accused persons will be successfully prosecuted.

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