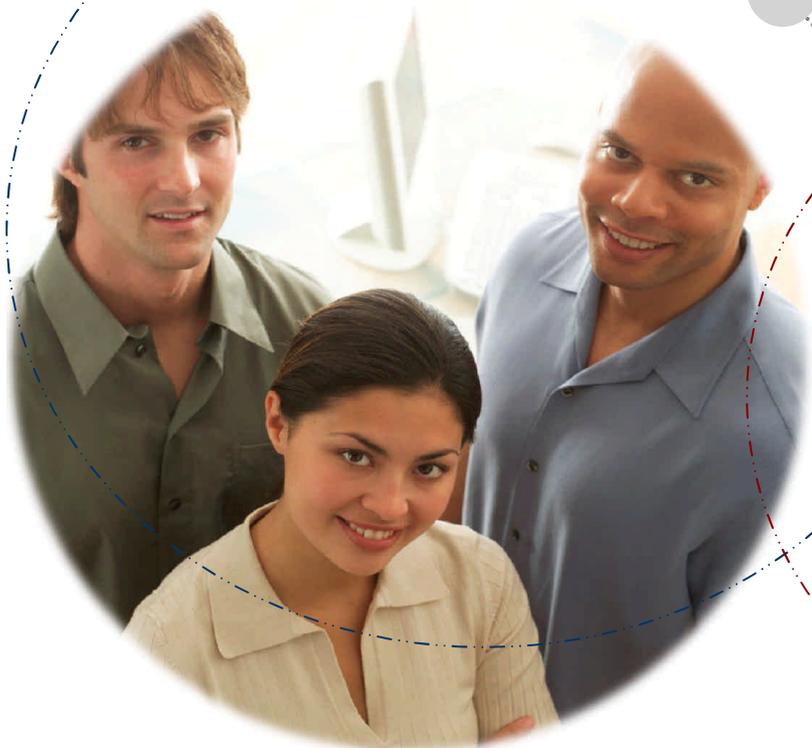
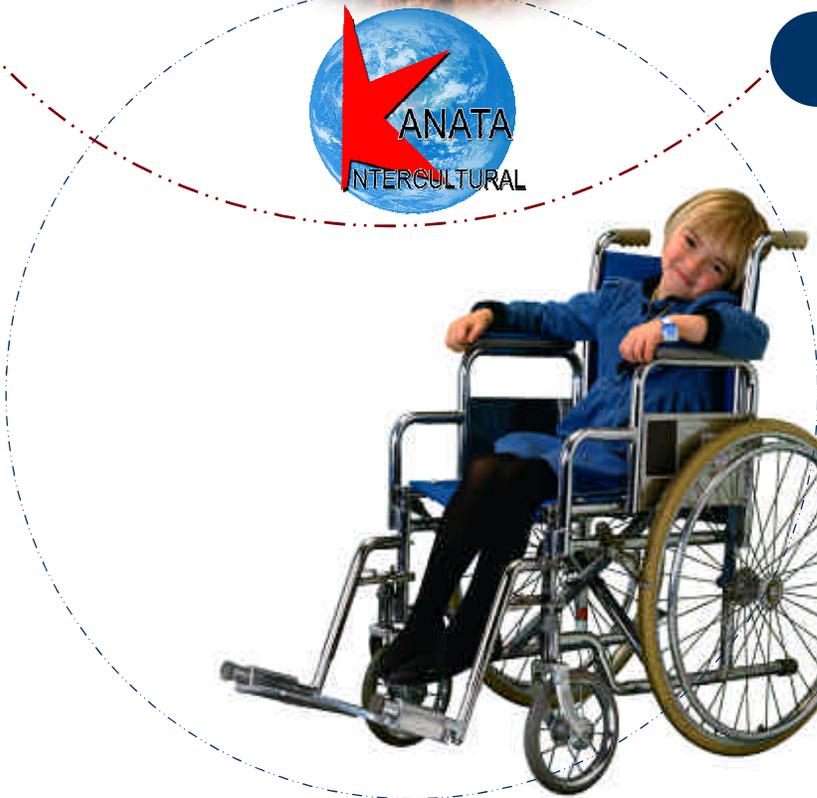




Combating Hate and Bias Crime and Incidents in Alberta

Current responses and recommendation
for the future - **July 2007**





About this report

This report was commissioned by the Alberta Hate and Bias Crime and Incidents Committee in December 2006 to determine the status of hate and bias crimes within Alberta. The Alberta Association of Chiefs of Police has actively participated in this committee and is supporting its research and findings. The research and findings articulate the need for appropriate hate and bias prevention and enforcement responses by all governments serving Albertans.

About the Hate Bias Crime and Incidents Committee

The Alberta Hate Bias Crime and Incidents Committee was initially conceived as a response to hate crimes and incidents occurring in Alberta after the attacks on the World Trade Center in New York on September 11, 2001. The committee organizers, Canadian Heritage and the Calgary Police Service, envisioned a coordinated provincial approach to hate crime investigation, intelligence and community involvement. The committee's goals are to:

- Create public awareness and education programs
- Develop partnerships to provide and gather information
- Offer support for victims of hate crime

About the Author

Cam Stewart served 25 years with the Calgary Police Service, during which time he received many awards including; The Calgary Police Chief's "Award for Community Service", the Jewish Community's "Repairing the World Award", the YMCA "Peace Medal", the Jerry P. Sellinger Award for working with immigrant offenders and victims of domestic violence, and the Baha'i Community's "Racial Harmony Award". Under his leadership and guidance, the Calgary Police Service received the Calgary Immigrant Aid Society's "Immigrant of Distinction Corporate Diversity Award" and the Federation of Canadian Municipalities' "Diversity Award". He is a board member of Calgary Learns and the current President of the Alberta Association for Multicultural Education. In 2005, he formed Kanata Intercultural Consulting Inc. which is assisting corporations, government and community agencies become racism-free organizations.

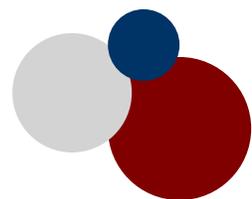
Author's Acknowledgements

This study would not have been possible without the cooperation and assistance of key people in law enforcement agencies throughout Alberta and members of the Alberta Hate Bias Crime and Incidents Committee. Endorsement of the research for this report by the Alberta Chiefs of Police and the Alberta Solicitor General were invaluable in encouraging stakeholder participation throughout the province. In addition, the author thanks Doug Jones, Riki Hielik, and Dr. Valerie Pruegger, for their support and advice.

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Hate and Bias Crime in Alberta

The Alberta Hate and Bias Crimes Committee members represent government and community sectors and are working to reduce the amount 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 Crimes Committee have noted this gap increase and have commissioned this report to inform and engage the Province of Alberta in this timely issue. By utilizing the research and recommendations within this report, Alberta could be a leader in the field of hate crime prevention, detection, and investigation.

To complete this research, a survey of police and provincial Crown prosecutorial practices was conducted across Alberta, along with an environmental scan of community experiences pertaining to hate and bias crime. The researcher conducted 17 police and prosecutor interviews, 117 confidential community interviews, and an on-line survey completed by 282 participants. A literature review of national and international research on hate and bias crime was used to support recommendations and findings.

This report looks at the current demographic trends and strategies that are being used to respond to hate and bias crimes. Alberta's economy and growth depend on the successful integration of all people into communities, workforces, and schools. It has been well documented that this provinces growth will be largely due to natural growth of the Aboriginal community and an increase in immigration. These are the same populations that are experiencing more hate and bias crimes and have less trust in law enforcement and the justice system. Present police and prosecutorial response to hate crimes is analogous to attitudes and practices in relation to domestic violence crimes decades ago.

The issues addressed in this report clearly identify that hate and bias crime affect a large segment of the population and impact a number of government agencies. Consistent, competent, and coordinated responses to hate/bias crime should be the focus of any strategy within Alberta. Several themes arose out of this study, including;

- Training and updating law enforcement personnel
- Developing a standard definition and response to hate crime
- Taking a zero tolerance approach to charging and prosecuting hate/bias motivated crimes
- Implementing long-term funding for a provincial strategy
- Engaging community liaison committees with participation from Aboriginal and vulnerable community groups
- Developing public awareness/education programs
- Supporting victims, their families and communities
- Standardizing data collection and dissemination
- Instituting a resource or ombuds role that would instill diverse community trust
- Centralizing knowledge and resources

Recommendations

This report recommends that several ministries, including the Solicitor General, the Attorney General, the Human Rights and Citizenship Commission, and the Department of International, Intergovernmental and

Aboriginal Relations, should form a strategic alliance to develop a provincial hate crime strategy. The costs of not proceeding with a proactive hate crime strategy include negative media attention (local and national) when serious hate crimes occur and increased alienation of minority communities. This report recommends the following three initiatives to effectively address the challenges facing our population and create a unique and forward thinking Alberta strategy.

1. Creation of an Alberta Hate Crime Team

Forming an Alberta Hate Crime Team under the umbrella of the Solicitor General ministry will ensure consistent and professional response to all Albertans in relation to the prevention, detection, investigation, and prosecution of hate crimes. Implementation of an Alberta hate crime response within the next year would correspond with the technology change of all police agencies having the ability to collect the same hate crime data for the Statistics Canada URC 2.2 report. The Alberta Hate Crime Team will require the skills of a number of dedicated professionals to support local prevention initiatives, frontline investigations, and targeted prosecutions within the province. This team should be staffed with a coordinator/trainer, investigator, prosecutor, and analyst.

2. Creation of an Alberta Hate Crime Advisory Committee

This report identifies the impact of hate crimes on communities and the importance of engaging and informing vulnerable communities. A Minister’s Advisory Committee reporting to the Solicitor General would act as a conduit of information between the affected communities, the Alberta Hate Crime Team, the government of Alberta, and federal agencies. By establishing this mechanism, the initiative will be able support targeted community concerns in a timely and respectful manner. Committee members may include representation from various vulnerable communities designated in the Criminal Code, as well as provincial and federal agencies working with these communities.

3. Develop a Public Awareness Program of hate and bias crimes

A progressive public relations is required to promote awareness of hate crime legislation, laws, and preventative practices. This could be done in conjunction with the Ministry of Tourism, Parks, Recreation and Culture, Alberta Human Rights and Citizenship Commission and the Department of Canadian Heritage, as they are currently involved with several initiatives that foster equity and reduce discrimination. The Commission currently offers information on human rights legislation to individuals and workshops on human rights in the workforce to corporations. The Alberta Hate Crime Team could partner with the existing resources and networks established by the Commission, to engage and inform community members. This partnership would be advantageous to both parties and the community, as there is often a fine line between criminal hate (prosecuted under the Criminal Code) and those incidents that do not qualify as a crime but are punishable under various human rights legislations.

As Aboriginal communities have experienced a significant number of hate and bias crime, while at the same time are least likely to report these offences, a distinctly separate public relations program should be instituted with these communities in Alberta. Existing networks and resources found within the Ministry of International, Intergovernmental, and Aboriginal Relations should be initially used to communicate relevant messages and elicit feedback.



Introduction

Hatred is predicated on destruction, and hatred against identifiable groups therefore thrives on insensitivity, bigotry and destruction of both the target group and of the values of our society. Hatred in this sense is a most extreme emotion that belies reason: an emotion that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill treatment on the basis of group affiliation. (Supreme Court of Canada, *R. v. Keegstra*, 1990)

There are many documented Canadian cases of hate- or bias-motivated crimes. These include murder, assaults, threats, and damage to property. The Province of Alberta has not been missed by the wave of hate that has crossed the nation and, at times, has been in the center of the storm. Bigotry and white supremacy ideologies have been an unspoken part of Alberta's history, including the presence and activities of two registered Klu Klux Klan (KKK) chapters (Lund, 2006, p.182). In 1990, Terry Long and his Canadian Chapter of the Aryan Nations made national headlines with a cross burning incident in Provost, Alberta. The landmark case against James Keegstra for promoting hatred to his Eckville students occupied provincial and federal courts between 1985 and 1996. Threats, damage to property, and even fire bombings against Jewish community centers have occurred in Calgary and Edmonton during the last few years. These incidents show that bias, prejudice, and hate can fester in any community—rural or urban. The negative media attention and reinforcement of Albertans wrongly stereotyped as “red neck” has an adverse affect on public perception and attracting people from outside of this province.

In 2001, shortly after the attacks on the World Trade Center in New York, representatives from the Alberta-based justice sector, government, and community organizations who were concerned with hate- and/or bias- (hereafter called hate/bias) motivated violence formed the Alberta Hate Bias Crimes and Incidents Committee (see appendix A). These agencies came together as they all realized that their individual efforts were not adequately addressing the needs of the community. Their aim was to develop a province-wide framework to encourage a collaborative, integrated approach between police, the courts, and the community in preventing and responding to hate/bias-motivated crime and incidents, as well as enforcing hate crime laws. This committee conducted several forums and focus groups in communities across Alberta which confirmed that there were a number of issues and concerns that needed to be addressed. It was decided that a comprehensive analysis of police practices, statistics, and community perceptions about hate/bias crimes or incidents was required in order to gain support from government and community agencies and inform their response to this issue.

The Alberta Association of Chiefs of Police endorsed this study and encouraged its membership to participate in the research. The objective of this research was to identify and understand the issues and responses to hate/bias crime. To accomplish this, information was first gained by conducting a literature review on existing national and international research. Between February and May 2007, interviews were conducted with members of law enforcement agencies, Crown prosecutors' offices, and vulnerable communities across Alberta. During this same time, 282 Albertans completed an on-line survey on hate/bias crimes and incidents experienced in communities within the province.

The ultimate goal of this report is to provide information that may assist the Province of Alberta and its policing agencies to develop strategies that will protect all citizens from the effects of hate/bias crimes. By being cognizant of the detrimental effects of bias and prejudice on the psyche of vulnerable communities, and responding to these incidents quickly, effectively and in a coordinated manner across the province, the government will work towards ensuring that all Albertans feel safe and secure.

Government Responses to a Changing Society

Rapidly Changing Demographics in the Western World

The growth of immigration from non-European source countries and the change in Canadian demographics over the last 50 years has brought challenges to our society. The clash of cultures, religions, and beliefs has, at times, put a strain on our justice system as it struggles to keep up with the rapid pace of globalization. In an effort to combat hate and bias, governments have enacted legislation, believing that law enforcement is an effective tool in this battle.

Complacency by any level of government may lead to a decrease in social cohesion and an increase in victimization of vulnerable groups and all governments must work together to achieve an integrated and sustainable approach to addressing hate/bias crime. Canadians have supported governments who fight for the rights and safety of all. John Diefenbaker stated, "We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage..." as he proclaimed the Canadian Bill of Rights to protect all citizens (1960, p.8). These rights were later enshrined in the Constitution Act in 1982 and have guided policy makers and citizens since.

Federal Government

In 1970, the Canadian Parliament added sections 318 to 320 to the Criminal Code, making it unlawful to advocate genocide or willfully promote hatred (Law Reform Commission of Canada, 1986, p. 7). The burden of proof on these sections is very high, and, as such, the Criminal Code stipulates that "no proceeding for an offence under this section shall be instituted without consent of the Attorney General (section 318(3) CC). In 1996, sentencing principles were enhanced to include hate as a motivating factor:

A court that imposes a sentence shall also take into consideration the following principles...evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental, or physical disability, sexual orientation, or any other similar factor... and shall be deemed to be aggravating circumstances (Criminal Code, 1985, section 718.2(a)(i)).

Section 430(4.1) of the Criminal Code was added as a provision of the *Anti-Terrorist Act*, 2001, stipulating that it is an offence to "...commit mischief in relation to property that is a building, structure or part that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin... The words *terrorism* and *extremism* are often analogous to hate crime and terrorist or extremist acts are often motivated by hatred for another group of people. Appendix "F" has a number of laws which can be used in the fight against hate and bias, including the Criminal Code definition of terrorism in (section 83.01).

In addition to provisions under the Criminal Code, there are a number of statutes which provide protection for vulnerable people in Canada, including the *International Convention on the Elimination on all forms of Racism* (to which Canada is a signatory), the *Canadian Charter of Rights and Freedoms*, and the *Canadian Multiculturalism Act*. These acts provide direction and ideology to reduce discrimination and racism but offer only limited recourse. Section 13 of the *Canadian Human Rights Act* has been successfully used to



combat hate over the internet. Between 2002, when the Act was amended to include hate on the Internet, and December 2006, the Canadian Human Rights Commission has dealt with 55 allegations and has rendered 12 tribunal decisions. In these cases, offenders were ordered to take down their sites, refrain from similar activities in the future, and pay complainants for pain and suffering. On December 1st, 2006, an Edmonton man, Glenn Bahr, and his organization, Western Canada for Us, were found in contravention of this act and ordered to pay \$10,000.00, plus take down their website.

The federal government recently released A Canada for All: Canada's action plan against racism which identified hate and bias crimes as a major priority in the country (Department of Canadian Heritage, 2005, p.44). To combat hate and bias the federal government is planning to promote diversity in the media, enhance collection of hate and bias crimes and incidents, establish an internet hate propaganda tip line, and work with internet service providers to identify hate propaganda (Department of Canadian Heritage, 2005, p. 49-50). Some of these programs have already been initiated and are making a significant difference in the community. The Law Enforcement Aboriginal and Diversity (LEAD) Network is also making inroads in this area by encouraging police services to work together and share best practices.

Police commissions and boards are important civilian oversight and governance councils which guide municipal police services. On August 19, 2006, at its annual general meeting in Edmonton, Alberta, the Canadian Association of Police Boards (2006) noted that "police services need to be attuned to and sensitive to incidents of hate and bias crimes" and passed resolution 6-10, resolving that all boards "encourage the Federal and Provincial Governments to proactively establish strategies to detect and suppress such hate and bias crimes" (p. 8).

Provincial Governments

The Ontario Attorney General and the Minister of Community Safety and Correctional Services appointed a Hate Crimes Working Group in 2005 to address the steady increase of hate and bias crimes in that province. On December 1st 2006, the Working Group released *Addressing Hate Crime in Ontario: Strategy Recommendations Priorities for Action* (Mock, K.). This document proposed 81 "victim centered" recommendations within the themes of definition, Aboriginal peoples, communities, education and training, victim services, justice system, public awareness and social marketing, and implementation and accountability (p. 2-6). Many of the recommendations have been adapted by the province of Ontario since the report was released.

In Alberta, victims of hate or bias incidents have the recourse of filing a complaint with the Alberta Human Rights Commission, under section 3 of *Alberta Human Rights, Citizenship and Multiculturalism Act* (See *Appendix "F"*). During the last three years there have been 17 complaints filed to the Alberta Human Rights Commission under this section, which prohibits publishing hate materials.

Police services in Alberta have instituted several initiatives to combat hate/bias crimes and incidents in their jurisdictions. In 2000, the Calgary Police Service justified a position for a Hate Crimes Coordinator within the Cultural Resources Unit. In 2002, with some seed money from Canadian Heritage, the Edmonton Police Service formed a two- person Hate and Bias Crime Section. In 2005, the Lethbridge Police Service's 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. The RCMP has one officer assigned out of K Division to address all diversity and hate crime needs. According to law enforcement interviews, these 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.

Municipal Government

Municipalities across Canada are struggling to make their communities safe and inviting for all their citizens. Recently, the Alberta Urban Municipalities Association (2007) developed its Welcoming & Inclusive Communities Tool Kit in an effort to provide its members with strategies and plans to eliminate local racism and discrimination. This Tool Kit recommends that municipalities support police organizations to conduct training programs and adopt appropriate programs and policies on hate crimes and racial profiling, while collecting statistics on the number and nature of hate crimes (p. 31).

In 2005, the Canadian Commission for UNESCO (2006) initiated a call for a Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD) to encourage and develop unique strategies to eliminate racism within Canadian cities. There are ten commitments which municipalities agree to address including “support policing services in their efforts to be exemplary institutions in combating racism and discrimination” (p. 12). Several Alberta municipalities have joined this coalition, including Calgary, Edmonton, Municipality of Wood Buffalo, Drayton Valley, and Brooks.

Local Community Initiatives

A number of non-governmental organizations (NGOs) are sporadically fighting racism, prejudice, and hate/bias crimes in the community. Most of these are under-funded and do not have long-term resources to continue consistent anti-hate/bias activities, which include education, awareness, and assisting victims. Nationally, the B’nai Brith, Canada’s League for Human Rights, the Canadian Jewish Congress, Friends of the Simon Wiesenthal Center, the Centre for Research-Action on Race Relation (CRARR), and the Canadian Race Relations Foundation (CRRF) have educational programs and lobby for human rights protection for all Canadians. In Alberta, many of the NGOs have been struggling with their anti-racism and public awareness programs over the last ten years, including the Multicultural Association of Fort McMurray, the Northern Alberta Alliance on Race Relations (NAARR), the Central Alberta Diversity Association (CADA), the Committee on Race Relations and Cross Cultural Understanding (CRRCCU), the South Eastern Alberta Racial and Community Harmony Society (SEARCH), the Ethno-Cultural Council of Calgary (ECCC), and the Global Friendship Immigration Centre of Brooks.

It is apparent that all levels of government and community have taken the issue of hate/bias crimes seriously by establishing programs to engage and educate community, initiating positive responses, and enacting legislation. The research conducted for this report fills the gap by analyzing the effectiveness of the current responses to hate crime within Alberta and comparing these to other Canadian jurisdictions.

In the next section, we will discuss the research methods used to explore the current hate and bias issues in Alberta and provide a summary of the findings.

Methodology

It is well documented that hate/bias crimes and incidents affect both the victim and community directly, thereby resulting in a “disproportionate level of harm” to society (Roberts, 1995). Therefore, it was important that this project take a holistic and open-minded approach to studying the issues and responses to hate/bias crimes and incidents. Both quantitative and qualitative research methods were used including compiling statistics from surveys and governments sources, administering questionnaires, and conducting individual and group interviews.

In addition to the environmental scan of the community, a literature review was conducted to examine what research has already been completed in the area of hate and bias crimes. In the last 10 years, there has been a huge amount of knowledge gained in this area, both nationally and internationally. This document will attempt to summarize current knowledge of hate crime initiatives that could have the greatest impact on an Alberta strategy.

Community

The Alberta Hate Bias and Incidents Committee provided direction and advice on how and where to access interviewees. Individual and group interviews were conducted throughout the province and were facilitated with the assistance of existing community non-governmental agencies and police services. Three separate sets of questions were developed with the goal of assessing participant’s opinions around the issues of hate and bias crimes (see appendix C). The community environmental scan looked at: needs and experiences related to hate/bias crime victimization; available supports; and perceptions of the justice sector’s management of hate/bias crimes. The interviews were conducted in Fort McMurray, Edmonton, Red Deer, Calgary, Brooks, Lethbridge, and Medicine Hat. A total of 117 Albertans participated in these confidential interviews (see figure #1).

Figure #1. Demographics of interview participants

	Religion	Ethno-Racial	Aboriginal	GLBT	Disability		Youth	Female	Male
Calgary	9	3	2	9	1	24		6	18
Edmonton		5	5	1	1	13		7	6
Fort McMurray	2	7	1			10		3	7
Red Deer	6	1	1	1		8		7	1
Lethbridge		8	15			23	8	6	17
Medicine Hat		9	18			27	9	15	12
Brooks	1	11				12		2	10
	13	49	42	11	2	117			

Justice

Police services and Crown prosecutor offices identified representatives to participate in the research. Questions focused on: police hate/bias crime investigations and preventative practices; definitions and classifications of hate/bias crimes; legislation and its impact on police investigative practices; partnerships between police agencies and diverse communities; communication within and between police agencies; police training curriculum; prosecution protocol between police and the Crown; community needs and experiences related to hate/bias crime victimization; and perception of the justice sector's management of hate bias crimes (see appendix C). Six Crown prosecutors and eleven police officers responded to questions in face-to-face and telephone interviews (see appendix B).

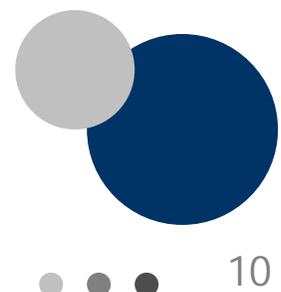
On-line Questionnaire

To engage as many stakeholders and vulnerable community members as possible, a web based on-line survey was developed, hereafter called the Alberta Hate Crime Survey (AHCS). The survey's design and content was similar to a recent survey conducted by the Hate Crimes Working Group in Ontario (Mock, K., 2006). Interview participants and general community members were invited to complete the survey from February to May 2007. During this time frame, 282 Albertans completed this on-line questionnaire. A copy of the questions asked in the on-line survey and the responses provided are found at the end of this document (see appendix D and E).

Definitions

For the purposes of this research and report we have articulated a definition for hate crime and incidents for police, prosecutors and community. Prior to interviews, most participants involved with this research did not have a firm understanding of these terms or the impact that hate has on community. 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. Under Canada's Criminal Code it is an offence to advocate genocide (Sections 318), or publically incite or willfully promote hatred (Section 319). Section 718.2(a)(i) allows for increased sentence when hate is determined to be an aggravating circumstance.

Hate bias incidents are discriminatory actions including name calling, racial slurs, or distributing material which promotes prejudices or hatred. These may be a precursor to criminal acts or violent behaviour. With incidents, there are not grounds to proceed with criminal charges, but there may be other legislative recourses available.



Summary of Findings

Community Experiences and Perceptions

Marginalization and discrimination have been a Canadian practice and reality since before Confederation. Several anti-racism and visible minority support groups have emerged in Alberta to advocate for vulnerable populations and provide information to other citizens. For example, in Red Deer, the Anti Racism Fund was initiated and gathered public donations in 2005 in response to local community concerns about an Iranian family, who itself and its business, were the ongoing target of hate motivated crime. Anti-racism NGOs are also unformed and ill-equipped to react to hate motivated crime. This was made clear during the course of this research, when one such agency was turned away by police when they attempted to report a hate motivated crime against them and they were unaware of any recourse.

Communities that have been targeted and are vulnerable to hate crime victimization include Aboriginal, disability, gender, ethnic and racial minority, religious, and sexual orientation. This report did not find significant hate crime research or participant feedback from people with disabilities or women groups, but it does appear that being member of these groups increases the vulnerability and therefore the likelihood of victimization. This section will highlight some of the prevalent findings from the individual and group interviews, as well as from the on-line surveys.

The Aboriginal Community

“I went to the police station for a meeting and felt like a victim” (Aboriginal leader)

Aboriginal peoples have systemically been the victims of racial cleansing since the colonization of this continent, which has most recently included the loss of culture and dignity caused by the residential school programs. According to the Alberta Human Rights, Citizenship and Multiculturalism Education Fund (2007):

Aboriginal peoples may be the most excluded population group in the province and in the country. They suffer higher rates of health problems, unemployment, poverty, housing, homelessness, and violence and victimization than any other Albertans” (p. 1).

Interviews conducted for this project found that Aboriginal people consistently reported that they did not receive equitable service from law enforcement, which has led to an under-reporting of all crimes, including those motivated by hate or bias. Furthermore, most respondents also felt that, in many cases, reports were not taken seriously.

The Alberta Hate Crime Survey (AHCS) confirmed the interviews and previous research finding that Aboriginal community members experience significantly more verbal attacks and criminal threats than any other group. They are also the most targeted group for hate and bias from law enforcement, work, school, and government institutions. This has led to the Aboriginal community internalizing and normalizing racism as an acceptable practice in society. This community was significantly less likely to report hate and bias crimes to the police, particularly due to fear of police and fear of being re-victimized by the justice system, while at the same time it was more likely to feel that police officers overlooked hate crimes and incidents clues because of lack of training.

According to the 2001 census, Alberta has an Aboriginal population of 156,220. Edmonton has the second largest urban Aboriginal population in Canada (40,930 members) and Calgary has the fourth largest (21,915) (Statistics Canada, 2005). This group is the fastest growing population in Alberta and the growth of these communities in rural and urban areas has led to clashes of cultures. If these trends continue, we will see an increasing amount of hate motivated victimization within this community. Due to historical factors, some community members have experienced as much bias and prejudice from within their own communities as they may have experienced from the mainstream community. This point was made by a number of vulnerable community members who indicated that white Caucasian people do not have a monopoly on hate. **“(this community) is a racist hotspot” (Aboriginal leader in southern Alberta)**

The Jewish Community

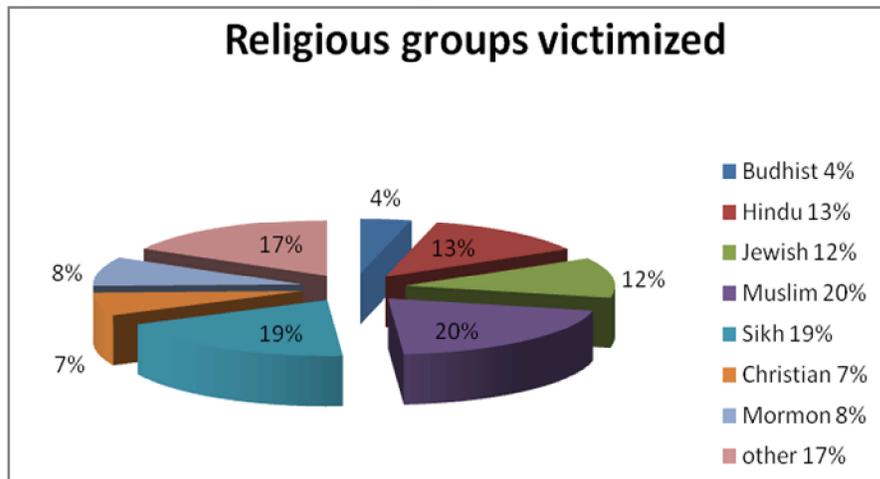
“Our community is normalized to hate...it is commonplace and what can police do about it?” (Jewish community advocate)

On January 28, 2007, just prior to the Premier of Alberta and the Mayor of Edmonton’s arrival at the Beth Israel Synagogue, hate messages were found on its front door. This hate crime was committed in broad daylight and was meant to disrupt this congregation’s centennial celebration. This building has been the target of many offences, including a fire bomb in 2000 (Lundgren, 2007).

The Calgary and Edmonton Jewish communities have been continually targeted for hate crimes. In fact, according to Statistics Canada, anti-Semitic crimes totaled one quarter of all hate crimes reported in 2002 (Silver, Mihorean, & Taylor-Butts, 2004, p. 10). Respondents to the AHCS believe that the Jewish community is the most targeted religious group in the province. Figure # 2 identifies groups most often believed to be victimized by hate/bias crimes and incidents. Jewish community members believe that much of the hate against them is now motivated by geopolitical concerns (Israel and Middle East conflicts) rather than religious ideology.



Figure #2. Alberta Hate Crime Survey results



Ethnic and Racial Minority Communities

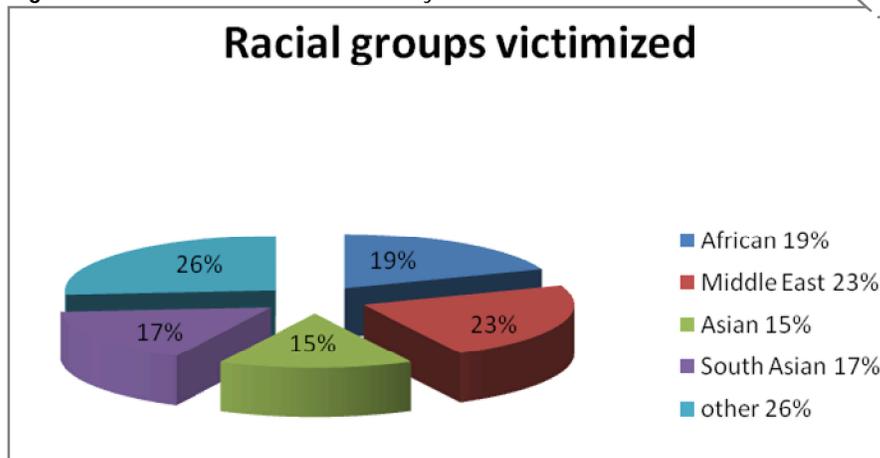
“If your skin is not white - you are not equal” (focus group participant).

In the months after the attacks on the World Trade Center in New York on September 11, 2001, the Calgary Police Service recorded increases in racism, prejudice, and acts of hatred toward Arab and Muslim individuals or anyone presumed to be Middle Eastern or Islamic (personal communication, former CPS Hate/Bias Crime Coordinator, 2007). Several interview participants felt the war on terror and the conflicts in Iraq and Afghanistan have fuelled a level of mistrust and a feeling of discomfort for Canada’s mainstream and visible minority communities. From the AHCS, racial groups were found to be equally victimized across the province (Figure #3 below).

The immigrant community is the fastest growing group in Canada, and most of the recent arrivals are people who are visible minorities. As well, Canadian born individuals from visible minority backgrounds make up 18-25% of the population. Demographic trends indicate that by 2011, immigration will account for all growth in the labour force, and by 2031, it will account for any growth in the country’s population (Jedwab, 2002, p. 8). Many Alberta corporations and municipalities are witnessing these trends occurring right now. Rural communities, including Brooks, Red Deer, and Fort McMurray, are struggling with the challenges of integrating these new Canadians. Interviewees in these communities noted that hate/ bias manifested itself in bullying, which was often not effectively dealt with by school or law enforcement officials. Respondents to the AHCS reported that over 50% of hate crimes occur at elementary and secondary schools, with victims being youth (ages 13-20 years). This supports previous research conducted in Calgary, where all 107 youth interviewed (ages 12-24 years) reported they were witnesses or victims of discriminatory incidents, much of which was perpetuated by the teachers and schools (Pruegger and Kiely, 2002, p 17-19).

“He spit at me and told me to go back where I came from” (Immigrant youth)

Figure #3. Alberta Hate Crime Survey results



Sexual Orientation

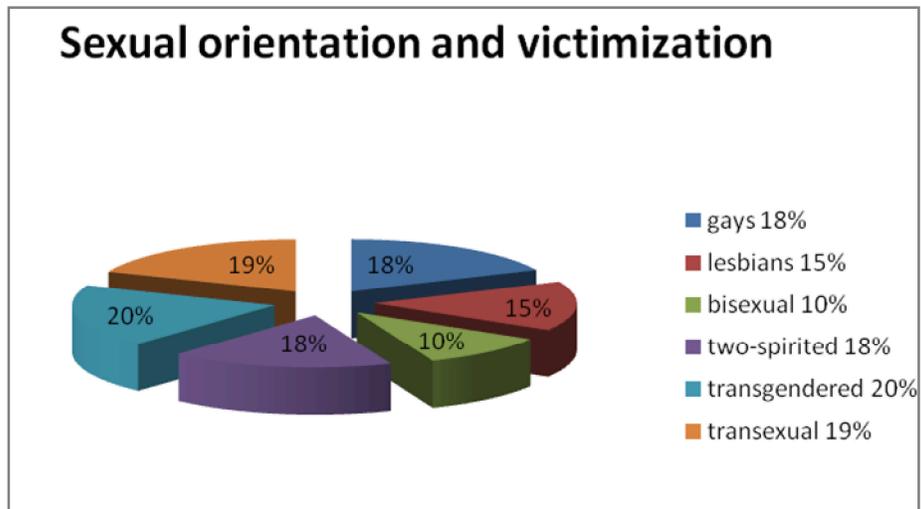
“Any hate crime against one of our members strikes fear into the heart of the community” (GLBT advocate).

The gay, lesbian, bisexual, and transgender (GLBT) community has experienced its share of discrimination and bias in our society. In a 2004 poll, Albertans reported the least tolerance toward same-sex marriage when compared to other regions in the country (Leger, p.4). In an online post, which seems to echo the perceptions in rural Alberta, a GLBT member states, *"I have found so much pain and rejection in the Hat. If I were a male, I would have already been beaten for being Bisexual. I have been wanting to go to PFLAG potlucks for several months now, but have not attended, in fear...."* Another member responded, writing, *"The people in this town are wonderful but also very gay unfriendly. What is a person to do? Flee or stay?"* (GrrlyGrrl, 2007). It is often felt that migration to the larger cities of Calgary and Edmonton affords community members moral support and an increased sense of safety.

In 2001, a survey was conducted with 554 participants from the gay and lesbian community in Calgary and surrounding areas. The results, which closely mirror those from prior Canadian and American research, found that "62% of respondents reported experiencing verbal assaults, 31.4 % report being chased or followed, and 18.8% report being punched, kicked, or beaten because someone assumed them to be lesbian or gay" (Faulkner, 2001, p. 2). GLBT community members are acutely aware of how vulnerable they are to hate and bias crimes and most are guarded about to whom they divulge their sexual orientation or identity, including law enforcement officials.

The AHCS found that the GLBT communities were significantly more likely to experience physical and verbal hate against them, compared to property crimes. They were also more likely to use telephone help lines for assistance in reporting hate and bias crimes. The bisexual segment of this community is significantly less likely to report crimes due to fear and reprisal. Figure #4 below demonstrates that there appears to be equal victimization between subcategories within this community.

Figure #4. Alberta Hate Crime Survey results



Hate and Extremism

"Hate crime is festering out of control in Alberta" (Hate crime investigator).

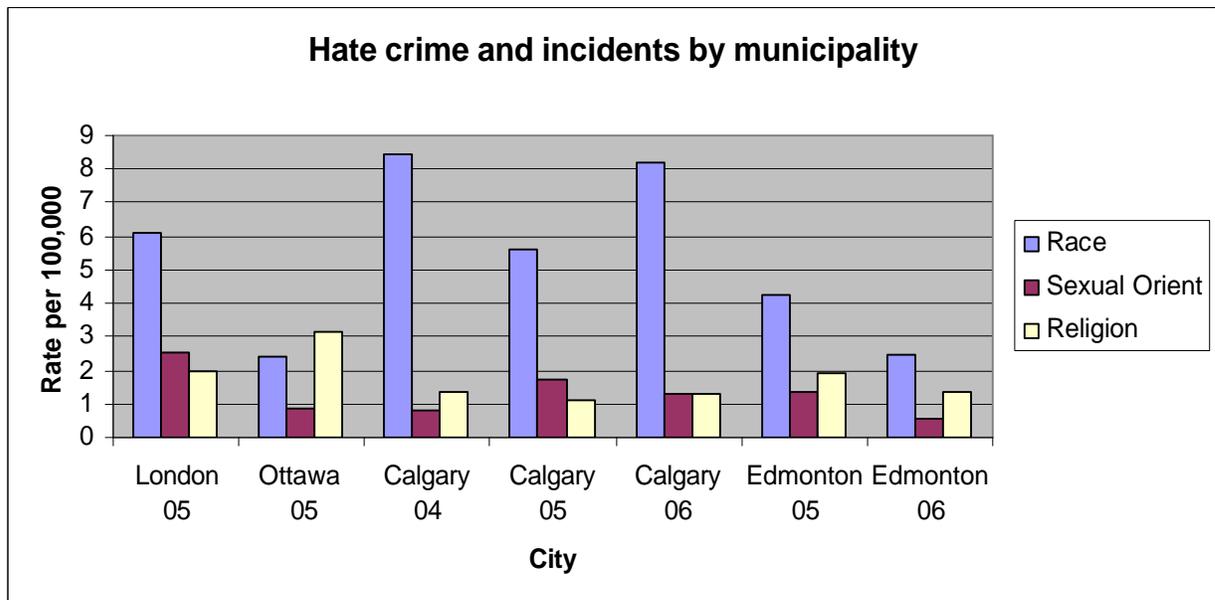
The World Wide Web has opened up many new lines of communication between communities and across cultures that were not present prior to its existence. This medium has been particularly successful in promoting bigotry in cyberspace by connecting white supremacists, racists, anti-Semites, and homophobic

individuals. The Simon Wiesenthal Center (2005) reports that “the number of terror and hate websites, newsgroups, blogs, chat rooms, and online clubs has surged above 6,000” in 2006, representing a twenty percent increase over the previous year. By the end of 2006, 12,000 white supremacist videos and documentaries were posted on video sharing web sites, allowing more Internet users to download them on command (Mock, B., 2007).

Alberta has its share of hate groups and individuals who have been identified by the community and law enforcement intelligence efforts. A recently formed white supremacist group, the Calgary Aryan Guard, is actively promoting its monthly meeting schedule on the Western Canadian Awareness website (<http://www.westerncanadianawarness.page.tl/>) and is energetically posting information on the Stormfront webpages. The Web site www.stormfront.org is one of the larger and prolific hate information providers on the Internet. According to their own records, Stormfront.org has hosted 321,207 threads, 3,846,406 posts, and has 108,249 members. This site has general white supremacist forums and interest groups as well as more specific forums divided into 13 countries and 10 language categories. Hate crime, like terrorism, has become borderless and hate easily migrates between the local and global spheres.

The only two policing agencies collecting hate crime data in Alberta, Calgary and Edmonton, report statistics on both hate crimes and incidents. Calgary reported a total number of 133 hate/bias crimes for 2004, 97 in 2005, and 106 for 2006, while Edmonton reported 63 for 2005 and 41 for 2006. Both cities noted race as the primary motivator for hate crimes in these reporting periods. When comparing these numbers to London and Ottawa, the only cities submitting hate crime data to Statistics Canada in 2005, Calgary was found to have significantly more hate crimes based on race (see figure #5). The reported numbers are lower than actual offences, as victims rarely report hate crimes. The 2004 General Social Survey on victimization found that 4% of all crimes were hate motivated, with race and ethnicity being the primary motivator of hate crimes (65%), followed by gender (26%), religion (14%) and sexual orientation (12%) (Gannon and Mihorean, 2005, p.7). The AHCS revealed that 51.2 % of respondents felt their Alberta community members would not report these offences to anyone.

Figure #5. Police Service collections of statistics



Law Enforcement Programs

“Police treat hate crime the way they did domestic abuse a decade ago - not very seriously” (FBI, quoted in McDevitt, et al., 2000, p.1).

There has been a large amount of interest in law enforcement responses to hate and bias crimes. Some jurisdictions have been actively investigating and collecting data on these types of offences for years. The UK Home Office (2007) reported that there were 50,000 racially or religiously motivated hate crimes in 2006, of which 11,799 occurred in the City of London. In the United States, the Federal Bureau of Investigation has provided training for law enforcement officers and has collected hate crime data since 1994. According to its most recent report, there were 7,160 hate crimes in the United States in 2005 (Department of Justice, 2006). Several Canadian jurisdictions are using the experiences and training from these international centers to start initiatives in Canada, including the Tools for Tolerance program from the Simon Wiesenthal Center Museum of Tolerance.

After contacting 36 Canadian policing agencies in 2000, Statistics Canada Researcher Derek Janhevich (2001) found that there was very little consistency in their responses to hate and bias crimes. This fact has not changed; however, several regional and national initiatives have emerged to move to more consistent approaches by law enforcement. The Law Enforcement Aboriginal and Diversity Network (LEAD) and the Canadian Association of Chiefs of Police (CACP) have been actively engaged in promoting change in responding to hate/bias crimes on a national level. In 1998, the CACP adopted a common definition of hate crime as “a criminal violation motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, or any other similar factor.” (Janhevich, 2001, p.20). The Canadian Centre for Justice Statistics (CCJS), a department of Statistics Canada, has adopted this definition in the development of a common data collection and dissemination program for hate crime in Canada (called the UCR 2.2). According to Mr. Warren Silver of the CCJS, a hate crime training program is presently being offered to all police agencies that are collecting and sending information to them (personal communication, January 17, 2007). By the end of 2006, all police services in Alberta will have the ability and technology to send hate crime statistics to CCJS. Currently only the Medicine Hat and Lethbridge systems are compatible with CCJS, and neither has taken advantage of the hate crime training offered.

According to Janhevich (2001), there are several strategies being used by police agencies to address hate-motivated crimes, including adopting a department wide approach, designating a hate/bias liaison officer, forming a hate/bias unit, and combining resources to assemble a joint forces task force (p. 20-21). Successful regional initiatives include the British Columbia Hate Crime Team (HCT) and the Ontario Hate Crime/Extremism Investigative Team (HCEIT).

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.

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 hatred 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).

3. Alberta. Several police agencies, including the RCMP, Calgary Police Service, and Edmonton Police Service are represented on the Alberta Hate and Bias Crimes and Incidents Committee. The RCMP’s ‘K’ Division has 104 detachments in Alberta, 2,200 members, and is under contract by the Alberta Solicitor General to provide federal, provincial, municipal, and First Nations policing to the province. The RCMP has identified that growth of the Alberta’s multicultural workforce has caused an increase in white supremacist activity, which will require additional resources (Royal Canadian Mounted Police, 2004, p. 18). Presently, the RCMP has one officer whose duties include liaising with diverse communities, facilitating workshops to members and coordinating hate crime information. At the time of this report, this position was currently not filled. RCMP officers receive their hate/bias crime education in recruit training process in Regina, however there is no region/community specific information, follow-up, or updates thereafter.

The Calgary Police Service (CPS) has created a designated liaison position of “Hate/Bias Crime Coordinator” within the Diversity Resources Unit. This officer works with other members of the Diversity Resources Unit to provide support for victims of hate/bias and vulnerable communities, reviews and updates hate/bias reports, and provides training for new members. Even though this position has never been fully utilized as allocated, officers have made great strides in building community confidence and support. Former Hate/Bias Crime Coordinator, Constable Doug Jones was involved with several initiatives, including the “Don’t Buy-in Project” for students, for which he received the Solicitor General’s Crime Prevention Award. The CPS has hired a full time civilian member to coordinate and facilitate the increased demand for the anti-hate “Don’t Buy-in” workshops. In addition to this position, the Calgary Criminal Intelligence Unit (CCIU) has a CPS and RCMP member working on hate and extremist groups. Unfortunately, these officers are strictly intelligence-based and inconsistently coordinate their hate/bias crime or incident efforts with the Diversity Resources Unit or field personnel. This disconnect between intelligence and community engagement appears to be the standard across police services in Alberta. The CCIU efforts are also taxed by the lack of analytical and technical support required by lengthy investigations and operations necessary to follow and identify hate groups. The CPS has no officers specifically trained in hate/bias crimes investigations, even though there are a number of courses available. The Hate Bias Crime Coordinator position is presently not fully staffed, as allocated, and the CPS has a proposal in place to change this to a fully allocated investigator position by the end of 2007.

The Edmonton Police Service’s (EPS) Hate and Bias Crime Unit formed in 2003 with the assistance of a grant from Canada Heritage. Two officers are dedicated to building partnerships with Aboriginal and minority groups in an effort to combat hate and racism in the community. They developed policies and practices for reporting and investigating hate/bias crimes and incidents in Edmonton, standardized hate/bias training for

the Police Service, and conducted several investigations. This initiative was awarded the 2005 International Association of Chiefs of Police Motorola Webber Seavy Award for quality of law enforcement. However, the success of this Unit presents a challenge: the amount of intelligence required and the increase in the number of reported hate/bias crimes results in their struggling to provide adequate service to all communities. In 2006, the Hate Crimes Unit, in conjunction with the RCMP National Security Intelligence Section (NSIS), Canadian Security Intelligence Service (CSIS) and the Department of National Defense (DND), developed a protocol to exchange and share information in relation to hate and related extremist groups. Members from the Edmonton Hate and Bias Crime Unit assisted in developing the Hate and Bias Crime Investigation course for the Canadian Police Knowledge Network, which is now available to all law enforcement officers across Canada (2007). The EPS is currently studying the possibility of expanding this unit to three members.

In Lethbridge, the Cultural Liaison Officer facilitates diversity and hate/bias training to its sworn officers and the civilian members of the Victim Services Unit, and provides support to investigations involving vulnerable communities. This officer also acts as a conduit of information between the police and Aboriginal and visible minority communities by building trusting relationships and goodwill. While some police services are doing a good job, most struggle with providing consistent responses to hate/bias crime. Many agencies have little or no resources allocated to this issue or enough to meet the growing need in the community.

The *Provincial Policing Standards Manual* is very clear about the requirement to investigate hate crimes in OP 5.5, which states: "The police service shall have a written policy governing the investigation of hate/bias motivated crime" (Alberta Solicitor General and Public Security, 2006, p. 41). Interviews conducted with police services revealed that only Calgary, Edmonton, Lethbridge, Camrose, and Taber had such a policy in place. Several services, including Edmonton, use very succinct language in the policy to identify the key facts in an issue,

Hate and bias motivated occurrences can have catastrophic and debilitating effects on its victims. It instills fear not only in the victim's family and community. Failure by the investigator to recognize these occurrences and react accordingly may lead to mistrust of the police, resulting in a lack of co-operation. It can also cause people to want to retaliate and ultimately fractures the entire community. (Edmonton Police Service, Part 2, Chapter A).

The Support Services (SS) section of the *Provincial Policing Standards Manual* states that:

All members of the police service must be particularly sensitive to the special needs of victims and their families in crimes such as domestic violence, child abuse, sexual assault, abuse of the elderly, and hate crimes. These crimes can have a major effect on the delicate structure of the family unit and the community in general. (Alberta Solicitor General and Public Security, 2006, p. 46).

To this end, ongoing hate/bias training of law enforcement personnel can play an integral part in any police service strategy. While both Calgary and Edmonton police services provide a specific hate/bias module to officers attending recruit training, Calgary alone provides additional training to experienced officers in an in-service program. Diversity officers of the Lethbridge Police Service facilitate hate/bias crime curriculum for the Lethbridge College Recruit Training Course. Members from Taber, Medicine Hat, the Blood Tribe, Canadian National Railway, and Lacombe police agencies have graduated from this

program. In addition, Lethbridge provides its members with a pocket card entitled *“Hate/Bias Investigation Guidelines.”*

The policies in the Calgary and Edmonton police services define hate/bias crime distinctly differently than other jurisdictions in Alberta. They have added the phrases “in whole or in part” to the motivation criteria in the Criminal Code definition and the one approved by the Canadian Association of Chiefs of Police. Coincidentally, section 83.01 of the Criminal Code uses this wording several times. The two larger agencies also use the term hate and bias motivated *incidents* which are behaviours and actions including name calling, racial slurs, or distributing material which promote prejudice or hatred (Calgary Police Service, 2001). Hate/bias incidents do not meet the necessary elements required to proceed with criminal charges; however, these incidents negatively affect the community and may lead to criminal or violent behavior. Both Calgary and Edmonton collect data on hate/bias crimes and incidents in their communities.

With over 100 victim service programs in Alberta, most victim service program personnel receive little and inconsistent training regarding hate/bias crimes. As hate/bias crime training is not a part of the mandatory curriculum for volunteers or professionals serving victims in the community, it may be missed or not given appropriate weight by victim service units. A six-page handout, “Crimes and trauma: Bias crimes,” was found in the *Victim Advocate Training Manual* (Alberta Police Based Victim Services Association, 2002). This rarely accessed document could form the basis for standard curriculum and training of victim advocates in the province.

A review of the policies and practices by police agencies within Alberta finds that hate crime prevention, detection, investigation, and data collection varies significantly between rural and urban areas. In general, Alberta police officers who have been in the field for more than 5 years have not even been provided with the basic hate/bias crime information. Outside of Calgary, Edmonton, and Lethbridge, policing agencies in Alberta have minimal policies addressing hate crime and most do not articulate the appropriate charging sections and how to utilize them. These same agencies report very few or no hate crimes. In one such community, members could recall several hate motivated crimes and their unsuccessful attempts to report others to the police service. Communities in the province do not receive consistent and adequate response by law enforcement personnel, possibly leading to increased victimization and isolation. These responses determine what offences get investigated and which offenders are brought before the courts. This leads us to the prosecution practices, which is the next link in the chain of legislative approach to hate crime.

“Police response (to hate crime) is not very good. They attend, write reports, but no follow-up”
(Muslim leader)

Prosecution Practices

“We are not thinking of hate as an aggravating factor” (Crown Prosecutor)

In the justice system, the Crown prosecutor’s office is responsible for representing the government in all criminal prosecutions of individuals and groups in our society. In order to proceed with charges of advocating genocide or promoting hatred, the Criminal Code of Canada requires that police obtain the “consent of the Attorney General to initiate prosecution” (Sections 318, 319, 320, and 320.1). There are relatively few investigations that have resulted in charges being laid under these sections in Alberta, partly due to the burden of proof necessary to obtain a conviction. In many jurisdictions outside of Alberta, section 718.2 of the Criminal Code is more readily applied in the sentencing of crimes motivated by bias, prejudice or hate. This may be because the definition is more broad, including language, sexual



orientation, age, mental, and physical disability, as well as the terms *bias* and *prejudice* as motivating factors, which perhaps “denotes a lower threshold than the term ‘hatred’” (MacMillan, Claridge, & McKenna, 2002, p.448).

From research conducted for this report, there are relatively few Crown prosecutors in Alberta who have had experience using any of the hate/bias sections of the Criminal Code. It appears only a few charges have been filed under the promoting hatred section and separate Crowns have been assigned to these files. These cases include *R. v. Jim Keegstra* (1990), and recently prosecuted cases against Reinhardt Mueller and Glenn Bahr, with the latter two cases involving promoting hatred on the Internet. Interviews with Alberta Chief Crowns revealed that outside of Calgary and Edmonton, prosecutors are unfamiliar with the provisions of sections 718.2 and have not utilized them in sentencing. The limited use of these sections can also be attributed to the fact that law enforcement investigations sent to prosecutions have not articulated or identified that the crimes were motivated by hate or bias.

An innovative practice that has been used in Calgary and Edmonton is the assignment of a Crown prosecutor who specializes in monitoring hate crime investigations. Police files, identified as motivated by hate or bias, are flagged and sent to this person, who ensures appropriate prosecution. This system is good in theory, but appears to lose its intent in practice due to a lack of department resources. The assigned prosecutors have the hate/bias files added to their already busy caseloads, with little support.

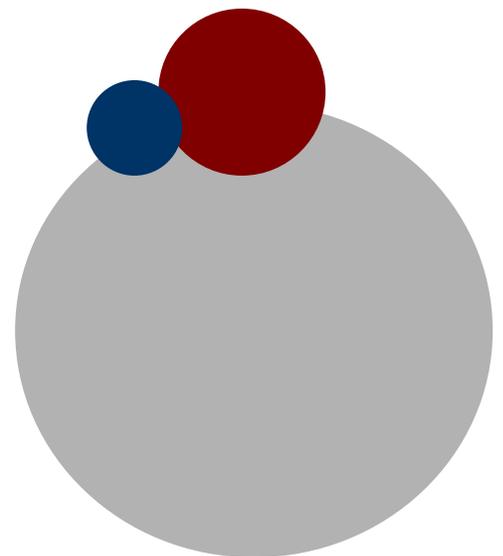
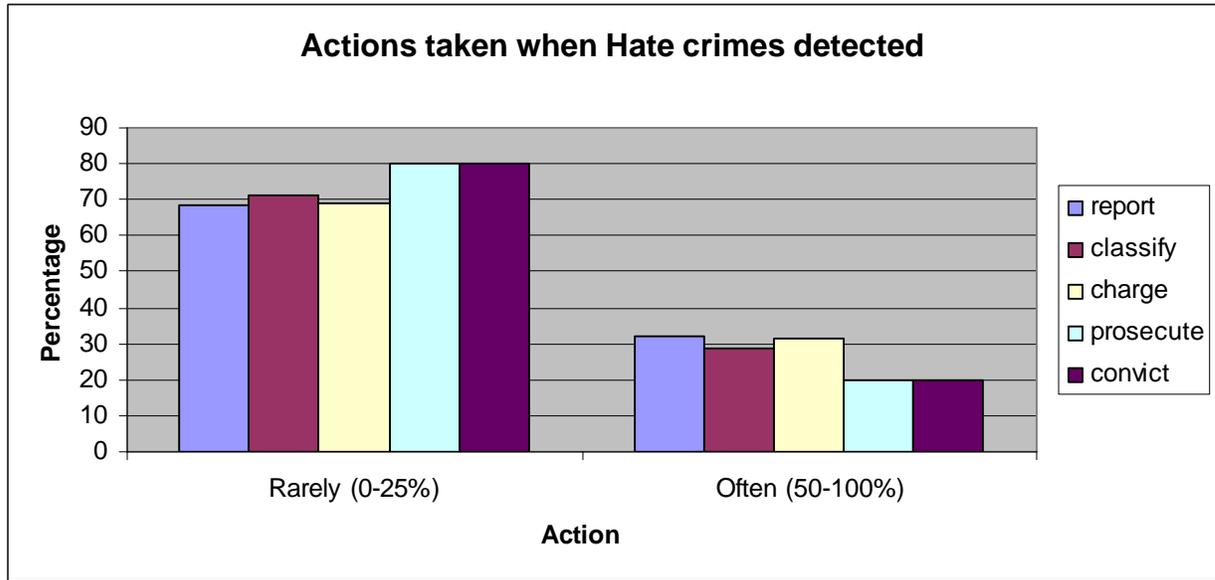
In interviews with the police and the Crown outside of the two larger cities in Alberta, interviewees asserted that there is little need for any policies, procedures, or training in this area because they had no hate/bias crimes reported to them. This correlates with earlier research which identifies that “prosecutors sometimes indicated lack of awareness of hate-motivated activity in the same regions where police had indicated activity existed” (Nelson and Kiefl, 1995, p.15). The community, on the contrary, believe that there are, in fact, many hate/bias-motivated crimes reported already to the police which were not given the appropriate attention and that police agencies should be doing more. This is consistent with Haider-Markel’s research (2004) of 250 law enforcement agencies, which found that community interest groups were more likely than their police departments to perceive problems with “funding, training, and officer resistance when it comes to hate crimes” (p. 506). His report concluded that community satisfaction increased if the community believed that “law enforcement is making a strong effort on hate crimes” and if these efforts were receiving strong support from politicians and government officials (p.506).

Previous research indicates that hate crime is under reported and could represent as little as 5-10% of the actual number of hate crimes being committed (Roberts, 1995, p.1). In the AHCS, almost 70% of the respondents indicated that members of their community would rarely (0-25%) report hate/bias crimes. Most respondents (83%) said that the biggest barrier to reporting hate/bias crimes is the fear that reporting will not result in help or action and that victimization will not be taken seriously. Even greater numbers believe that police would fail to classify it as a hate crime at the scene, offenders would not be charged, the Crown would fail to prosecute under hate crime legislation, and the judge would not likely convict.

As noted above, minority and vulnerable community members feel isolation and fear justice system responses to hate/bias crime. This fear of mainstream opinions and attitudes may lead to even more resistance to expressing their views and increased isolation, similar to Neolle-Neumann’s Spiral of Silence model (1991) wherein it was noted that people tend to remain silent when they feel that their views are in the minority. In the next section of this report, we will look at several recommendations to reverse hate/bias trends, practices, and attitudes in Alberta.

“Our staff are junior and have no experience in prosecuting hate crime” (Chief Crown Prosecutor)

Figure #6. Alberta Hate Crime Survey results



4.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusion

The issues addressed in this report clearly identify that hate and bias crime affect a large segment of the population and impact a number of government agencies. Consistent, competent, and coordinated responses to hate/bias crime should be the focus of any strategy within Alberta. Several themes arose out of this study, including;

- Training and updating law enforcement personnel
- Developing a standard definition and response to hate crime
- Taking a zero tolerance approach to charging and prosecuting hate/bias motivated crimes
- Implementing long-term funding for a provincial strategy
- Engaging community liaison committees with participation from Aboriginal and minority groups
- Developing public awareness/education programs
- Supporting victims, their families and communities
- Standardizing data collection and dissemination
- Instituting a resource or ombudsman that would instill diverse community trust
- Centralizing knowledge and resources

The following recommendations are a compilation of suggestions made by police, prosecutors, and community members and their advocates. In addition, some of the recommendations originate from the research documents of Toronto Police Service's Hate Crime Unit Retired Sergeant A. Dino Doria, commissioned by the Alberta Hate and Bias Crimes and Incidents Committee (2005). The following recommendations outline a truly Alberta-based approach to addressing hate/bias crimes, which ensure safe and secure communities for all.

Recommendation #1 - Creation of an Alberta Hate Crime Team

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 Solicitor General and Public Security Department (2007) already delivers integrated law enforcement services to Albertans and encourages "leadership, increasing collaboration and integration..." (p. 281) through a number of programs. Present partnership networks include the Integrated Child Exploitation Unit (ICE), the Integrated Response to Organized Crime (IROC), and the Alberta Law Enforcement Response Team (ALERT). Implementation of an Alberta hate crime response within the next year would correspond with the technology change of all police agencies having the ability to collect the same hate crime data for the Statistics Canada URC 2.2 report.

The Alberta Hate Crime Team (AHCT) reporting to the Solicitor General's Department would fit well with this service model, as these offences are increasingly more technological (web-based) in nature and they cross jurisdictional and geographic boundaries. An integral aspect of these investigations is the sharing of intelligence information between law enforcement agencies, the Department of Corrections, the Department of Defense, and the community. This initiative would also cross governmental boundaries and include input from a multitude of agencies. Figure #7 below demonstrates the value of police and community education to gaining intelligence and producing successful police investigations and criminal prosecutions. By encouraging local relationships and responses to hate crimes, communities will gain confidence of the hate crime process adopted by the justice system and will be more comfortable bringing incidents and information forward.

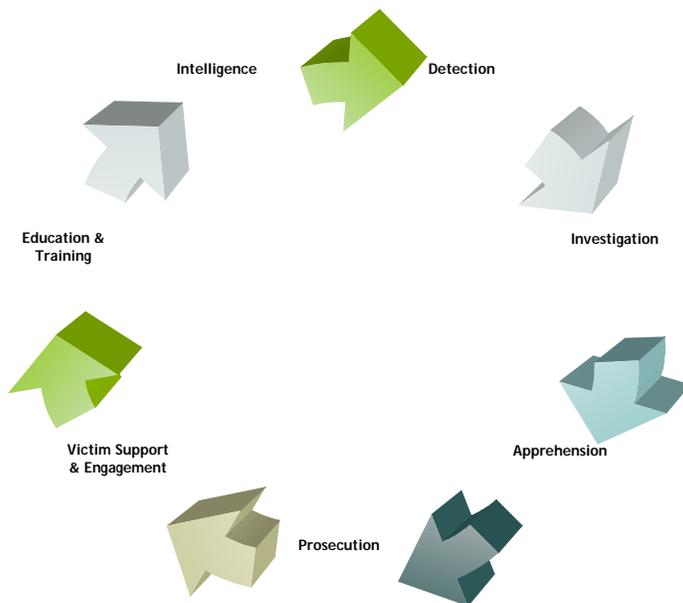


Figure #7.

The cycle of information flow within the hate crime process

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. This team should be staffed with a coordinator/trainer, investigator, prosecutor, and analyst. The following is a list of some of the duties required for each:

Coordinator/trainer (civilian or police officer)

- Develop and co-facilitate training to law enforcement professionals and victim service units
- Locate or develop training for managers and leaders
- Monitor reporting and data collection of hate crimes (work to develop a consistent data gathering strategy across the province)
- Develop proactive marketing strategies
- Respond to media inquiries
- Facilitate educational sessions in community venues and schools
- Coordinate annual hate crime summits/conferences (as per the 1998 IACP recommendations)
- Advocate for national hate crime standards and training (general and internet)
- Report progress to the Solicitor General and the Alberta Hate Crime Committee

Investigator (police officer)

- Liaise with agencies to encourage sharing of hate crime intelligence
- Provide advice to local investigators
- Assist or lead investigations requiring more complex techniques
- Co-facilitate training to law enforcement professionals
- Meet with diverse community members and encourage police partnership models

Prosecutor (Alberta Justice)

- Monitor current trends in provincial and national hate crime case law
- Prosecute hate/ crimes (318, 319, and 320 CC)
- Provide support to prosecutors in applying 718.2 (i) CC
- Train and update Chief Crown offices
- Track hate crime prosecutions
- Co-facilitate training as required

Analyst (civilian)

- Collect and analyze local, provincial, and federal hate crime statistics
- Analyze and interpret intelligence reports
- Provide analytical support for criminal and intelligence operations

By implementing an appropriate hate crime response in Alberta the government and policing agencies will realize many advantages and find that this initiative supplements existing programs. Figure #8 below has utilized some of the recommendations made by the National Police Ethnic Advisory Bureau in Australia, to highlight the benefits of creating a Hate Crime Team in Table 1, as well as the risks of not doing so in Table 2 (2000, p.10-12).

Figure #8. Table 1- Benefits of Creating the Alberta Hate Crime Team

Organizational (Internal)	Economic (Internal)
<p><i>Service benefits:</i></p> <ul style="list-style-type: none"> • Provides higher quality service • Ensures culturally appropriate service to all communities • Increases workplace cohesion • Standardizes police response to hate crime • Reduces internal complaints • Increases communication with community • Broadens skills within the organization <p><i>Community Relations:</i></p> <ul style="list-style-type: none"> • Enhances organizational prestige • Increases community satisfaction • Increases partnerships • Reduces external criticism 	<p><i>Productivity benefits:</i></p> <ul style="list-style-type: none"> • Increases diverse thinking and problem solving • Community input increases value of expenditures <p><i>Risk reduction benefits:</i></p> <ul style="list-style-type: none"> • Reduces external complaints and handling costs • Lowering anti-discrimination internal complaints reduces investigation costs, prevents stress and morale impacts <p><i>Funding benefits:</i></p> <ul style="list-style-type: none"> • Provides opportunities to specific-purpose funding for projects from other agencies • Provides opportunities to attract community-based resource support • Improves government and policing profiles
Operational (Internal)	Social and Community (External)
<p><i>General benefits:</i></p> <ul style="list-style-type: none"> • Enhanced capacity for intelligence-led policing (domestic and internal) • Partnership model enhances support for other police activities • Increases accuracy of police problem solving • Increases skill base of police members • Increases reporting of all crimes (including hate motivated crimes) <p><i>Operational management benefits:</i></p> <ul style="list-style-type: none"> • Develops skills to anticipate community trends and public sensitivities (reduction of complaints based on operational activities) • Improves targeting of operations for specific areas of community safety and crime patterns 	<p><i>General Benefits:</i></p> <ul style="list-style-type: none"> • Public sees a proactive inclusive project • Reduces the feeling of minority groups being "targeted" by police • Promotes inclusiveness in the community • Engages smaller communities with society (develops linkages and partnerships) • Creates a positive role model for other organizations <p><i>Function-oriented benefits:</i></p> <ul style="list-style-type: none"> • Develops an avenue for communication between police and minority communities • Increases public confidence in the police • Demonstrates police integrity



Table 2- Failure to implement the Alberta Hate Crime Team

Organizational (Internal)	Economic (Internal)
<p><i>Service decline:</i></p> <ul style="list-style-type: none"> • Reduces service delivery • Reduces service quality <p><i>Community Relations:</i></p> <ul style="list-style-type: none"> • Decreases community satisfaction 	<p><i>Productivity costs:</i></p> <ul style="list-style-type: none"> • Decreases in productivity <p><i>Financial risks:</i></p> <ul style="list-style-type: none"> • Increases complaints and handling costs <p><i>Funding risks:</i></p> <ul style="list-style-type: none"> • Decreases opportunities to attract additional resources
Operational (Internal)	Social and Community (External)
<p><i>General risks:</i></p> <ul style="list-style-type: none"> • Increases community resistance <p><i>Management risks:</i></p> <ul style="list-style-type: none"> • Decreases skills to anticipate community trends • Reduces ability to meet government policy expectations • Reduces ability to consistently meet community expectations and legislative requirements 	<p><i>General risks:</i></p> <ul style="list-style-type: none"> • Increases alienation of communities and groups • Embarrassment during critical hate motivated incidents <p><i>Function-oriented risks:</i></p> <ul style="list-style-type: none"> • Decreases public confidence in police services by minority communities • Increases public criticism of police handling of hate crimes • Decreases international reputation (police and community) • Increases political criticisms



Recommendation #2 - Creation of an Alberta Hate Crime Committee

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. The current committee is an ad-hoc grassroots group of concerned and active individuals, as identified in Appendix "A". They have no budget or authority to advocate for change. It has also become apparent that many of the members are government employees who may find it difficult, and even possibly a conflict of interest, to apply for funds or challenge existing funded government programs. Even during the research of this report, several stakeholder representatives were unable to fully engage their agencies.

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. By establishing this mechanism, the initiative will engage identified stakeholders and address community concerns in a timely and respectful manner. This Minister's Advisory Committee would meet and communicate regularly with the Alberta Hate Crime Team to increase its effectiveness by providing advice, direction, and support. Committee members may include representation from various vulnerable communities or agencies designated in the Criminal Code, and include the Alberta Human Rights Commission and victim support groups (see Figure #9).



Figure #9.

Alberta Hate Crime Committee Proposed Linkages



Recommendation #3 - Develop a public awareness program of hate/bias crimes

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. This could be done in conjunction with the Ministry of Tourism, Parks, Recreation and Culture, the Alberta Human Rights and Citizenship Commission and the Department of Canadian Heritage, as they are currently involved with several initiatives that foster equity and reduce discrimination. The Commission currently offers information on human rights legislation to individuals and workshops on human rights in the workforce to corporations. The Alberta Hate Crime Team could partner with the existing resources and networks, established by the Commission, to engage and inform community members. It is important that a consistent message be disseminated to all communities within the province of Alberta by a number of vested partners. This partnership would be advantageous to both parties and the community, as there is often a fine line between criminal hate (prosecuted under the Criminal Code) and those incidents that do not qualify as a crime but are punishable under various human rights legislations.

As Aboriginal communities experiences more hate and bias crime, while at the same time are least likely to report these offences, a distinctly separate public relations program should be instituted with these communities in Alberta. Existing networks and resources found within the Ministry of International, Intergovernmental, and Aboriginal Relations should be initially used to communicate relevant messages and elicit feedback.



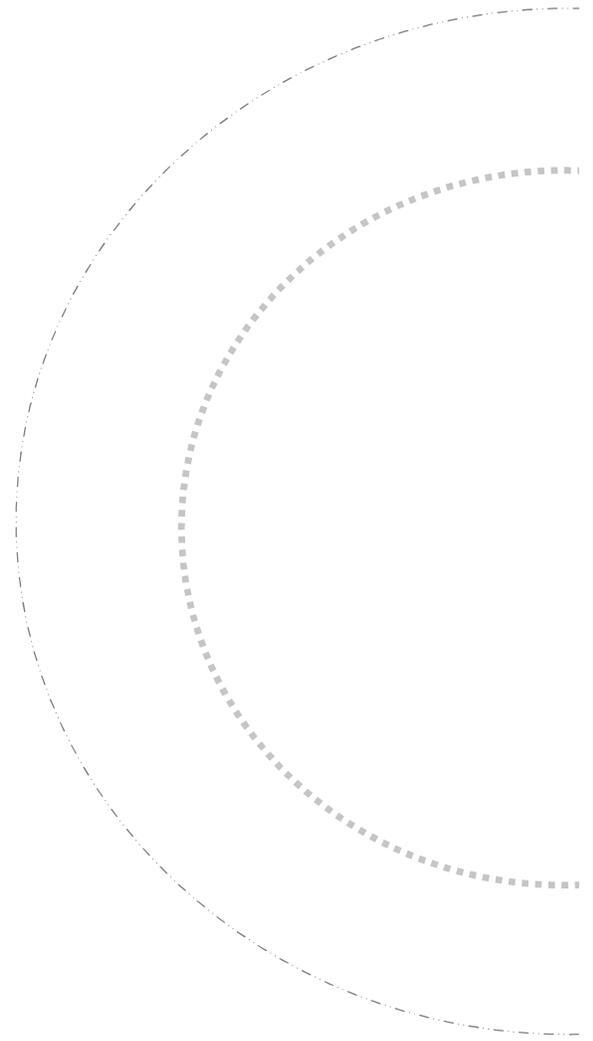
An important component within this recommendation would be the development of an internet presence for this initiative. By utilizing this medium, the program will be able to reach thousands of Albertans, while offering a positive educational alternative to those attracted to this subject. A website containing current information, resources, and areas to interact (chat rooms) will go a long way to engaging the community and building confidence in the justice system.

Call for Action

It is imperative for Alberta to develop a strategy addressing hate and bias crime to make this province safe and secure for all its citizens. With our growingly ethnically and culturally diverse communities, we can no longer wait to implement appropriate responses. The costs of not proceeding with a proactive strategy include negative media attention (local and national) when serious hate crimes occur and increased alienation of minority communities. This report identifies that we can learn from some of the best practices initiated in other jurisdictions and listen to what our own communities are saying to develop a plan that will work in Alberta. By immediately engaging in the aforementioned proactive recommendations, we will be improving the quality of life for all Albertans.

The Ministries of the Solicitor General, Attorney General, Human Rights and Citizenship Commission, and International, Intergovernmental, and Aboriginal Relations must form a strategic alliance, which will utilize their core strengths in this provincial strategy. By developing an integrated approach to combating hate and bias crimes, Albertans will have an effective and efficient tool to prevent, detect, and prosecute hate motivated offenses and incidents.





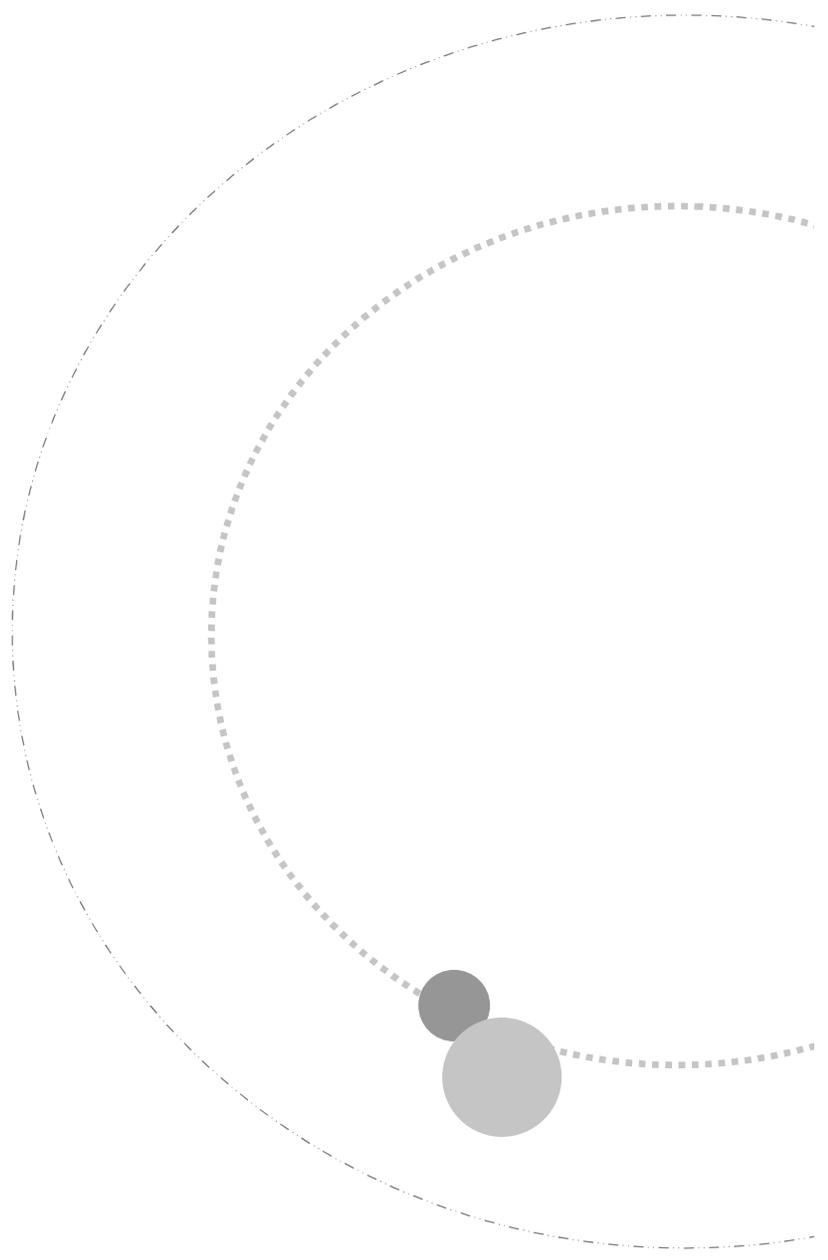
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6.0 APPENDICES



Appendix “A”

Alberta Hate Bias Crime and Incidents Committee - (2006-2007)

Organization	Committee Member	Sector
Alberta Association of Chiefs of Police	Sgt. Bev Voros (CPS)	Police
	Cst. Tim Horon (EPS)	
Royal Canadian Mounted Police	In Transition	Police
Canadian Heritage	Amal Umar	Federal Government
	Njeri Waiyaki	
	Hai Nguyen	
Canadian Human Rights Commission	Hilda Andresen	Federal Government
Alberta Community Development Human Rights and Citizenship	Susan Coombes	Provincial Government
Crime Prevention and Restorative Justice Alberta Solicitor General	Vivian Yueng	Provincial Government
Alberta Justice and Attorney General	Sheena Cunningham	Provincial Government
Safe and Caring Schools	Vicki Mather	Provincial Government
	Barb Maheu	
City of Calgary	Valerie Pruegger	Municipal Government
United Way of Calgary and Area	Doug Jones	Community
Northern Alliance on Race Relations	Mike Murakami	Community
Central Alberta Diversity Association	Mavis Edie	Community
Alberta Committee of Citizens with Disabilities	Bev Matthiessen Charleen Shaw	Community

Appendix “B”

Participating Organizations

Aboriginal Council of Lethbridge
Alberta Justice, Special Prosecutions
Alberta Justice, General Prosecutions
British Columbia Hate Crime Team
B’nai Brith Canada
Calgary Police Service
Camrose Police Service
Central Alberta Diversity Association
Central Alberta Refugee Effort
Edmonton Police Service
Global Friendship Centre, Brooks
Islamic Supreme Council
Jewish Free Press
Jewish Community Council
Justice Canada
Law Enforcement Aboriginal and Diversity Network
Lethbridge Family Services
Lethbridge Police Service
Louis Bull Police Service
Medicine Hat Police Service
Miywasin Society, Medicine Hat
Multicultural Association of Fort McMurray
Muslim Council of Calgary
Northern Alberta Alliance against Race Relations
Ontario Hate Crimes Community Working Group
RCMP
RCMP Grand Prairie
RCMP Fort McMurray
RCMP Calgary CCIS
South Eastern Alberta Racial and Community Harmony Society
Statistics Canada
Taber Police Service
Wood Buffalo Somali Association
United Way of Calgary and Area

Appendix “C”

Interview Questions

POLICE

1. What is your service’s policy in regards to investigation of hate motivated crimes?
2. What is your service’s definition of hate crimes and hate incidents?
3. What resources (Full or part-time) does your service commit to hate crimes in regards to:
 - a) investigation
 - b) training
 - c) community education
 - d) prevention
 - e) coordination
4. What is your training plan for your members in regards to hate bias crimes and incidents?
5. Who receives the training (frontline, supervisors, managers, media relations, victim’s support team, data entry personnel)?
6. Who the collects data on hate crimes and incidents?
7. If you are collecting them, what have the numbers been for the last 3 years?
8. In your opinion, what additional resources should be made available to effectively deal with hate crime and incidents?

COMMUNITY

1. Describe your involvement and history with hate and bias crimes or incidents. Example:
 - a) have you been a victim of hate crime
 - b) do you know someone who has been a hate crime victim
 - c) has it happened in your community
9. Tell me what you know about legislation around hate crime and incidents.
10. In your experience, what is the impact of hate crime or incidents on your community?
11. Tell me what you know about police and prosecution practices around hate crimes and incidents.
12. In these areas, what is being done well and what need to be improved?
13. To you knowledge, what support is there for victims of hate crime (community or other)?
14. In your opinion, what additional resources should be made available to effectively deal with hate crime and incidents?

PROSECUTORS

1. What is your agency’s policy in regards to the prosecution of hate motivated crimes?
2. What resources does your agency commit to prosecuting hate crimes? Have you identified someone who specializes in prosecuting hate motivated crimes?
3. What training plan do you have for your staff is in regards to hate bias crimes and incidents?
4. Has your department had experience using section 718 of the Criminal Code, in the sentencing of hate motivated crimes?
5. Do you track successful utilization of section 718?
6. Do you collect the data and case laws on hate motivated crimes and incidents?
7. Are police providing you with enough information and evidence to make an informed decision about prosecuting a hate motivated crime?
8. In your opinion, what additional resources should be made available to effectively deal with hate crime and incidents?

Appendix “D”

Alberta Hate Crime Survey Questions

Appendix “E”

Alberta Hate Crime Survey Responses

Appendix “F”

Legislation addressing hate crime and incidents

Criminal Code (R.S., 1985, c. C-46)

Hate Propaganda

Advocating genocide	318. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.
Definition of “genocide”	(2) In this section, “genocide” means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely, (a) killing members of the group; or (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.
Consent	(3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

Definition of “identifiable group”

(4) In this section, “identifiable group” means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation.

R.S., 1985, c. C-46, s. 318; 2004, c. 14, s. 1.

Public incitement of hatred

319. (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

Wilful promotion of hatred (2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

Defences

(3) No person shall be convicted of an offence under subsection (2)

(a) if he establishes that the statements communicated were true;

(b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;

(c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or

(d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.

Forfeiture

(4) Where a person is convicted of an offence under section 318 or subsection (1) or (2) of this section, anything by means of or in relation to which the offence was committed, on such conviction, may, in addition to any other punishment imposed, be ordered by the presiding provincial court judge or judge to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney General may direct.

Exemption from seizure of communication facilities

(5) Subsections 199(6) and (7) apply with such modifications as the circumstances require to section 318 or subsection (1) or (2) of this section.

Consent

(6) No proceeding for an offence under subsection (2) shall be instituted without the consent of the Attorney General.

Warrant of seizure

320.1 (1) If a judge is satisfied by information on oath that there are reasonable grounds for believing that there is material that is hate propaganda within the meaning of subsection 320(8) or data within the meaning of subsection 342.1(2) that makes hate propaganda available, that is stored on and made available to the public through a computer system within the meaning of subsection 342.1(2) that is within the jurisdiction of the court, the judge may order the custodian of the computer system to

(a) give an electronic copy of the material to the court;

(b) ensure that the material is no longer stored on and made available through the computer system; and

(c) provide the information necessary to identify and locate the person who posted the material.

Mischief

Mischief

430. (1) Every one commits mischief who wilfully

(a) destroys or damages property;

(b) renders property dangerous, useless, inoperative or ineffective;

(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or

(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

Mischief in relation to data (1.1) Every one commits mischief who wilfully

(a) destroys or alters data;

(b) renders data meaningless, useless or ineffective;

(c) obstructs, interrupts or interferes with the lawful use of data; or

(d) obstructs, interrupts or interferes with any person in the lawful use of data or denies access to data to any person who is entitled to access thereto.

Punishment

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and liable to imprisonment for life.

Punishment

(3) Every one who commits mischief in relation to property that is a testamentary instrument or the value of which exceeds five thousand dollars

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

Mischief relating to religious property

(4.1) Every one who commits mischief in relation to property that is a building, structure or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Terrorism - Interpretation

Definitions

83.01 (1) The following definitions apply in this Part.

"Canadian" means a Canadian citizen, a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* or a body corporate incorporated and continued under the laws of Canada or a province.

"entity" means a person, group, trust, partnership or fund or an unincorporated association or organization.

"listed entity" means an entity on a list established by the Governor in Council under section 83.05.

"terrorist activity" means

(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

(i) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on December 16, 1970,

(ii) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on September 23, 1971,

(iii) the offences referred to in subsection 7(3) that implement the *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, adopted by the General Assembly of the United Nations on December 14, 1973,

(iv) the offences referred to in subsection 7(3.1) that implement the *International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations on December 17, 1979,

(v) the offences referred to in subsection 7(3.4) or (3.6) that implement the *Convention on the Physical Protection of Nuclear Material*, done at Vienna and New York on March 3, 1980,

(vi) the offences referred to in subsection 7(2) that implement the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation*, supplementary to the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on February 24, 1988,

(vii) the offences referred to in subsection 7(2.1) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, done at Rome on March 10, 1988,

(viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*, done at Rome on March 10, 1988,

(ix) the offences referred to in subsection 7(3.72) that implement the *International Convention for the Suppression of Terrorist Bombings*, adopted by the General Assembly of the United Nations on December 15, 1997, and

(x) the offences referred to in subsection 7(3.73) that implement the *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations on December 9, 1999, or

(b) an act or omission, in or outside Canada,

(i) that is committed

(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic

security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

Sentencing Principles

718.2 A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner,

(ii.1) evidence that the offender, in committing the offence, abused a person under the age of eighteen years,

(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,

(iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization, or

(v) evidence that the offence was a terrorism offence

shall be deemed to be aggravating circumstances;

(b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

1995, c. 22, s. 6; 1997, c. 23, s. 17; 2000, c. 12, s. 95; 2001, c. 32, s. 44(F), c. 41, s. 20; 2005, c. 32, s. 25.

Canadian Human Rights Act (R.S., 1985, c. H-6)

Hate messages 13. (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

Interpretation (2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

Interpretation (3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of that matter.

R.S., 1985, c. H-6, s. 13; 2001, c. 41, s. 88.

Alberta Human Rights, Citizenship and Multicultural Act (Chapter H-14)

Discrimination 3(1) No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that

(a) indicates discrimination or an intention to discriminate against a person or a class of persons, or

(b) is likely to expose a person or a class of persons to hatred or contempt

because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status of that person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion on any subject.

(3) Subsection (1) does not apply to

(a) the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one gender,

(b) the display or publication by or on behalf of an organization that

(i) is composed exclusively or primarily of persons having the same political or religious beliefs, ancestry or place of origin, and

(ii) is not operated for private profit,

of a statement, publication, notice, sign, symbol, emblem or other representation indicating a purpose or membership qualification of the organization, or

(c) the display or publication of a form of application or an advertisement that may be used, circulated or published pursuant to section 8(2),

if the statement, publication, notice, sign, symbol, emblem or other representation is not derogatory, offensive or otherwise improper.

RSA 1980 c1-2 s2;1985 c33 s2;1990 c23 ss2,3;1996 c25 s5

