



## 05-16 Hate/Bias Crime

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### Rationale

The impact of crime motivated by hate or bias is far-reaching; extending beyond the physical and emotional trauma suffered by the victim and encompassing other members of the targeted group. Such crimes often heighten the isolation and vulnerability of the victim group and can cause severe stress for all members of the community. If unchecked, these crimes can result in escalating social tensions between different groups that can destroy communities.

An appropriate police response to hate/bias crime goes beyond law enforcement and must convey a strong message of our respect for, and commitment to, a diverse society. The commitment of the Toronto Police Service (Service) to the community is based upon valuing the equality and dignity of every person.

### Supervision

- Supervisory Officer notification mandatory when dispatched to the scene of a hate/bias crime

### Procedure

For the purposes of this procedure, hate/bias crimes and hate propaganda will be reported as separate offences. Where the procedure indicates a 'hate/bias crime', offences under the 'Hate Propaganda' sections of the CC shall be substituted where appropriate.

A police officer shall be dispatched to every report of hate/bias crime or hate propaganda.

The Service is committed to the investigation of hate/bias crime and to assuming a leadership role in the co-ordination of a strong police and community response. In addition, the Service is committed to working closely with all segments of the community to provide education programs on hate/bias crime and hate propaganda.

The investigation of hate/bias crime is the responsibility of the divisional detective office but Intelligence Services – Hate Crime (INT – Hate Crime) will provide assistance and expertise to all investigations and prosecutions for these crimes. It will also maintain an information base of hate/bias occurrences and arrests to assist divisional analysts and investigators. Intelligence Division – Hate Crime will also assist in developing public education programs in partnership with other members of the Service and the community.

Intelligence Services – Hate Crime will be the central focus for the dissemination of information and support to divisional hate crime investigation co-ordinators, other police services, government agencies and the community.

### Police Officer

1. When dispatched to the scene of a hate/bias crime shall

- attend promptly
- notify a supervisory officer of the circumstances
- provide assistance to the victim by
  - ensuring immediate medical attention is provided if required
  - complying with Procedure 04-31, if applicable

- [REDACTED]

- arrange with the property owner or occupier for the expeditious removal or covering of any graffiti following photographs being taken

➔ *One of the most effective ways of curtailing the incidence of graffiti is have it removed or covered over within 24 hours.*

*The removal of graffiti from private property is the responsibility of the property holder. Maintenance of public property is the responsibility of the respective government agency.*

2. Where initial investigation determines that an offence has been committed shall

- complete the applicable eReports and include

- [REDACTED]

- [REDACTED]

- complete the applicable MO Detail page
- ensure the Canadian Centre for Justice Statistics (CCJS) – Crime Types – Hate Crime study flag is checked 'yes', 'suspected', or 'no' in the eReport
- provide the relevant eReport numbers to

- the divisional hate crime investigation co-ordinator (divisional co-ordinator)
- INT – Hate Crime
- consider the following criteria in determining if an incident is a hate/bias crime



→ *Generally, no single factor is sufficient to make a determination of what constitutes a hate/bias crime. It is often the result of cumulative information that supports such a finding. It is not enough to determine that the suspect was biased against the victim but rather that the motivation for the commission of the criminal act was hate or bias.*

3. When a suspect is arrested for a hate/bias crime shall
  - comply with Procedure 01–01
  - clearly indicate 'hate/bias crime' at the top of the eReport
  - ensure the eReport indicates the hate/bias nature of the charges
  - comply with Procedure 17–01, if applicable
4. When investigating an incident that appears motivated by hate but revealing no apparent offence shall
  - preserve and collect any evidence that may assist in any further investigation of the allegation in compliance with Procedures 04–21, 04–30 and 09–01
  - complete the appropriate eReports
  - submit a TPS 228 to place the address on the Special Address System, if appropriate

### Supervisory Officer

5. Upon being notified of an incident suspected to be a hate/bias crime shall
  - attend the scene whenever possible
  - assign sufficient police officers to ensure a thorough investigation is conducted
  - ensure all evidence is dealt with in compliance with Procedures 04–21, 04–30 and 09–01
  - request the attendance of investigators from the divisional detective office, Detective Operations – Forensic Identification Services, INT – Hate Crime and Victim Services Toronto, as appropriate
  - ensure compliance with Procedure 04–31, if required
  - assure the victim and the community that the Service will fully investigate the occurrence and assist the community in taking measures to prevent any repetition of the offence
  - advise the Officer in Charge of all relevant facts

### Detective

6. Upon initiating an investigation of a hate/bias crime shall
  - ensure the divisional co-ordinator is advised of significant aspects of the investigation

- ensure the relevant eReport numbers are provided to the divisional co-ordinator and INT – Hate Crime
  - [REDACTED]
  - when firearms are or may be a factor
    - notify Organized Crime Enforcement – Integrated Gun and Gang Task Force
    - comply with Procedure 05–21
7. When an arrest results from an investigation shall
- ensure that information on the hate/bias aspect of the crime, is noted in the eReport and the top of the report clearly indicates 'hate/bias crime'
  - in cases involving stalking, threatening or harassing behaviour, and where there is an identifiable target and serious potential for violence, consult with the divisional detective sergeant regarding consultation with Detective Operations – Sex Crimes – Behavioural Assessment Section (BAS)
  - [REDACTED]
  - consider applying for a prohibition order or seeking a revocation where reasonable grounds exist to believe it is not desirable in the interests of safety for the offender to possess weapons

### Officer in Charge

8. Upon being notified of a hate/bias crime shall ensure
- detective personnel attend the scene as required
  - in cases involving bodily harm or major property damage, the Unit Commander and INT – Hate Crime, are notified promptly
  - compliance with Procedures 17–01 and 17–08, if applicable
  - the relevant eReport numbers are provided to the divisional detective sergeant
  - the particulars are recorded in the Unit Commanders Morning Report (UCMR), as required

9. [REDACTED]

### Detective Sergeant

10. Upon being notified of a hate/bias crime shall
- review the circumstances to determine if further action is required
  - ensure the eReport number is provided to
    - INT – Hate Crime
    - the divisional co-ordinator to permit referral of the involved persons to community based agencies
11. If further investigation is not warranted or a charge is not supported shall
- add supplementary information to the original eReport detailing the reasons for the decision
  - ensure the victim and INT – Hate Crime are advised of the decision
12. If further investigation is warranted shall

- assign the appropriate resources to the investigation including assistance from INT – Hate Crime
  - ensure all evidence is dealt with in compliance with Procedures 04–21, 04–30 and 09–01
13. In all cases where a charge is supported shall ensure
- the investigation is completed in compliance with the applicable Service Governance
  - evidence is submitted for expert examination, if necessary
  - compliance with Procedure 17–04, if applicable
  - the victim is informed of developments in the investigation
  - at the conclusion of any court proceeding
    - supplementary information is added to the original eReport, indicating the disposition of the case
    - INT – Hate Crime is advised of the disposition
14. When an arrest has been made in a hate/bias crime case involving stalking, threatening or harassing behaviour; and where there is an identifiable target and serious potential for violence shall contact the BAS for advice, referral or an assessment of risk, if appropriate.

### Divisional Hate Crime Investigation Co-ordinator

15. When designated by the Unit Commander shall
- consult and liaise with other divisions and INT – Hate Crime
  - track all hate crime cases to ensure proper application of the increased sentencing provisions of ss. 718.2 CC
  - follow up on all hate crime occurrences to ensure victims are provided access to appropriate police and community based resources
  - provide information and training to divisional personnel on hate crime matters
  - maintain a unit specific file on hate crime occurrences
16. Upon receipt of an eReport for a hate/bias crime shall ensure
- appropriate referrals are made to community based agencies to assist in resolving/defusing the incident
  - a TPS 228 is completed to place the address on the Special Address System, if appropriate
  - supplementary information is added to the original eReport, outlining the action taken and any resolution achieved
  - INT – Hate Crime is advised of any supplementary information

### Unit Commander

17. When in charge of a division shall appoint a divisional hate crime investigation co-ordinator.
18. Upon being advised of a hate/bias crime shall ensure
- a thorough investigation is completed
  - liaison is maintained and assistance sought from
    - INT – Hate Crime
    - Victim Services Toronto, as applicable
    - Community Partnerships and Engagement Unit
    - outside agencies, as applicable
19. When appropriate, meet with the victim and the affected community to address any concerns.

# Supplementary Information

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## Governing Authorities

**Federal:** Canadian Bill of Rights; Constitution Act, Part I, Canadian Charter of Rights and Freedoms; Criminal Code; DNA Identification Act.

**Provincial:** Human Rights Code; Police Services Act, O. Reg 3/99, Adequacy & Effectiveness of Police Services.

**Other:** Policing Standards Manual.

## Associated Governance

**TPSB Policies:** TPSB LE-007 Hate or Bias Motivated Crime; TPSB LE-008 Hate Propaganda; TPSB VA-001 Victim Assistance.

**TPS Procedures:**

- Chapter 1 Arrest & Release
- 04–21 Gathering/Preserving Evidence
- 04–30 Scenes of Crime Officer (SOCO)
- 04–31 Victim Services Toronto
- Chapter 5, Appendix A Excerpt from Guideline LE–029 – Preventing or Responding to Occurrences Involving Firearms
- 05–21 Firearms
- 09–01 Property – General
- 09–03 Property – Firearms
- 12–01 Confidential Crown Envelope
- 17–01 News Media
- 17–04 Community/Public Safety Notifications
- 17–08 Use of the Special Address System

**Forms:** eReports; TPS 228 Special Address System Report.

## Definitions

For the purposes of this Procedure, the following definitions will apply:

**Hate/Bias Crime** means a criminal offence committed against a person or property that is motivated by hate, bias, or prejudice based on the victim’s race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor.

This is found in s. 718.2 of the Criminal Code, which contains increased sentencing provisions for the aggravating circumstances.

**Hate Propaganda** means any communication that advocates or promotes genocide against any identifiable group or makes statements that are likely to promote hate against any identifiable group because of colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.

Hate propaganda offences are found in s. 318 and 319 of the Criminal Code. Advocate genocide and wilful promotion of hatred require the permission of the Attorney General to proceed with prosecution.

Public incitement of hatred does not require the consent of the Attorney General.

Intelligence Services – Hate Crime will liaise with the Ministry of the Attorney General and advise the respective detective office when a decision by the Attorney General has been made concerning the commencement of legal proceedings in cases of hate propaganda.

- *These definitions are provided to clarify the difference in victim groups between a criminal offence motivated by hate and the more limited definition relating to hate propaganda. The differences are particularly important when the increased sentencing provisions for aggravating circumstances are applied to hate crimes using the expanded definition in s. 718.2 CC.*

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our **Service Core Values and Competencies** [here](#)

