



TORONTO POLICE SERVICE

P R E S E N T S

JUNE 20/22

**COMBATING HATE IN TORONTO:
COMMUNITY AND LEGAL PERSPECTIVES**

COMBATING HATE IN TORONTO: COMMUNITY AND LEGAL PERSPECTIVES

TIME

DISCUSSION ITEM

8:00 AM – 9:00 AM

REGISTRATION AND REFRESHMENTS

9:00 AM – 9:15 AM

Master of Ceremonies:

Connie OSBORNE, Corporate Communications – Toronto Police Service

Opening Remarks:

Lauren POGUE, Staff Superintendent – Toronto Police Service

Welcoming Remarks:

James RAMER, Chief of Police – Toronto Police Service

9:15 AM – 9:45 AM

Keynote Speaker:

Anthony Stewart, Analyst – National Hockey League

9:45 AM – 10:45 AM

Panel Discussions: Hate Crimes in the Community

Moderator: Kristen LITTLE, Intelligence Analyst – Royal Canadian Mounted Police

Speakers:

1. Jaime KIRZNER-ROBERTS, Director of Policy – Friends of Simon Wiesenthal Center for Holocaust Studies
2. Pamela HART, Executive Director – The Native Women's Resource Centre of Toronto
3. Amy GO, President – Chinese Canadian National Council for Social Justice
4. Praney ANAND, Executive Director – Alliance for South Asian Aids Prevention
5. Hassam MUNIR, Fellow Communications Officer – Yaqeen Institute for Islamic Research
6. Michael KISSI, Youth Services Officer – Roy McMurtry Youth Center

10:45 AM – 11:00 AM

BREAK – COFFEE

11:00 AM – 11:30 AM

Presentation: Hate Crime and Extremism Investigative Team (HCEIT)

Speakers:

Nathan MOYLE, Sergeant – Criminal Intelligence – Waterloo Regional Police Service

Murray CRAWFORD, Open Source Analyst – HCEIT

COMBATING HATE IN TORONTO: COMMUNITY AND LEGAL PERSPECTIVES

TIME

DISCUSSION ITEM

11:30 AM – 12:30 PM

Presentation: Right-Wing Extremists' Use of the Internet

Speaker:

Ryan SCRIVENS PH.D., Assistant Professor – School of Criminal Justice Michigan State University

12:30 PM – 1:30 PM

BREAK – LUNCH

1:30 PM – 2:15 PM

Presentation: Legal Responses to Hate Group Activity

Speaker:

Richard WARMAN, Canadian Human Rights Lawyer

2:15 PM – 2:30 PM

BREAK – COFFEE

2:30 PM – 3:30 PM

Panel Discussion – Legal Perspectives

Moderator: Mark SANDLER, Criminal Defence Lawyer – Cooper, Sandler, Shime & Bergman LLP

Speakers:

1. Karen SHAI, Assistant Crown Attorney – Ministry of the Attorney General
2. Honourable Lawrence FELDMAN, (Retired Judge) – Ontario Court of Justice
3. Kiran BISLA, Detective – Toronto Police Service

3:30 PM – 3:45 PM

BREAK – COFFEE

3:45 PM – 4:45 PM

Case Study: Hate Crime Prosecution – R. v. Balaram-Sivaram

Speaker:

Kim MOTYL, Assistant Crown Attorney – Ministry of the Attorney General

4:45 PM – 5:00 PM

CLOSING REMARKS

Randolph M CARTER, Staff Superintendent – Toronto Police Service



CONNIE OSBORNE **MEDIA RELATIONS MANAGER**

Connie Osborne is currently the **Media Relations Manager** for the Toronto Police Service. She works with officers across the service and the media, to provide important public updates on all things related to policing in our city. She has ten years' experience in communications, starting her career as a former journalist where she became particularly interested in crime and justice. She has worked for two other police services in the United Kingdom in their press departments before making the move to Canada in 2019 where she joined the Toronto Police Service.



LAUREN POGUE **STAFF SUPERINTENDENT**

Lauren Pogue is the **Staff Superintendent** in charge of Detective Operations for the Toronto Police Service. Lauren has 34 years of policing experience and currently oversees all specialized investigative units including Intelligence Services, Organized Crime Enforcement and Specialized Criminal Investigations. Lauren has been a Unit Commander in the Hold Up Squad, Drug Squad, 13 and 53 Division in midtown Toronto and was the second in command of Intelligence Services where she managed several sub units including the Hate Crime Unit.

S/Supt Pogue is also the Co-Chair of the Chief's Aboriginal Consultative Committee.

POLICE



JAMES RAMER CHIEF OF POLICE

James Ramer has been a member of the Toronto Police Service since 1980. He was appointed as **Chief of Police** in August 2020.

Prior to being appointed to his current position, Chief Ramer was the Deputy Chief of Specialized Operations Command (SOC); overseeing 1,200 police officers, 160 civilian members, and managing a budget of \$240M. SOC is comprised of the Service's various investigative squads and a variety of specialized uniform units.

As Staff Superintendent of Detective Operations, he was responsible for such specialized units as Homicide, Hold Up, Sex Crimes, and Financial Crimes. He was also the Unit Commander at 22 Division, the Community Mobilization Unit, Professional Standards, the Emergency Task Force, and Intelligence Services.

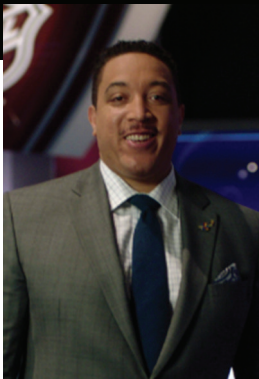
He holds memberships with the International Chiefs of Police (IACP), the Canadian Association of Chiefs of Police (CACP) and the Ontario Association of Chiefs of Police (OACP). He sits on sub-committees for the CACP and OACP that pertain to counter terrorism, national security issues, and organized crime. Chief Ramer is also a member of the Executive Body for the Criminal Intelligence Service of Ontario and the National Executive Committee (NEC).

Chief Ramer has completed the Leadership in Counter Terrorism Program (LinCT), Senior Police Management (Boston College), and National Securities Studies (Canadian Forces Staff College). He has also completed the National Incident Commanders Course (NICWGA), the Senior Police Administration course, and is a certified Incident Commander.

He is a Board Member with the LinCT Executive and with Covenant House.

He holds a Bachelor of Arts Degree in English and History, together with post-graduate studies in Industrial Relations and Ontario History, from the University of Toronto.

In 2010, he was awarded the 30 year Police Exemplary Service Medal, in 2012 was a recipient of the Queen's Diamond Jubilee Medal, and in 2019, was appointed Member of the Order of Merit (M.O.M.) of the Police Forces.



ANTHONY STEWART

Anthony Stewart is a Scarborough, ON native and former professional NHL player who retired in 2015. He currently works for Sportsnet as a **NHL Analyst** as well as leads several other initiatives supporting the growth of hockey for Black, Indigenous, and People of Colour (BIPOC) and female youth players. After his retirement he came back to the minor hockey community that supported him and his brother through their journey to the NHL to give back and share his knowledge and experience. He began coaching at the peewee and atom level seeing his 2006 age team through their Ontario Hockey League Draft year.

Over the past year he founded a registered charitable organization called Hockey Equality, which lowers barriers for youth players and supports Equity Diversity and Inclusion throughout the hockey community with its grassroots, development and mentorship programs. He also became the leader of the new ownership group for the Toronto 6ix team.

As a father of four, he credits his push for growing the game for female players, to his daughter and watching her love of the sport grow. He continues to be a leader in the hockey community working along side partnerships with the NHL, NHLPA & GTHL to grow the game for equity deserving youth hockey players. His goal is to support players at the minor hockey levels and develop them to promote diversity in the highest levels of the sport, on the ice, on the bench and in the board rooms.



KRISTEN LITTLE

Kristen Little is an **Intelligence Analyst** with the Royal Canadian Mounted Police's Ideologically Motivated Criminal Intelligence Team which provides visibility on evolving threats resulting from ideologically motivated crimes that can impact public order and safety.

Kristen has been with the RCMP since February 2020 when she began in the Protective Intelligence Unit. Prior to that, from 2016 until 2020 she was the analyst for Ontario's Hate Crime and Extremism Investigative Team which assisted multiple police services in maintaining visibility on hate, extremism and terrorism in Ontario and globally.



JAMIE KIRZNER-ROBERTS

As Friends of Simon Wiesenthal Center for Holocaust Studies **Director of Policy**, Jaime Kirzner-Roberts is responsible for the organization's policy development and advocacy efforts. Jaime's work focuses on the issues at the core of the FSWC mandate, with a special focus on hate crime; racist, anti-Semitic and extremist groups; hate propaganda and online hate; and advocacy efforts related to Holocaust and genocide awareness and education. In her advocacy and outreach work, Jaime collaborates closely with lawmakers, law enforcement, and university leaders as well as a range of public institutions in government and civil society. Jaime holds a BA from McGill University and an MA from Princeton University.



PAMELA HART

Pamela Hart is Anishnawbe Kwe, Muskrat Clan, a member of the Chippewas of Georgina Island and a mother of one. She has worked on the front line for over a decade offering client care and support services to address issues such as addiction, mental health, violence against women, trauma, and homelessness. In her current role as **Executive Director** of the Native Women's Resource Centre of Toronto, she strives to contribute to healing through creating opportunities of reconnection to culture. She is humbled to learn from the community and to contribute to the agency offering empowering and uplifting programs and services. She sits at several community council tables, advocating and speaking on Indigenous Women's programming, safety and wellness opportunities.



AMY GO

Amy Go is the **President of Chinese Canadian National Council for Social Justice**. Chinese Canadian National Council educates, engages and advocates for social justice and equity for all in Canada www.ccncsj.ca. CCNC-SJ has been at the forefront of the movement to combat anti-Asian racism since January 2020. Collaborating with partner organizations, CCNC-SJ led the social media campaign to "Stop the Spread of Racism", launched the #FaceRace campaign, developed anti-racism education tools for children and parents, and coordinated advocacy efforts calling for government actions to address racism and its impact.

Amy is a social worker by training and has dedicated her professional career to serving immigrants and seniors, promoting and advocating for culturally and linguistically appropriate care and health equity for racialized communities. For over three decades, Amy has advocated for social justice and rights of women and racialized communities through her leadership role in national, provincial and local service and advocacy organizations. Amy is currently providing consulting services to facilitate organizational strategic development, program planning, development, and review as well as anti-racism/anti-oppression organizational change.



PRANEY ANAND

Praney Anand has over 10 years of experience in sexual health education, counselling, and research.

He is a **Registered Psychotherapist (Qualifying)** and the current Executive Director at the Alliance for South Asian AIDS Prevention (ASAAP). He has previously worked as Research Coordinator at the Dalla Lana School of Public Health, University of Toronto for a number of behavioural science research projects examining intersectional aspects of health within gender and sexual minority communities. In addition to working on similar health research projects in San Francisco, Praney has also taught medical students at some of the most prestigious universities in California and Nevada.

In his short period of time in Toronto, Praney has established strong ties with organizations working in sexual health and community services, particularly those in the field of HIV/AIDS. He has a strong understanding of intersectionality and social determinants of health that directly impact the gender and sexual minority communities, especially newcomers and international students in Canada. Praney works from an anti-oppressive framework and has a comprehensive understanding of the syndemic issues and systemic challenges faced by marginalized communities.



Michael KISSI

A Toronto native, born to immigrant parents from West African descent, and raised in one of the city's oldest low income communities, where drugs and criminal activity were prevalent. My connection to the Toronto Kiwanis Boys and Girls Clubs kept me engaged by providing activity, hope and opportunity. A **Social Worker** by profession, I have spent over 10 years working closely with youth and their families overcoming systemic barriers ranging from food accessibility and education to social justice issues. Spent years working with young people seeking to safely exit street gangs. I continue to work alongside community residents mobilizing and advocating to raise capacity. I have co-chaired youth focused committees in the Scarborough area and have extensive experience as a restorative justice facilitator. I am a trained infant mental health clinician and have dedicated my life to supporting youth with mental health challenges. I am an avid writer, short filmmaker, and storyteller who seeks equity and equality to those facing complex issues. My passion for community development runs deep. When marginalized communities thrive we all benefit.



HASSAM MUNIR

Hassam Munir is pursuing an MA in History at the University of Toronto. His public history work (blogging/writing, giving presentations, curating exhibits, etc.), centred on the iHistory multimedia project, focuses primarily on the history of Muslims in Canada. He has previously worked with the Ontario Historical Society, and was recognized by Heritage Toronto as an Emerging Historian in 2017. He has a professional background in journalism as well, and is currently **Communications Manager** at Yaqeen Institute for Islamic Research.



NATHAN MOYLE **SERGEANT**

Sergeant Moyle is a 22 year member of the Waterloo Regional Police Service. He is currently assigned to the Criminal Intelligence Branch, and has been involved with HCEIT since 2019 as the Team Leader.



MURRY CRAWFORD

Murray Crawford is an **Open Source Analyst** with HCEIT, providing support to 18 police services on the subject of hate crime and extremism. A graduate of the Centennial College journalism program, he spent 10 years working as a journalist before moving into law enforcement.



RYAN SCRIVENS PH.D.

Ryan Scrivens is an **Assistant Professor** in the School of Criminal Justice at Michigan State University. He is also an Associate Director at the International CyberCrime Research Centre at Simon Fraser University and a Research Fellow at the VOX-Pol Network of Excellence. Ryan conducts problem-oriented interdisciplinary research with a focus on terrorists' and extremists' use of the Internet, right-wing terrorism and extremism, and hate crime.

He has published over 40 peer-reviewed journal articles, books and book chapters, conference proceedings, and policy notes in the past five years. He has also presented his findings before practitioners and policymakers at the Federal Bureau of Investigation, the Department of Defense, the Department of Homeland Security, the UK Home Office, the Swedish Defence Research Agency, and the United Nations, among others.



RICHARD WARMAN

Richard Warman is a **Human Rights Lawyer** perhaps best known for having dedicated an enormous amount of his personal time, energy, and resources over the past 20 years to monitoring and countering the efforts of those who seek to poison our communal well with hate. This work has predominantly focused on the white supremacist and neo-Nazi movements, particularly the spread of hate propaganda through the Internet.

Since 2001, he has been the successful complainant in 16 consecutive cases before the Canadian Human Rights Tribunal dealing with Internet hate. Richard is a Board member of the Canadian Anti-Hate Network. (richardwarman.ca)



MARK SANDLER

Mark Sandler is the **Senior Partner** of Cooper, Sandler, Shime & Bergman LLP. He has been an appellate and trial criminal litigator for over 42 years. He served as National Chair or as Senior Counsel, B'nai Brith Canada's League for Human Rights, and in that capacity, was recognized for his pro bono contributions to combatting anti-semitism and racism.

He has appeared in the Supreme Court of Canada on multiple cases involving the prosecution of hate propaganda (such as Keegstra, Zundel, Smith & Andrews); appeared before Senate and House of Commons justice committees and lectured extensively on legal remedies to combat hate. He has provided training, including diversity training and education, to various law enforcement and regulatory agencies, and conducted investigations for multiple regulators.

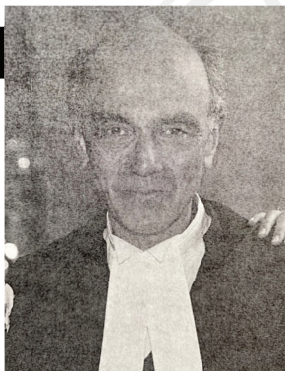
He is a former member of the Human Rights Tribunal of Ontario and served three terms as an elected bencher (a member of the governing body) of the Law Society of Upper Canada (now the Law Society of Ontario). He also served as counsel or senior advisor to or at over 20 public inquiries or systemic reviews. He is consistently listed in various "Best Lawyer" guides in Canada and internationally and is a recipient of the G Arthur Martin Medal for his contributions to criminal justice.



KAREN SHAI

Karen Shai is a **Criminal Prosecutor** with the Ministry of the Attorney General (Ontario). She has been working as Crown counsel in the Crown Law Office - Criminal, Ontario's leading appellate office, since 1998. She served as counsel to the Assistant Deputy Attorney General (Criminal Law Division) from 2004 to 2008. She eventually became involved in hate crime work, leading a 2018 training session for designated hate crime prosecutors in Ontario.

She regularly trains police officers in the investigation of hate crime. Karen currently serves as co-chair of Ontario's Hate Crime Working Group established in 2019 to address the rise of hate crime in Ontario. This group regularly provides advice to police and prosecutors throughout the province in the investigation and prosecution of hate propaganda and hate motivated offences.



HONOURABLE LAWRENCE FELDMAN

Honourable Lawrence Feldman was called to the Bar in 1975. He served as an assistant Crown Attorney and as counsel, Crown Law Office - Criminal for a number of years before entering private criminal law practice. He was also an agent for the Department of Justice and an alternate Chair with the Ontario Review Board. In 1998, he was appointed to the Ontario Court of Justice where he sat for 24 years. He was appointed in 2017 as a deputy judge of the Northwest Territories. He is trained in alternative dispute resolution.

Now retired, he sits as a **Member of the Ontario Parole Board and Human Rights Tribunal.**

KIRAN BISLA **DETECTIVE**



Kiran has served with the Toronto Police Service (TPS) for almost 20 years. She is currently a **Detective** with the TPS Hate Crime Unit and has served in this position for over 11 years. During this time Kiran has been involved in a number of high profile hate-motivated criminal investigations both at a municipal and multi-jurisdictional level. Kiran delivers training regularly at the Toronto Police College, and Ontario Police College to officers from across the province.

She has participated on several panel discussions and conferences (provincial and national) with internal and external stakeholders including members of the legal community, government agencies, and non-profit organizations on the topic of hate crimes and investigative challenges. She represents the TPS as part of the Hate Crime and Extremism Investigative Team.

She holds a Bachelor of Arts Degree from York University.

KIM MOTYL

Ontario



Kim Motyl graduated from Western Law School in 2000 and obtained her Masters in law from York University in 2012. After two years in private practice as a civil litigator, Kim spent eighteen years as an **Assistant Crown Attorney** in Scarborough. She is currently seconded to the Office of the Chief Coroner.

Kim has prosecuted many homicide cases and complex prosecutions. She is one of two Toronto regional members of the Provincial Hate Crimes Working Group. In this role, she is responsible for reviewing and providing assistance with all hate crime investigations and prosecutions in Toronto, assisting with educational initiatives and publications surrounding the investigation and prosecution of hate crimes, and providing support to outside police services and Crown's offices. In 2019, Kim successfully completed one of the first prosecutions of the charge of advocating genocide.

Kim is a firm believer in the importance of education and regularly teaches at both an undergraduate and graduate level. She has also been involved in education programs for the judiciary, Crowns, police colleges and various community groups.

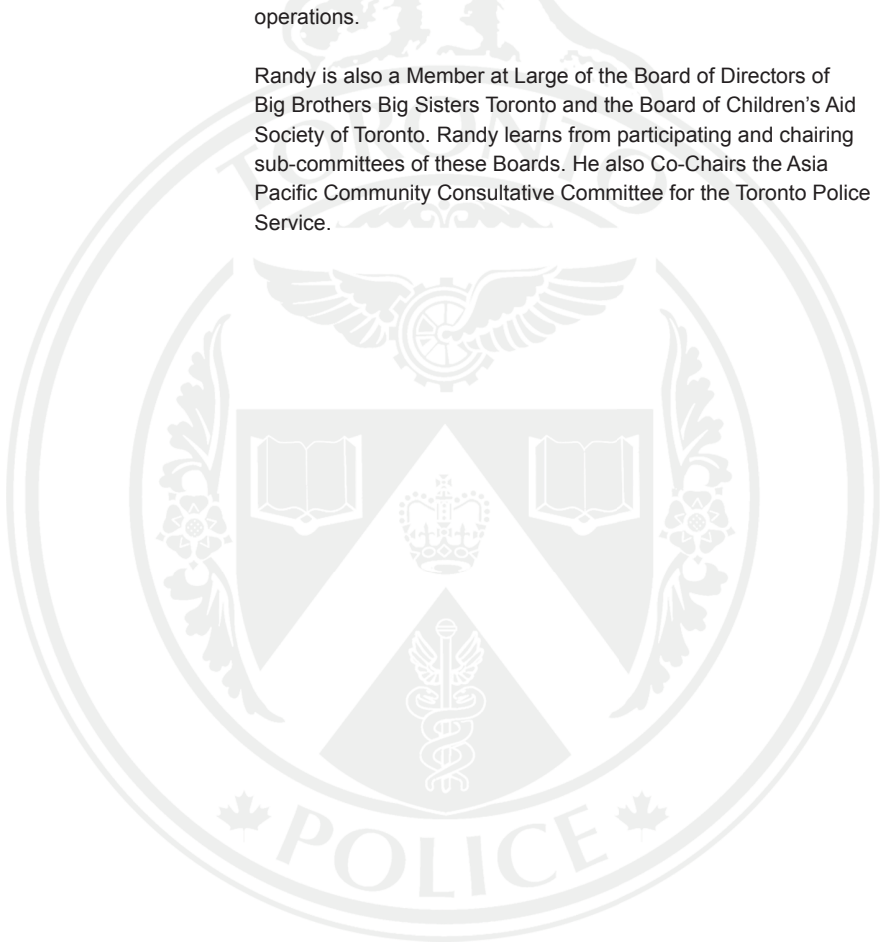


RANDOLPH M CARTER **STAFF SUPERINTENDENT**

Randolph (Randy) M Carter is a **Staff Superintendent** with Canada's largest municipal policing organization: the Toronto Police Service. His current assignment is to lead the women and men of Community Safety Command-Field Services with four front line units.

Randy's career as a police officer has spanned over 36 years and has included uniformed policing duties; general investigative duties; drug investigations; homicide investigations; front line operations management, creativity and innovation, strategy execution; corporate risk; operational support and now front line operations.

Randy is also a Member at Large of the Board of Directors of Big Brothers Big Sisters Toronto and the Board of Children's Aid Society of Toronto. Randy learns from participating and chairing sub-committees of these Boards. He also Co-Chairs the Asia Pacific Community Consultative Committee for the Toronto Police Service.



HATE CRIME LEGISLATION

What is a hate crime?

Generally, a hate crime refers to any criminal offence that is motivated by hatred towards certain identifiable groups. The Criminal Code of Canada contains certain offences that, by their nature, constitute hate crimes. But any criminal offence may be motivated by hate, and therefore, in particular circumstances, amount to a hate crime.

Hate Propaganda Sections of the Criminal Code

There are three hate propaganda offences:

Advocating Genocide – s. 318(1) – Advocating or promoting genocide against an “identifiable group”

- “Genocide” is defined in s. 318(2)
- Identifiable group is defined in s. 318(4). This definition applies to all three hate propaganda offences. It means “any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.”
- See *Mugesera v. Canada (Minister of Citizenship and Immigration)*, (2005), 197 CCC (3d) 233 (SCC)
- Attorney General must consent to prosecution (s. 318(3))

Public Incitement of Hatred – s. 319(1) – 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

- “Communicating,” “public place” and “statements” are defined in s. 319(7). Note that “statements” includes “words spoken or written or recorded electronically or electromagnetically or otherwise, and gestures, signs or other visible representations.”

Wilful Promotion of Hatred – s. 319(2) – By communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group

- Statutory defences set out in s. 319(3) – some were included out of an abundance of caution since they are unlikely to be successfully invoked if a person wilfully promoted hatred
- The meaning of “wilful,” “promotes,” “hatred” is addressed in *R. v. Keegstra* (1990), 61 CCC (3d) 1 (SCC). “Hatred” connotes emotions of an intense and extreme nature that is clearly associated with vilification and detestation. Only the most intense forms of dislike are covered.
- Attorney General must consent to prosecution (s. 319(6))
- See also *R. v. Krymowski* (2005), 193 CCC (3d) 129 (SCC) re issues of proof respecting targeting of Roma community
- See also *Warman v. Kouba*, [2006] CHR D No. 50 which provides a useful list of 11 hallmarks of hate speech though these hallmarks are not exhaustive; nor need they be present for conduct to amount to hate speech

Mischief Relating to Religious and other Property Connected to an Identifiable Group

Offenders motivated by hate frequently damage property associated with an identifiable group or members of it – places of worship, religion-based schools, cemeteries etc.

Parliament recognized that the conventional mischief offences failed to recognize the aggravated seriousness of hate-motivated property offences – hence, the introduction of s. 430 (4.1) of the Criminal Code with enhanced available sentences. It extends to everyone who commits mischief in relation to specified property (set out in s. 430(4.101) if the mischief is motivated by bias, prejudice or hate based on colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability

- 430(4.101) extends to four categories of property: (a) places primarily used for religious worship, or objects associated with religious worship located in or at such places, or cemeteries; (b) places primarily used by an identifiable group as educational institutions or associated objects; (c) places primarily used by an identifiable group for administrative, social, cultural or sports activities or events or associated objects; places primarily used by an identifiable group as seniors' residences or associated object
- NOTE: "motivated by bias, prejudice or hate" is broader than language used under s. 319 (hate propaganda)

Any Offence Motivated by Bias, Prejudice or Hate

Parliament recognized that any offence may potentially amount to a hate crime. Section 718.2 provides that 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 gender identity or expression or on any other similar factor
- NOTE: broader language reflected in the words "bias, prejudice or hate", the inclusion of "language" and the phrase "or on any other similar factor."

Warrants of Seizure under the Criminal Code

The Criminal Code sets out procedures, often overlooked, to enable the court to issue a warrant to seize copies of hate propaganda where copies are kept for sale or distribution within the court's jurisdiction (s. 320) or to enable the court to obtain information necessary to identify a person who has posted hate propaganda on the internet and to order its removal where such propaganda is stored on and made available to the public through a computer system within the court's jurisdiction. The Attorney General must consent to these proceedings. They are not dependent on the criminal prosecution of an individual under s. 318 or s. 319. However, s. 319(4) does separately provide for forfeiture of items upon conviction under either s. 318 or s. 319.

