



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OG2375: Hate/Bias Crime

1.0 PURPOSE

- 1.1 The purpose of this policy is to ensure the effective identification, investigation and prosecution of crimes motivated by hate and bias.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

“CCC” means the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended from time to time.

“Department” means the West Vancouver Police Department.

“Hate/Bias Crime” means a criminal offence committed against a person or property which is motivated by the suspect’s bias, prejudice or hate against an identifiable group based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

“ISU” means the Information Services Unit of the Department.

“Member” means a sworn peace officer employed by the Department.

“OIC Operations” means the Inspector in charge of the Operations Division, and including an acting Inspector.

“PRIME G.O.” means a General Occurrence Report completed in the PRIME records management system.

“VSU” means the Department Victim Services Unit of the Department.

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3.0 POLICY

- 3.1 The Department will ensure appropriate response and investigation of incidents motivated by hate and bias.

4.0 PROCEDURES

Identifying Hate Crimes

- 4.1 Hate crimes are different from other types of criminal offences because a person or property is victimized based on at least one identifying characteristic, such as race, ethnicity, religious beliefs, sexual orientation, or disability. Often no single factor will be sufficient to clearly determine that a criminal incident is motivated solely by hate or bias toward the victim.
- 4.2 The hate/bias crime provisions of the CCC can be separated into two categories:
- a) hate propaganda offences where the offender advocates genocide, or communicates hatred of any identifiable group (Sec. 318 & 319 CCC); and
 - b) any other offence motivated by hate or bias where the sentencing judge must consider aggravating factors where a victim impact statement may be applicable. Examples of classifications of offences which may fall into this area are:
 - i. assault, i.e. “motivated by an individual belonging to an identifiable group”;
 - ii. mischief, i.e. spray-painting of a place of worship with racial or prejudicial comment; and
 - iii. threatening, i.e. a threatening communication with biased or prejudicial overtones.
- 4.3 Members attending offences which could be potentially identified as hate/bias crimes will consider the following criteria before classifying the incident as a hate/bias crime:
- a) statements of suspects that indicate hatred or negative bias;
 - b) the absence of any other apparent motive;
 - c) the display of any symbols, graffiti, or any comments, acts or gestures that are associated with hate groups;
 - d) whether the offence coincided with a holiday, event, or date of significance to the victim or suspect group;

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- e) the perception of the victim, or the victim's community of the motivation behind the offence;
- f) the perception of witnesses to the motivation behind the offence;
- g) any historical animosity that exists between the victim's group and the suspect's group;
- h) whether the suspect has been previously involved in similar incidents;
- i) whether the suspect is a member of or associated to, a group or organization known for its hatred or animosity toward the victim's group;
- j) whether several occurrences have occurred in the community with victims from the same group; and
- k) whether the offence occurred at the same time, or shortly after an identified hate group was active in the community.

4.4 It should be noted that not all hate/bias incidents, racist, homophobic or sexist acts are Criminal Code offences. When faced with an act or incident which is not criminal in nature, Members should direct the victim to seek redress pursuant to the Human Rights Code or other legislative or legal remedy.

Investigation

4.5 Members investigating allegations of hate/bias crime in contravention of Sec. 318 or 319(2) CCC must keep in mind that charges under these sections will only be laid with the approval of the Attorney General, while Sec. 320 and 320.1 require the consent of the Attorney General before the commencement of proceedings. Sec. 319(1) CCC is to be processed in the normal manner.

4.6 Members investigating allegations of hate/bias crime will:

- a) obtain a file number and generate a PRIME GO;
- b) complete the Hate Crime study flag field;
- c) include the Hate Crime detail page; and
- d) complete the CCJS crime types field indicating a suspected hate crime.

4.7 Crown Counsel Reports submitted in relation to hate/bias crime offences are to clearly identify in the summary of the offence that the crime is hate/bias motivated, and will include the reasons for making that assertion.

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- 4.8 When submitting hate/bias crime cases to Crown Counsel for charge approval, Members are to consider Sec. 722 CCC which allows for the submission of “victim impact statements” and the inclusion of these statements with the Crown Counsel Reports.
- 4.9 When investigating hate/bias crime, members will inform the victims of these crimes of the availability of VSU. The VSU Coordinator will be responsible for the assignment of, and subsequent follow-up by VSU personnel.

Hate Crime Prevention

- 4.10 The investigating Member, in consultation with the OIC Operations or their delegate and the Intelligence Officer, should ensure that relevant organizations within the community and the media are advised of hate crime situations. When appropriate, the Department will liaise with other community organizations to develop strategies to prevent the repetition of hate crime offences and to counter the activities of organized hate groups within the community.

Provincial Hate Crime Team

- 4.11 The Ministry of the Attorney General, Criminal Justice Branch has dedicated a contingent of police officers, Crown Counsel, and community representatives to assist police agencies in the investigation of hate/bias crime, tracking and analysis of this information, and the coordination of multi-jurisdictional investigations into hate/bias crime. [B.C. Hate Crime Team Roles and Responsibilities](#) .
- 4.12 Members requiring assistance in the investigation or identification of hate/bias crime are encouraged to elicit the help of the Provincial Hate Crime Team.
- 4.13 ISU will ensure that copies of all reports identifying an offence as a hate/bias crime are forwarded to the Department Intelligence Officer. The Intelligence Officer is responsible for notifying and forwarding reports to the Provincial Hate Crime Team of all hate motivated crimes in order to assist in tracking such incidents on their provincial data base.

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