



Hamilton Police Service Board Hate and Bias Motivated Crime and Hate Propaganda Policy P-041

Effective date: September 10, 2026
Reviewed:
Amended:

Applicable Legislation

Community Safety and Policing Act, 2019 (CSPA), S.O. 2019, c. 1, Sched. 1, ss. 1, 37(1), 38(1);

O. Reg. 392/23 (Adequate and Effective Policing – General);

O. Reg. 400/23 (Collection of Identifying Information in Certain Circumstances);

Ontario Human Rights Code, R.S.O. 1990, c. H.19; Canadian Charter of Rights and Freedoms;

Criminal Code, R.S.C. 1985, c. C-46, ss. 318, 319, 430(4.1), 718.2(a)(i)

Policy Statement

The Board recognizes hate/bias motivated crime and hate propaganda cause harm that extends beyond the individual victim to the identifiable group and to the broader community, and that an effective police response requires more than law enforcement alone — it requires community partnership, victim support, data-informed accountability, and a demonstrated organizational commitment to the equal dignity of all individuals served by the Hamilton Police Board and Service.

Nothing in this policy authorizes the Board to direct the Chief of Police with respect to a specific operational decision or the day-to-day conduct of an investigation, consistent with the restriction on Board direction set out in the CSPA.

Definitions

For the purposes of this policy:

“Board” means the Hamilton Police Service Board.

“Chief of Police” means the Chief of Police of the Hamilton Police Service, or their designate.

“Service” means the Hamilton Police Service.

“Hate/bias motivated crime” means a criminal offence, of any type, for which there is evidence that it was motivated in whole or in part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression, or any other similar factor.

“Hate/bias motivated incident” means an occurrence that has an apparent bias or prejudicial overtone based on any of the factors listed above but where the available evidence does not meet the threshold required to lay a criminal charge or to establish bias motivation for an existing charge.

“Hate propaganda” means material or conduct that constitutes an offence under section 318 or 319 of the Criminal Code, including the advocacy of genocide, the public incitement of hatred, the wilful promotion of hatred, and the wilful promotion of antisemitism, and includes material that is the subject of an application or order for deletion under section 320.1 of the Criminal Code.

“Identifiable group” has the meaning given in section 318(4) of the Criminal Code.

“Cyberhate” means the use of the internet, social media, or other electronic communications technology to promote, incite, or disseminate hate/bias motivated content or to commit a hate/bias motivated offence.

“Hate Crime Coordinator” means the member(s) of the Service designated by the Chief of Police with responsibility for coordinating the Service's response to hate/bias motivated crime, incidents, and hate propaganda.

“HCEIT” means the Hate Crime Extremism Investigative Team, a provincially supported network of Ontario police services that provides specialized intelligence and investigative support on hate/bias crime and extremism, or its successor.

“Reassurance protocol” means a proactive, protective, and communicative response by the Service, following a hate/bias motivated crime or incident or a related external event, intended to reduce fear and the risk of retaliatory or reactionary occurrences within an affected identifiable group or community.

It is the policy of the Hamilton Police Service Board, with respect to the prevention of, and the undertaking and management of investigations into, hate/bias motivated crime, hate/bias motivated incidents, and hate propaganda, that the Chief of Police will:

Policy Application

Organizational Responsibility and Procedures:

The Chief of Police shall:

- a. develop and maintain procedures, consistent with the Service's criminal investigation management plan, for the identification, classification, investigation, and management of hate/bias motivated crime, hate/bias motivated incidents, and hate propaganda occurrences, including cyberhate;
- b. ensure a police officer is dispatched to, and that an occurrence report is completed for, every report of a suspected hate/bias motivated crime or incident, and that front-line officers and supervisors are provided with a clear protocol for the initial identification, classification and referral of such occurrences for review by a designated unit;
- c. ensure procedures address the Attorney General consent requirements under the Criminal Code applicable to certain hate propaganda offences; and
- d. ensure the Service participates, where appropriate and having regard to available resources, in provincial and inter-service intelligence-sharing and investigative

support arrangements for hate/bias crime and extremism, including HCEIT, and joint forces operations.

Hate Propaganda:

The Chief of Police shall:

- e. develop and maintain procedures that require investigations into hate propaganda be undertaken and managed in accordance with the Service's criminal investigation management plan;
- f. assign responsibility for the investigation of hate propaganda occurrences to the Hate Crime Unit, so hate propaganda is not treated as a distinct or separately resourced function from other hate/bias motivated crime;
- g. ensure community organizations, school boards, victims' organizations, social service agencies, and the media are informed of the Service's procedures for reporting and investigating hate propaganda occurrences;
- h. ensure the Service works, where possible, with community organizations, school boards, victims' organizations, and social service agencies to respond to hate propaganda occurrences and to counter the activities of organized hate groups in the community;
- i. establish procedures addressing the identification, preservation, and reporting of hate propaganda encountered online or through other electronic means, consistent with the Service's procedures on cyberhate, and the process for seeking an order for the deletion of hate propaganda made available to the public through a computer system under section 320.1 of the Criminal Code; and
- j. ensure procedures under this heading are administered in a manner consistent with the Attorney General consent requirements and Hate Crime Working Group liaison.

Training:

The Chief of Police shall:

- k. ensure all police officers receive information and training on the recognition, classification, and initial response to hate/bias motivated crime and incidents;
- l. ensure members assigned to the investigation of hate/bias motivated crime receive specialized training, such as the Ontario Police College's Advanced Hate Crime/Extremism Investigators course or an equivalent, and ongoing professional development on emerging trends, including online and cyberhate-related offending; and
- m. ensure training addresses trauma-informed, victim-centred response, and cultural competency in engaging with the diverse communities of Hamilton.

Community Relations, Prevention, and Reassurance:

The Chief of Police shall:

- n. ensure community organizations, school boards, victims' organizations, social service agencies, faith communities, and the media are informed of the Service's procedures for reporting and investigating hate/bias motivated crime, incidents, and hate propaganda, including available means of reporting such as online reporting options;
- o. ensure the Service works, where possible, with community organizations, school boards, victims' organizations, faith communities, and social service agencies to prevent the repetition of hate/bias motivated crime and to counter the activities of organized hate groups and violent extremism in the community;
- p. develop and maintain a reassurance protocol following a hate/bias motivated crime or incident, or following an external event (local, national or international) that may place an identifiable group at heightened risk of retaliatory or reactionary hate/bias motivated crime, including timely follow-up with victims, visible and appropriately targeted patrol presence at potentially affected locations such as places of worship, cultural centres and schools, and coordinated communication with affected communities; and

- q. participate in, a community consultative or advisory body through which the Service and members of diverse, racialized, faith, and 2SLGBTQ+ communities can engage on matters relating to hate/bias motivated crime and community safety.

Victim Support:

The Chief of Police shall:

- r. ensure victims of hate/bias motivated crime and incidents are referred to appropriate victim services, in accordance with the Service's procedures on victims' assistance and consistent with the rights set out in the Canadian Victims Bill of Rights; and
- s. ensure a follow-up contact is made with the complainant or victim of a hate/bias motivated crime or incident within a reasonable time of the report being classified, to provide information on the status of the investigation, available supports, and safety planning where appropriate.

Reporting

The Chief of Police shall:

1. ensure all hate/bias motivated crime is reported in accordance with the Uniform Crime Reporting Survey standards used by Statistics Canada;
2. Provide the Board with an annual public report on hate/bias motivated crime and incidents in Hamilton, which shall, at minimum, address:
 - a. The number and nature of hate/bias motivated crimes and incidents reported, disaggregated by identifiable group or motivation where appropriate;
 - b. Year-over-year trends;
 - c. The disposition of reported occurrences, including charges laid, referrals, and outcomes;
 - d. The Service's community engagement, prevention, and reassurance activities during the reporting period;

- e. An assessment of whether the frequency, nature and pattern of hate/bias motivated crime warrants additional training, resourcing, or policy attention; and
- f. Report to the Board, as required, on the resourcing and organizational structure the Service has assigned to hate/bias motivated crime response, and on the Service's compliance with this policy as part of the Board's broader adequacy and effectiveness monitoring obligations under the CSPA.

APPENDIX A TO POLICY P-041 Hate and Bias Motivated Crime and Hate Propaganda

Summary of Relevant Legislative Provisions

This appendix is provided for reference purposes only and does not form part of the actual policy.

It summarizes the principal legislative provisions on which this policy is based. In the event of any inconsistency between this summary and the text of the applicable legislation, the legislation governs.

Provision	Summary
CSPA, 2019, s. 1 (Declaration of Principles)	Directs that policing in Ontario safeguard Charter and Human Rights Code rights, reflect sensitivity to Ontario's pluralistic, multiracial and multicultural society, and be responsive to First Nation, Inuit and Métis histories and cultures.
CSPA, 2019, ss. 37(1), 38(1)	Require police service boards to establish policies respecting law enforcement — including hate/bias motivated crime — and require the Chief of Police to develop corresponding procedures.
O. Reg. 392/23 – Adequate and Effective Policing (General)	Sets minimum provincial standards for law enforcement functions, including the investigation of hate/bias motivated crime and hate propaganda, replacing the former O. Reg. 3/99.
O. Reg. 400/23 – Collection of Identifying Information in Certain Circumstances	Requires that police interactions with the public, including in the course of hate/bias crime investigations, be conducted in a manner that is lawful, ethical, and bias-free.
Ontario Human Rights Code	Prohibits discrimination and harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, and disability.
Criminal Code, s. 318	Defines “identifiable group” and creates the offence of advocating genocide (s. 318.1).
Criminal Code, s. 319.1	Public incitement of hatred, in a public place, where likely to lead to a breach of the peace.
Criminal Code, s. 319.2	Wilful promotion of hatred against an identifiable group, other than in private conversation.
Criminal Code, s. 319(2.1)	Wilful promotion of antisemitism, including condoning, denying, or downplaying the Holocaust.
Criminal Code, s. 320.1	Permits a judge to order the deletion of hate propaganda, as defined in section 320(8), that is made available to the public through a computer system.
Criminal Code, s. 430(4.1)	Mischief in relation to religious, educational, cultural, or seniors' residence property, motivated by bias, prejudice or hate.

Criminal Code, s. 718.2(a)(i)	Requires a sentencing court to treat evidence that an offence was motivated by bias, prejudice or hate as an aggravating factor.
Note: Attorney General consent	Under s. 319 of the Criminal Code, Attorney General consent is required to charge wilful promotion of hatred, wilful promotion of antisemitism, and advocating genocide, but not public incitement of hatred, which police may charge directly.

Appendix B to Report PSB 26-025

Background Information

The Board's current Policy LE-007 – Hate/Bias Motivated Crime and current Policy LE-008 – Hate Propaganda were both approved on December 18, 2000 and most recently reviewed – without substantive amendment – on May 9, 2019. Both were made under section 31 of the former *Police Services Act* and the Adequacy and Effectiveness of Police Services Regulation, O. Reg. 3/99, which were repealed effective April 1, 2024 with the coming into force of the CSPA and its accompanying regulations.

Section 37(1) and 38(1) of the CSPA require the Board to establish policies respecting law enforcement functions, including the investigation of hate/bias motivated crime and hate propaganda, and require the Chief of Police to develop corresponding procedures. Boards across the province are in the process of reviewing and updating their adequacy standards policies, including LE-007 and LE-008, to reflect this new legislative framework. Hamilton's existing policies, while compliant in substance with the former regulatory requirements under which they were written, have not been substantively updated to reflect either the CSPA framework or the operational and community-engagement practices that have become standard among comparable Ontario police services since 2019.

The Service's own reporting to the Board illustrates the continued relevance of this policy area. Hate/bias occurrences reported to the Service have trended upward over the past several years, with the Service's most recent published annual Hate/Bias Statistical Report noting a year-over-year increase in reported occurrences and continued disproportionate impact on Hamilton's Black, Jewish, and 2SLGBTQ+ communities.

Legislative Basis for Revision

The revised policy is grounded in the Declaration of Principles in section 1 of the CSPA; sections 37(1) and 38(1) of the CSPA and O. Reg. 392/23, which carry forward and update the former O. Reg. 3/99 requirement that boards maintain a hate/bias motivated

crime policy; O. Reg. 400/23, which requires bias-free police interactions with the public; the Ontario Human Rights Code; and the specific Criminal Code provisions that create hate propaganda offences and require hate/bias motivation to be treated as an aggravating factor on sentencing (ss. 318, 319, 430(4.1), and 718.2(a)(i)). These authorities are set out in full in Section 2 of Appendix A and summarized in plain language in Appendix 1 to that policy.

Comparator Review

In preparing the revised policy, the Executive Director reviewed the current LE-007 and LE-008 policies and procedures of other Big 12 Ontario police service boards, including the Toronto Police Service Board's Adequacy Standards Compliance Policy, the Ottawa Police Service Board's Policy Manual, and published material describing hate/bias crime programming at Peel Regional Police, York Regional Police, Halton Regional Police, and Waterloo Regional Police. Staff also relied on the Ontario Association of Chiefs of Police's 2024 Equity, Diversity, and Inclusion Committee resource, *Hate/Bias Crime: A Review of Policies, Practices, and Challenges*, which consolidates current research and operational practice across Ontario police services, including provincial and national supports available to municipal services (e.g., the Hate Crime Extremism Investigative Team and the Ministry of the Attorney General's Hate Crime Working Group).

This review identified several practices that are now common among comparable services but were absent from Hamilton's existing policies: a designated hate crime coordination function; a defined front-line classification and referral protocol; specialized investigator training; a proactive community reassurance protocol for use after an incident or a related external event; a community consultative or advisory mechanism; and minimum content requirements for annual public reporting.

Appendix C to Report PSB 26-026 Hate and Bias Motivated Crime and Hate Propaganda

The table below provides a high-level, simplified summary of the key differences between the Board's former Policy LE-007 (Hate/Bias Motivated Crime), former Policy LE-008 (Hate Propaganda), and the new consolidated policy that replaces both.

Area	Old: LE-007 and LE-008	New: P-041
Legislative basis	Police Services Act and O. Reg. 3/99	Community Safety and Policing Act, 2019 and O. Reg. 392/23
Structure	Two separate policies	One policy
Definitions	None	Full definitions section
Coordination and training	General direction only	Defined training tiers
Community and victims	Minimal direction	Reassurance protocol, advisory body, victim follow-up
Public reporting	Not specified	Annual report with defined minimum content