



Hamilton

Hate Prevention & Mitigation Initiative

Comparative Research Report

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Background

According to Statistics Canada, over the last five years, there has been an increase in the number of police-reported hate incidents and crimes reported.¹ Even in contexts where overall rates are stable, the intensity or seriousness of crimes may be showing an increase over time.² The impact of hatred and hate incidents in a community results in a disproportionate level of harm that affects not only the individual but the community at large. Whether directed against individuals or communal institutions, acts of hatred leave entire communities feeling impacted, with undeniable ripple effects. Policies, bylaws and procedures govern how people are meant to interact with one another. At a municipal level, creation and enforcement of such regulations are complemented by decisions about the design of physical spaces as well as supports provided to particular kinds of associations and events, which can help or hinder positive collective social relationships. Municipalities therefore have the potential to act as a catalyst for dismantling hatred occurring in their communities through policy and collaboration with social service organizations, police services, and community organizations.

Given the presence of yellow vest protestors congregating on city property on weekends in 2019, the City of Hamilton is exploring ways the municipality can contribute to ensuring the community lives up to the positive aspirations it holds for itself. It is doing so by learning from other communities’ experiences, creating a supportive policy context, building on previous community recommendations and listening further to the community through an engagement process that will unfold during the spring and summer of 2020.

This report is an environmental scan of municipal policies and bylaws pertaining to hate crimes or hate-motivated incidents and behaviour on city property and public property. The objective is to understand how other municipalities across Canada, and selected examples from Australia, England and the United States, are approaching mitigating hate and discrimination in their cities, through specific policies and bylaws and other non-legislative measures, in order to inform Hamilton’s approach.

Methodology

Building on the initial report, *Hate Mitigation Policies, Procedures and By-laws of Comparison Municipalities*, created by the City of Hamilton,³ this report reviews twenty Canadian municipalities that had reported hate crimes over the last five years, selected based on comparability to Hamilton, Ontario. It also reviews state and local Australian examples from communities also considered comparable to Hamilton, such as Newcastle and Wollongong. The Canadian examples are largely policies, while the Australian examples are municipal strategies along with research reports on various “bias crimes.”

Information was located by internet search, utilizing key terms such as “municipal behaviour bylaw,” “code of conduct municipal property,” “public behaviour on city property,” “respectful

behaviour,” “respectful behaviour in recreational centres,” “public nuisance bylaws,” “trespassing bylaws” and “municipal policies hate mitigation.” It also included searching and reading through applicable bylaws, council agenda minutes, available on municipal websites.

Policy information has been challenging to find; many policies are internal and difficult for the public to access. There is also a lot of variability in language, such as in the names of policies and procedures, which can make locating relevant, comparable information difficult. It is highly likely that the search process outlined above did not uncover the full range of protocols, strategies and informal, undocumented initiatives. It does, however, indicate that published materials are limited.

Beyond municipal policies, other research reviewed direct community responses to hate activity, and community-based research on combating intolerance, anti-Black racism, homophobia, and initiatives for creating safer public spaces.

Research also covered Police Service websites and the information available on how to report hate crimes and hate-motivated incidents.

Some preliminary scholarly research was also conducted. Hate crimes are complex and research on them is limited, particularly in Canada. There is a tendency to focus on victims rather than perpetrators, not just in understanding the behaviours but even in designing mitigation strategies. A fulsome review of the literature is beyond the scope of this project.

Police-Reported Hate Crimes

Table 1 shows the number of police-reported hate incidents and rates per 100,000 population in 2018 within those twenty municipalities, as documented by Statistics Canada. Statistics were not available for Oshawa or Quebec City. The census metropolitan area of Toronto encompasses, among others, Brampton and Mississauga. The census metropolitan area of Vancouver encompasses Richmond and Surrey.

In 2018, police reported 1,798 criminal incidents in Canada that were motivated by hate. Hate crimes accounted for less than 0.1% of the over 2.0 million police-reported crimes in 2018 (excluding traffic offences).⁴ The number of police-reported hate crimes decreased by 13%, or 275 fewer incidents, compared to 2017. With the exception of 2017, the number of hate crimes in 2018 was higher than any other year in the past 10 years.⁵ Police data on hate-motivated crimes include only those incidents that come to the attention of police services and also depend on police services' level of expertise in identifying crimes motivated by hate. As a result, an increase in numbers may be related to more reporting by the public to police services (for example, as a result of outreach by police to communities or heightened sensitivity after high profile events), and/or a true increase in the extent of hate crimes being committed.⁶

According to a recent report in the *Hamilton Spectator* based on unpublished police statistics, the number of reported hate-bias incidents in Hamilton decreased by 26.4 per cent over the previous year. Police chief Eric Girt stated “Hamilton has been misrepresented as the leading hotbed for hate because police here are more vigilant in collecting hate-bias incidents than many other communities.” Girt believes that the majority of hate incidents that are reported to Hamilton police services predominately involve mischief-related graffiti and lower level assaults, while many other jurisdictions do not collect and report those as hate statistics.⁷ Even

	Number of hate crime incidents	Rate per 100,000 population
Total police-reported hate crime	1,798	4.9
Brampton (considered part of Toronto census metropolitan area)		
Calgary	80	5.3
Edmonton	69	4.8
Guelph	11	7.8
Halifax	17	3.9
Hamilton	97	17.1
London	34	6.4
Mississauga (considered part of Toronto census metropolitan area)		
Montreal	276	6.5
Oshawa		
Ottawa	105	9.8
Quebec City		
Richmond (considered part of Vancouver census metropolitan area)		
Sudbury (Greater Sudbury)	3	1.8
Surrey (considered part of Vancouver census metropolitan area)		
Toronto (Includes all Toronto census metropolitan areas including Brampton and Mississauga)	364	6.4
Vancouver (Includes all Vancouver census metropolitan areas including Richmond and Surrey)	187	7.1
Victoria	24	6.1
Waterloo (Kitchener, Cambridge, Waterloo)	39	6.7
Windsor	6	1.7
Winnipeg	28	3.4

with that decrease, Hamilton’s numbers lie in a high range relative to the other cities listed above.

There is considerable variability in the definition of what constitutes a hate-motivated incident across police services in Canada.⁸ Some police services use the exclusive definition, which states that a crime is only classified as a hate crime when, in the opinion of the investigating officer, the act was "based solely upon the victim's race, religion, nationality, ethnic origin, sexual orientation gender or disability," while other police services define a hate-motivated crime as one that was motivated "in whole or in part, by a bias". This distinction in definition impacts the comparability of crime rate statistics across the country. Jurisdictions adhering to an exclusive definition likely report significantly lower rates of hate crimes.

Legislation and its Limits

Out of 20 municipalities reviewed (see Table 2), the City of Toronto has the most robust formal suite of policies related to mitigating hate on city property, specifically a response to planned and unplanned hate rallies. No other municipal policies located address groups of people congregating on municipal property for the purpose of demonstrating to incite hate.

The legislative framework for hate-related infractions is complex and occurs at various levels. Globally, there are international covenants that make it illegal to advocate hatred that incites discrimination, hostility and violence. Federally, the Canadian federal Charter of Rights and Freedoms and provincial Human Rights Codes are in place to ensure protection against discrimination. At a more local level, there are generic rules around trespassing or responsible behaviour on city/public property. More specifically, municipalities might have regulations related to anti-discrimination or the promotion of [often cultural] diversity, many of which apply to their staff or volunteers and less to the general public. Even more specifically, communities might have policies or codes of conduct related to peaceful public gatherings or, in rare cases, hate-related behaviour.

Municipality	Formal Policy for Hate Crime (related to Hate incidents)	Policies/ By-laws for behaviour on city property/ public property
Brampton		✓
Calgary		✓
Edmonton		✓
Guelph		✓
Halifax		
London		✓
Mississauga		✓
Montreal		
Oshawa		✓
Ottawa		✓
Quebec City		
Richmond		
Sudbury		✓
Surrey		
Toronto	✓	✓
Vancouver		
Victoria		
Waterloo		✓
Windsor		✓
Winnipeg		

Yet even when legislation is in place, it is only as effective when enforced. One recent study of three Australian states revealed a woeful lack of convictions of bias crimes despite thousands of offences being reported, sometimes as many as three per day, in a context where vast underreporting is known to be the case. Just three convictions in total have occurred since the

mid 1990s. The researchers point to a variety of contributing factors, including staff cuts to bias crime units, widespread denial, conservatism and intolerance among “old white men” that run police services, inappropriate police training to recognize and track these crimes, and even a tendency to want to keep minorities quiet. Vilification crimes are known to be difficult to take to trial, since proving motivation is key to conviction, so police may not bother pursuing incidents. Moreover, if common cases are not handled seriously, it makes it harder to prevent major hate crimes.

All of this occurs within a broader context of selective enforcement in security and policing, which itself is nested within a justice system and a broader sociocultural reality in which bias, racism and other forms of discrimination have been shown to be rampant.⁹

Legislation alone is therefore an insufficient condition to mitigate hate. Not only is reporting problematic, but even when reporting occurs, decisive, effective follow up may be limited or allocated unequally.

Critical Observations

At a local level, municipalities have a range of “levers” at their disposal by which to address hate-related behaviours, directly and indirectly. These include:

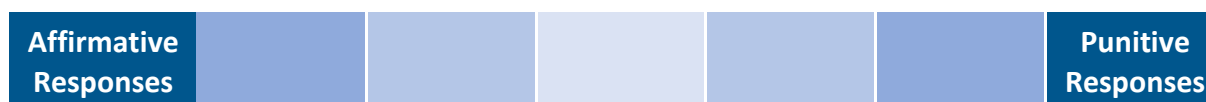
- Strategic planning and leadership
- Communication and community engagement
- Environmental design and maintenance of public spaces
- Community placemaking and programming (including investment in the work of community organizations)
- Public education and capacity building
- Proactive partnerships
- Regulations and policies
- Enforcement practices (including tracking and reporting; situational crime prevention; levelling consequences etc.)
- Emergency response and symbolic representation

They are often housed under strategic headings such as “cultural diversity” or “community safety,” which may be both broader and narrower than hate mitigation. Even more broadly, local decisions that accelerate equitable economic activity, for example, could have an impact on hate-related behaviours to the extent that they are exacerbated by hopelessness or inequities. Available examples of these levers have been summarized – the City of Hamilton may wish to explore others.

Illustrative examples of community-based initiatives are also included here, which often thrive with municipal support. They demonstrate the intersection of front-line work, intentional

partnership development and community-led responses, whether it’s the development of public education campaigns, community response systems, collective memory and art projects or anti-hate coalitions. These manifest into tangible programs and community engagement activities that bring people together across generations, cultures and abilities, and inherently are more likely to combat hate.

How these various levers are used will depend in part on where a municipality situates itself in terms of balancing early intervention with responsive engagement. More preventative approaches would promote the behaviours a community wants to see, rather than focusing on punishing infractions. Some municipalities develop and cite their values, for example, when asked how they address hate. While it is difficult to assess the extent to which they successfully live up to those aspirations, and in whose opinion, there is a noticeable difference in tone between affirmative and punitive responses, and each community needs to choose where it lands on that spectrum.



Given this range, it is not surprising that across the twenty municipalities, there is great deal of variability in how municipalities are addressing hate incidents on city and public property. Moreover, it is difficult to assess how effective these various approaches are. Reported hate crime rates is one important but rough measure of results, but there are multiple contributing factors to that number, and it does not necessarily give an accurate depiction of hate-related incidents or how safe people feel to report or even to live in each place. Similarly, the existence of a published strategy document or piece of legislation does not necessarily speak to how well-used or effective that policy or regulation has been in practice.

Range of Levers

Despite this variability, what does emerge as clear are the following observations:

- a multi-pronged approach is needed;
- a single “one size fits all” model is not appropriate to each place;
- municipalities are able to use various levers to influence behaviour, and yet
- mitigating hate requires coordinated action well beyond municipal control;
- no single municipality currently has this issue “figured out,” but Hamilton can learn from the composite experience of others.

There are several elements which, taken together, create an environment in which hate is less likely to flourish. These include the following:

- Zero tolerance of hate-related behaviour – on “paper,” in perception and experientially

- Effective communication, including to help residents navigate how to handle hate-related incidents (both experiencing or witnessing a hate-related incident)
- Broad and specific training for police in respect, diversity and recognition of hate crimes
- Public education (e.g. campaigns, values exercises, dialogue, training) to set shared community norms and expectations and to increase knowledge
- Ongoing training and workshops for municipal staff and community organizations to share best and emerging practices in building diverse, inclusive and equitable communities
- Intentional collaborative relationships across the community, including with police services
- Access to trauma-informed, culturally appropriate support for victims
- Safe, responsive and transparent reporting mechanisms that are used and that extend beyond only reporting to police services
- Community-wide tracking of hate-related incidents
- Crime prevention through environmental design
- Support for community groups and initiatives that promote diversity and inclusion and address root causes of discrimination
- A supportive suite of legislation, policies, regulations and codes of conduct that are actually followed
- Investment in alternative models of enforcement to achieve community safety, such as restorative justice
- Creativity and openness to meet emerging needs as they arise

Case Study: The City of Toronto

An integrated suite of policies specifically targeting hate

The City of Toronto’s Hate Activity Policy and Procedures assist in the identification of a hate-motivated crime or incident and identify the appropriate responses. The goal of the Policy and Procedures is to establish and maintain a hate-free City as required under the City of Toronto Human Rights and Anti-Harassment/Discrimination Policy, the Ontario Human Rights Code and the Criminal Code. The City’s Hate Activity Policy and Procedures have broad application and apply to all City of Toronto employees, volunteers, accountability officers and their staff, and elected officials and their staff. It also applies to citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space and individuals conducting business with, for or with support from the City of Toronto.¹⁰ Perhaps most importantly, the City’s Hate Activity Policy specifically states that the City of Toronto condemns the promotion of hatred and promotes an environment free of hate.

The City’s Hate Activity Procedures outlines behavioural expectations and lines of communication should an event occur on city property. A report is made to management and the Human Rights Office. City staff are required to respond to these incidents/allegations by assessing the issue, and if it is an emergency, respond based on existing emergency guidelines and notify the Toronto Police Services (TPS). If it is not an emergency, staff are required to

record and provide all details to the Human Rights Office for consultation and response. Because of the legal issues and constitutional rights involved, staff in Legal Services are also typically involved in the assessment of the allegations and in decision making about appropriate responses to such incidents or allegations.

In 2019, the City created a plan specifically for responding to hate rallies which were occurring on city property. Under this new policy, the City of Toronto does not issue permits for rallies, protests or demonstrations. The City directs those wishing to hold a rally or protest in a public space to complete the Toronto Police Notice of Demonstration. This is not required, but if a group files a notice, it activates a communication channel between TPS, the City's Corporate Security, and City staff to monitor the event. The information requested in the notice of demonstration is to ensure public safety, it is not a permit for demonstrations or rallies. It is highly unlikely that many organizers would provide notice of demonstration to TPS, due to the historically strained relationship between public demonstrations and police services. Actual use or effectiveness of this mechanism has not been verified.

When either TPS or City staff become aware in advance of a rally, they communicate with one another so that existing protocols can be activated. If the City receives such a notice of demonstration from the TPS, it coordinates to ensure response protocols outlined in the Hate Sponsored Rally Protocols regulation are put into place. Response protocols include communication channels between the Toronto Police Service, the City's Corporate Security personnel and staff in the City's Municipal Licensing and Standards' By-law Enforcement division. Toronto Police attends rallies to monitor and keep the peace. When the Toronto Police receive a hate activity complaint, the complaint is reviewed and assigned to the responsible Superintendent for follow up. Depending on the nature of the allegation, the Superintendent may engage the Hate Crime Coordinator and officers from the Community Response Unit, Crime Unit or Major Crime Unit within the Toronto Police Service. An internal Toronto Police Service investigation is then undertaken. The outcome of the investigation is communicated to the Superintendent of the relevant Toronto Police division, who determines whether or not the matter should be referred to the Attorney General's office for review.

The strength of these policies is that channels and specific responses exist for planned and unplanned hate rallies on city property. By creating clear communication channels with the Toronto Police Services, the City can efficiently and effectively utilize protocols when incidents arise. The City's policies are also the only ones in the country that outline an explicit plan to deal with groups of people versus just an individual. Further, city policies and practices must be designed to avoid infringing on the Canadian Charter of Rights and Freedoms, which include freedom of thought, belief, opinion and expression; freedom of peaceful assembly; and freedom of association. The City's policies balance not infringing on those rights while showcasing a strong commitment to inclusion, anti-discrimination, and condemnation of hate, including ensuring that its spaces are not used to propagate hate against any group of people.

Case Study: Newcastle, New South Wales, Australia

Harmonized state and local actions to promote perceptions of safety and lower crime

New South Wales (NSW) is an Australian state representing about 10% of the country’s land mass and 8 million residents, roughly one third of the country’s population, not unlike Ontario. In 2018, NSW passed a law (*The Crimes Amendment (Publicly Threatening and Inciting Violence Act 2018)*) that criminalizes publicly threatening or inciting violence on specific grounds, including race, religion or sexual orientation. It sets a high bar for the rest of the country and the existence of that legislation gives police more power to gather evidence when suspected bias crimes occur.

Newcastle is a post-industrial harbour city, the second largest in NSW, which could be considered comparable to Hamilton. Newcastle has a Social Strategy that sets a goal of being an “inclusive community” that “fosters a culture of care.” Within that Strategy, they have a Safe City Plan that was generated in response to growing diversity in their city and increasing unrest that has accompanied that change. The Safe City Plan includes a range of components, including a “Safe and Vibrant Night Time Economy” strategy, primarily to address “alcohol-related anti-social behaviour,” as well as Crime Prevention Through Environmental Design (CPTED), municipal services explicitly to promote pro-social behaviours, and activities to improve residents’ perceptions of safety. Specific activities include provide multi-lingual resources related to community safety, partnering with the Department of Justice to support authorized street art, safe spaces training in partnership with ACON (a community health organization that supports people of diverse genders), placemaking grants and processes to ease reporting of hate-related incidents. Only after describing these various initiatives does their strategy address legislation, which is also in place to support police in enforcing expectations regarding discriminatory behaviour.

Behaviour on Public Property

Thirteen out of twenty of the Canadian municipalities reviewed have a policy or bylaw to manage behaviour of the general public who are using City property and/or public property (see Table 2). These include Brampton, Calgary, Edmonton, Guelph, London, Mississauga, Oshawa, Ottawa, Sudbury, Toronto, Waterloo, and Windsor. These are guidelines are framed under titles such as Trespassing and Public Nuisance bylaws, Good Behaviour Policies, Respectful Behaviour Policies and Respect for People and Property Code of Conduct. The policies are rooted and supported by the Trespass to Property Act (Ontario). As noted above, such guidelines and policies are integral to creating cities rooted in inclusivity and anti-discrimination, influencing how people are to treat each other in the public spaces.

Favourable features of several of these policies include:

- Explicitly referencing zero tolerance for violence, vandalism, and inappropriate behaviour on recreational city properties, including harassment, such as the use of racial or ethnic slurs;
- Appreciative language about respectful behaviour that is encouraged, such as a commitment to creating and promoting safe, healthy, respectful and welcoming environments where there is respect for others and responsibility for all actions;
- Naming and defining hateful behaviours that are not acceptable;

The majority of the policies are contextualized specifically for recreational centres, with a noticeable gap in how to manage behaviour on other city properties. Within these preventative guidelines and policies, clear communication channels for filing complaints or reporting infractions are cited. The most common approach is to report incidents to the most senior employee at the facility, or to corporate security. Depending on the severity of the incident, local police services are contacted to open an investigation. Penalties for infractions include a suspension of access to city properties, fines, and in some cases criminal charges. Significant enforcement occurs only when a law is broken, usually carried out by the police services.

Most of the policies reviewed focus on an individual’s behaviour rather than large groups of people, such as rallies or protests. It is explicitly stated by some municipalities that their approach is to direct the responsibility of maintaining peaceful assembly, public safety and enforcement to the police while encouraging respectful behaviour on city premises. The City of Mississauga’s Outdoor Events Policy requires event organizers planning to use public spaces to pre-register, obtain prior approval and sign various agreement forms indicating they will abide with relevant tolerance and inclusion policies. Although this helps to manage planned rallies, there is a need for clear procedures in the event of unplanned gatherings.

The City of Calgary and the City of Windsor have policies about public behaviour, though they refer to public intoxication, urination in public spaces, and fighting. No such policies could be found for the City of Halifax, the City of Montreal, Quebec City, the City of Richmond, City of Victoria and the City of Winnipeg.

Case Study: City of Vancouver

Police Demonstration Guidelines

As cited above, the Toronto Police Service requires a notice of demonstration. Similarly, the Vancouver Police Department (VPD) created *Public Demonstration Guidelines* to provide general information on how the VPD manages public demonstrations. The guidelines are designed to recognize the public’s right to lawful assembly while upholding the law in a proportionate manner and with the least level of intrusiveness. When policing public demonstrations, the VPD’s goals include but are not limited to preventing criminal acts from taking place, ensuring that the safety of demonstrators, the public, and the police is maintained, as well as ensuring that the public peace is maintained. The guidelines do not mention hate rallies explicitly, though VPD always considers and upholds Section 2 of the Canadian Charter of Rights and Freedoms.

Case Study: City of Guelph and City of Brampton

Procedures for Removing Racist Graffiti on Municipal Property

Municipal procedures for removing hate graffiti on city property, and ensuring the public knows how to report hate graffiti are extremely important. Commonly, in frustration, complaints are reported through the wrong channels such as via social media platforms or incorrect municipal departments. The majority of municipalities have a special section on their websites that communicate to the public how to report hate graffiti. As an example of this, the City of Guelph’s Graffiti section on its municipal website includes a definition of hate graffiti, a timeline for how quickly it will be addressed, where to file the report and what information is required.¹¹

The City of Brampton recently approved a motion to update the procedures for reporting and removing racist graffiti, after the public showed outrage that racist message was left up in their neighbourhood for days.¹² The lack of timely response indicated a gap in the City of Brampton’s procedures for removing racist graffiti. The approved motion rectified this by prioritizing consistent and accurate information when reporting hate-motivated crimes (such as vandalism on city property) to the public and developing a coordinated response protocol which includes the timely removal of graffiti undertaken within hours of receipt of a report. All incidents of vandalism are reported to the police services. When possible, photographic evidence is provided. The City has also committed to exploring different ways of tracking and reporting incidents.

Key Incidents as Catalysts

Several communities point to memorable key incidents as having motivated action against hate. For instance, In the aftermath of the horrific events in Christchurch, New Zealand, where two consecutive mass shootings occurred at local mosques, policymakers in both New Zealand and Australia continue the extensive debate on the balance between the restriction on speech and the protection of free speech.¹³ "The supporters of restrictive speech laws believe they are necessary to prevent racism, violence, and encourage diversity and multiculturalism, whereas those who oppose greater restrictions are concerned about their negative impact on free speech."¹⁴ On the spectrum noted above, these approaches are obviously highly reactive, but can catalyze more preventative responses in the future.

Tracking and Reporting

As outlined above, hate crimes are likely to be significantly under-reported, and the means for tracking them are inconsistent across jurisdictions. Because changes in reporting practices can affect hate crime statistics, it is essential to recognize that, according to police services, higher rates of police-reported hate crime in certain jurisdictions may reflect differences or changes in the recognition, reporting and investigation of these incidents by police and community members.

Accurate data is not only useful in counting the number of incidents that have occurred. Expanding statistical data related to hate crime and incidents will provide much-needed insight into better understanding the intersectional elements of hate. Recognizing how the intersectional identity of victims uniquely impacts them will help improve programming and prevention efforts, as well as help organizations who deal with victims of hate to anticipate the needs of prospective clients better.¹⁵ Similarly, capturing the location of hate incidents improves the ability of the municipality, police services, and local organizations to develop responses.

Most reporting systems involve an expectation that victims or bystanders will report in-person at Police Services.

To create safer and more responsive reporting systems, police services across Canada have incorporated online reporting platforms. Reporting an incident online offers a person a way to report an incident from home, with the help of a family member or friend if needed, minimizing the need to visit a police station which may feel intimidating and uncomfortable, or at the very least less convenient, thereby acting as a barrier to reporting, the complaint will still be filed online. It is unclear if proper follow-up and access to trauma-informed, culturally appropriate support services for victims are available or improved depending on the way the complaint is filed.

Out of twenty municipalities, ten police service websites had online reporting tools on their website. Frequently, it is mentioned that if the report is related to any vandalism or graffiti that could be described as hate-motivated, the person making the report should call the police instead. Of those ten, only two had specific online tools for reporting hate-motivated incidents. The online tool included examples of hate incidents and prompted the person to file a report by using questions unique to reporting hate incidents versus other criminal activities.

Case Study: Alberta Hate Crimes Committee

Real time mapping of hate-related incidents

In 2017, the Alberta Hate Crimes Committee (AHCC) launched the StopHateAB.ca website to capture hate incidents and contribute to the "real-time" map of documented hate incidents. The website still encourages individuals to report to hate-motivated incidents to police services, this does not replace filing a formal report. However, the information generated supports the outreach and education initiatives of the Alberta Hate Crimes Committee, while also disclosing to communities where incidents are taking place.

Collaborative Community Strategies

Community initiatives and collaborations to organize public education campaigns, community rapid response systems, community engagement art or storytelling projects or anti-hate coalitions are integral to combating hate. Cities thrive on multi-lateral, holistic approaches to

Surrey also has a Mobilization and Resilience initiative (<https://www.surrey.ca/community/18661.aspx>) that attempts to address issues before they become emergencies or requiring police interventions.

The Australian Hate Crime Network (AHCN)

The AHCN is a partnership composed of three sectors of society: academics, representatives of NGOs from minority communities, and people from relevant government organizations. The network provides leadership, advocacy and support for state and national government responses to hate crime and hate incidents; provides an educative and advisory role to key agencies and services on preventing and responding to hate crime and hate incidents; enhances community awareness of hate crime and hate incidents, and encourages reporting, help seeking and access to available resources; monitors and reviews patterns in hate crime and hate incidents; advocates for improvement in data collection, law enforcement and criminal justice responses; and, collect and distribute relevant current research and knowledge on hate crime and hate incidents.

The Hate Crime Project, Southwark Mediation Centre, London

The Hate Crime Project (HCP) is a project run at Southwark Mediation Centre, London, England, that addresses the harms of hate crime through a restorative justice lens. Cases are often referred to the HCP by schools, housing associations, police services as well as self-referrals. The project has been very successful in tackling racial harassment and homophobia in the community, by creating a forum for both the victim and perpetrator to participate. The key objectives of the project are to explore the effect that inter-personal conflicts has on the lives of those directly and indirectly involved; to enquire into issues around prejudice and identity, which may be at the heart of the conflict; and to find a resolution that is acceptable to all or most involved. Further, allowing participants to vocalize their stories in this way can help them to recover from their experiences of targeted victimization.

There is a similar program starting locally in *Kitchener, Waterloo*. The project is called the Together Project, brought together in collaboration by the Community Justice Initiatives (CJI) and the Coalition of Muslim Women of Kitchener. The intention is to bring restorative practices to identity-focused harm, building on work called “Brave Spaces.” The program seeks people with lived experiences of racism to act as trained transformative mediators to conflicts that arise in the community.

Portland United Against Hate (PUAH) Project

One common issue across North America is the struggle to obtain accurate data related to the number of incidents of hate-motivated incidents, due to distrust in law enforcement, fear of re-victimization, apathy, or a sense of futility. In Portland, USA, an initiative called Portland United Against Hate (PUAH) Project created a community rapid response system to track and report hateful acts while also providing support and protection to communities. The system provides a culturally responsive and trauma informed support to those reporting acts of hate.

Paper Monument, New Orleans

Paper Monuments is a public art and public history project designed to elevate the voices of the people of New Orleans. The intention is to create new narratives and symbols of the city that represents the collective vision, and honours the erased histories of the people, places, movements, and events that have made up the past 300 years. The project centres equity, integrity, and collaboration to expand the collective understanding of New Orleans, while producing a new public memory.

Preliminary Implications for the City of Hamilton

The current City of Hamilton policies and procedures explicitly to address hate-related behaviours, developed in 2019, include:

- *Hate Related Incident Prevention Policy and Procedures*
- *Procedure for Notification of Assembly or Demonstration on City of Hamilton Public Spaces*
- *Corporate Security Office Activities and Recommendations*

As in several other municipalities, the development of these regulations was triggered by a series of key events in the city, most notably unrest at the Gage Park Pride Festival in June of 2019. They sit within a broader suite of relevant strategies that articulate Hamilton’s vision and values (e.g. *Our Future Hamilton*), its approaches to working with specific populations (e.g. *Hamilton Urban Indigenous Strategy*), and/or behavioural expectations for its staff and volunteers (e.g. policies on diversity, harassment, equity etc.) Other concurrent reviews are ongoing, including related to the policing of the incident mentioned above.

Provisionally, Hamilton is putting in place several elements from the list of enablers noted earlier that create an environment in which hate is less likely to flourish, including:

- Zero tolerance of hate-related behaviour written into policies
- Intentional, collaborative relationships, including with police services
- Support for public education to set shared community norms and expectations and to increase knowledge about what is not acceptable behaviour
- Crime prevention through environmental design
- A suite of supportive policies, including a Trespassing Bylaw

This list can be verified, strengthened and added to over time.

In the meantime, a provisional analysis of existing policies is offered here.

Hate Related Incident Prevention Policy and Procedures

This policy is consistent with other thirteen municipalities that are taking explicit action against hate activities on municipal property through their policies and procedures; in particular, it bears a close resemblance to the City of Toronto's Hate Activity Policies and Procedures. The Hamilton policy thoroughly lays out the intention of the policy, who the policy is for, to what spaces it applies to, provides examples of behaviour that is not tolerated, articulates the communication channels for reporting infractions, and engaging with other community partners, such as police services to ensure it is followed.

The following highlights point to limitations of the Hamilton suite of policies that could be mitigated throughout this project:

- The Hate Related Incident Prevention Policy indicates that the City wants to facilitate the combined efforts of various sectors in responding to hate, including but not limited to staff, police services, elected officials and other levels of government. There needs to be more detail provided on how this will be done, as doing so is not outlined in the accompanying procedures. Will there be a development of a Hamilton Action Plan for Anti-Hate Activity, for example?
- More information and disclosure about the range of consequences would help demonstrate the severity of these violations. Other municipalities list tiers of penalties depending on the severity and the frequency of the policy infraction. Examples are 72-hour notices at the minimum (City of Sudbury, City of Oshawa, City of Ottawa).

Procedure for Notification of Assembly or Demonstration on City of Hamilton Public Spaces

The City of Hamilton is consistent with other municipalities in not issuing permits for activities associated with assemblies and demonstrations, and instead requiring those interested in holding a rally or demonstration to submit a Notification of Demonstration Form. It is worth noting that extremist and/or anarchist groups are not highly likely to complete a Notice of Demonstration. Especially if these notifications are not required.

In the example of Toronto, Notifications of Assembly or Demonstration were orchestrated by the Toronto Police Services, not the City. It is unclear how utilized these notices are. In the example Vancouver, the Vancouver Police Services use Police Demonstration Guidelines to educate potential demonstrators about what to expect, and what the role of the police is during protests. The tone of this document is much different than the notice form of the Toronto Notification of Assembly.

It seems likely that if the City of Hamilton creates this tool that it will be underutilized.

Corporate Security Measures

The City’s Corporate Security Office filed a report in July 2019 outlining a series of recommendations to respond to hate-related activities, most notably in the forecourt of City Hall.

This suite of security recommendations is likely necessary to improve safety through environmental design and the gathering of timely, accurate footage and information, assuming the capacity exists to catalogue and analyze such footage. The tone of these measures does appear to be reactive and punitive in its orientation. As an example, the proposed signage at City Hall emphasizes more heavily the kinds of behaviours that will not be tolerated than those that are actively encouraged. There is a heavy reliance on policing to address hate and a tendency in practice to define hate narrowly as “hate crimes.” There is a deference to and emphasis on the limits imposed by Charter of Rights and Freedoms rather than attempts to actively build an inclusive community within the bounds of that broad legislation.

As previously noted, combatting hate is only partially about legislation and policy and heavily about creating and sustaining a culture of inclusion. Taken together, Hamilton’s approaches will therefore need to be supplemented by a range of other efforts (some of which are underway and others that need reinforcement) in order to ensure a coordinated, multi-pronged approach to addressing hate. Positive, proactive approaches to city-building should be a strong focus, to supplement more reactive and punitive activities. Examples of such efforts could include the following, based on the comparative research conducted thus far. This list will be refined further based on local research slated for 2020.

- Decisive, visible, credible leadership that speaks out quickly and unequivocally against hate
- Consistent training and transparent monitoring of respectful and equitable policing
- Decoupling of “hate” from policing and toward a broader community responsibility involving a more positive promotion of a culture of empathy and care
- Broad, active communication and public education, not just in response to hateful incidents but proactively to build inclusion
- Active promotion and funding of multilateral, positive initiatives to build trust and empathy across the city
- Community-based reporting mechanisms, comprehensive tracking and support for victims.

Additional analysis will be forthcoming following the community engagement phase of this project.

APPENDIX A: Comparison of Municipal Policies

Municipality	Name of Policy/Bylaws/ Guidelines	Who does this policy apply to	To whom are Infractions reported	Penalties	Comments:
Brampton	Good Behaviour Policy	All participants and spectators using city property	City Staff	Asked to leave the premise, depending on severity liable for a fine.	Intended for recreational city properties.
Calgary	Regulate Public Behaviour	General public	Police Services	Fine	No mention of discrimination or anti-racism. Only encompasses acts such as urination, violence, etc.
Edmonton	Respect for People and Property (Code of Conduct)	All visitors and staff	Staff, Corporate Security & Edmonton Police Service	Level B & Level C: harassment, discrimination or hate-related crimes. Asked to leave & may have privileges suspended from City Operated facilities and property.	Intended for recreational city properties.
Guelph	Rzone	Participants and the general public	City Staff	Depending on the severity, be barred immediately from the premises and if necessary, a suspension for a period of time. Incidents may be reported to the City of Guelph Regional Police Service, and charges may follow.	Intended for recreational city properties.
Halifax	Could not find any policies about behaviour on city property.				
London	Public Nuisance By-law	General Public	Bylaw Compliance & Police Services	Fines	Intended for public and private property. Section that address issue of hateful "street preachers" by prohibiting interference with another person's use and enjoyment of a public space by using "abusive or insulting language as a personal invective."

Municipality	Name of Policy/Bylaws/Guidelines	Who does this policy apply to	To whom are infractions reported	Penalties	Comments:
Mississauga	Use of Facilities Policy (intended for recreational city property) Outdoor Events in the Civic District Policy	All visitors and staff & general public, anyone who applies to host an event an outdoor event.	Staff & Police Services	Unclear to whom infraction should be reported.	A permit will not be given to anyone who promotes contempt or hatred for any person (defined in Ontario Human Rights Code)
Montreal	Could not find any policies about behaviour on city property.				
Oshawa	Trespass By-Law Respect Check Policy	Applies to all members of the public.	An authorized person who has reason to believe that a person has engaged in Prohibited Conduct may give the person a Trespass Notice.	72 hour written trespass notice will be issued. Notice prohibits entry on or to a City Facility for a period not exceeding 3 days, which can be extended up to 6 months.	Respect Check policy is for all municipal properties (including City Hall).
Ottawa	Corporate Trespass to Property Procedures	Applies to all.	On site supervisory staff or facility security guards.	72 hour written trespass notice will be issued. Depending on the type of incident, behaviour, frequency, the person will be banned for a longer time.	
Quebec City	Could not find any policies about behaviour on city property.				
Richmond	Could not find any policies about behaviour on city property.				
Sudbury	Trespass to Property Act Policy		On site staff will escalate to supervisors and security guards. All trespasses issued by the City of Greater Sudbury will be forwarded to the Greater Sudbury Police Service to be entered into their trespass database and decide if further investigation is warranted.	72 hour written trespass notice will be issued. Depending on the type of incident, behaviour, frequency, a person will be banned for a longer time.	
Surrey	Could not find any policies about behaviour on city property.				

Municipality	Name of Policy/Bylaws/ Guidelines	Who does this policy apply to	To whom are Infractions reported	Penalties	Comments:
Toronto	Hate Activity Policy & Procedures	Applies to all	Toronto Police Service or City staff	The City may issue a trespass notice issued under the Trespass to Property Act to limit or bar future use of any City property after appropriate investigation and contextual review.	
Vancouver	Public Protest Policy (no further information found on this)				Vancouver Police Department has created a Public Demonstration Guidelines.
Victoria	Could not find any policies about behaviour on city property.				
Waterloo	Respectful Behaviour Policy	Applies to all persons (residents, non-residents, volunteers, tenants, and staff) within City facilities, and at any other location where City staff are present.	City staff who will direct inappropriate behavior to Police Services if necessary.	Banning from all municipal facilities.	Applies to behaviours that obstruct or hinder the ability of others to use and enjoy city facilities, or participate in City services programs or events, or compromise the safety and health of others, including staff, are unacceptable and prohibited.
Windsor	Trespass By-Law	General public	Authorized Person or Police Services if damage to property or person does not leave after warning.	Notice of trespass, ban for up to ten days. Subsequent cases or incidents of more severe or threatening behaviour many incur periods of up to six months, including an indefinite ban as approved by the City Solicitor. Long term bans shall be the exception rather than the rule.	No explicit mention of hate-motivated incidents or discriminatory behaviour.
Winnipeg	Could not find any policies about behaviour on city property.				

¹ Statistics Canada. [Table 35-10-0191-01 Police-reported hate crime, number of incidents and rate per 100,000 population, Census Metropolitan Areas](#)

² Iner, Dryer, ed. *“Islamophobia in Australia Report II.”* Sydney: Charles Sturt University and ISRA, 2019.
Nathan, Julie. *“Report on Antisemitism in Australia.”* New South Wales: Executive Council of Australian Jewry, 2019.

³ <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=205539>

⁴ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

⁵ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

⁶ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

⁷ <https://www.thespec.com/news/hamilton-region/2020/01/31/despise-summer-of-hate-hamilton-s-hate-incidents-tumbled-in-2019.html>

⁸ https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95_11-dt95_11/p0_1.html

⁹ See for example: <https://ccla.org/a-recent-history-of-racial-profiling-and-policing/>,
<https://www.bbc.com/news/world-us-canada-46513250>, <https://journals.openedition.org/cybergeog/26165>

¹⁰ <https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-132059.pdf>

¹¹ <https://guelph.ca/how-can-we-help-you/graffiti/>

¹² <https://www.bramptonguardian.com/news-story/9503719-brampton-changes-its-hate-graffiti-removal-procedures-after-offensive-message-left-for-days/>

¹³ Wilkie, Monica. “Criminalising Hate Speech: Australia's Crusade against Vilification.” *Culture, Prosperity & Civil Society*, vol. 6, Sept. 2019.

¹⁴ Wilkie, Monica. “Criminalising Hate Speech: Australia's Crusade against Vilification.” *Culture, Prosperity & Civil Society*, vol. 6, Sept. 2019.

¹⁵ <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR10536925/br-external/OrganizationForThePreventionOfViolence-e.pdf>

¹⁶ <https://www.surrey.ca/files/PRC%20Community%20Engagement%20Report.pdf>