PROMISING PRACTICES INVENTORY AND ANALYSIS OF NON-CRIMINAL JUSTICE APPROACHES TO HATE CRIME REDUCTION AND PREVENTION

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The Crime Reduction Research Program

The Crime Reduction Research Program (CRRP) is the joint-research model in British Columbia between academics, the provincial government, and police agencies operated by the Office of Crime Reduction – Gang Outreach. The CRRP is supported and informed by a Crime Reduction Research Working Group that includes representation from the Ministry of Public Safety Solicitor General (represented by Community Safety and Crime Prevention Branch and Police Services Branch), the Combined Forces Special Enforcement Unit of British Columbia, and the Royal Canadian Mounted Police "E" Division.

The CRRP focuses on investing in research that can be applied to support policing operations and informing evidence-based decisions on policies and programs related to public safety in British Columbia. Each year, the CRRP reviews submissions of research proposals in support of this mandate. The CRRP Working Group supports successful proposals by working with researchers to refine the study design as necessary, provide or acquire necessary data for projects, and advise on the validity of data interpretation and the practicality of recommendations.

The CRRP operates a $1M annual funding allocation in the form of grants that are dedicated to support university-led research at Canadian institutions. This project was supported through the 2022/23 CRRP funding allotment.

Executive Summary

In contrast to the decline in overall police-reported crime, overall, hate crimes are on the rise in many areas in Canada, including British Columbia. This increase has provided a sense of urgency in the search for appropriate and effective responses to hate incidents and hate crime. Although there is a legal framework for addressing hate crimes, there are several drawbacks and complications surrounding this approach. For example, victims of hate crimes often do not want to go through the formal criminal justice process, but still want redress for their victimization. Also, the criminal justice system is not well suited to bring the broader community into the process. This is a notable problem with hate crimes, which very much impacts communities, and which require community assistance in healing the trauma produced by hate. Moreover, exposure to the formal criminal justice system may not be the best way to educate and try to prevent further hate incidents for many perpetrators of hate crime. Finally, the criminal justice framework in place for hate crimes is currently being underutilized in many cases because of a lack of understanding on the parts of police officers and Crown Counsel. For all these reasons, the focus of this report is on approaches to hate crime that are situated outside of the criminal justice system, referred to generally as non-criminal responses.

To properly address hate crimes, it is important to understand the distinct nature of these events. Hate crimes are singled out for special attention because of the very nature of these crimes. In contrast to most nonbiased crimes, victims of hate crimes have been targeted for who they are, rather than anything peculiar about the victim or their behaviour. This produces a unique form of trauma, which demands specific attention. Hate crimes are also distinct in the way they produce vicarious trauma in the broader community of individuals who identify with or share the same characteristics as the individual targeted victim. As much as for any other category of crime, victims and communities must be at the center of responses to hate crime.

The perpetrators of hate crimes are not all the same and should be assessed and treated along a continuum. Some fit the stereotype of haters and are deeply connected to their hateful ideologies. At present, these individuals should be dealt with via criminal justice sanctions. But many hate crime perpetrators do not fit this stereotype. They are not "hard core" bigots and may be amenable to alternative mechanisms that emphasize education and remediation. That is, they may be more suited to non-criminal responses that would benefit them, the victims of the behaviors, and the broader community.

For a variety of reasons, the police and Crown Counsel generally are not making effective use of existing hate crime legal provisions. The hurdles to laying and prosecuting charges, often related to not fully understanding hate crime provision or failing to appreciate how important charges are in addressing trauma, must be overcome. While not every hate crime must be handled through the criminal justice system, some must be to preserve the overall integrity of our systemic response to hate crime.

Programs based on restorative justice principles were identified both in the literature and in the interviews conducted for this report as potentially having an important role to play in addressing hate crimes, particularly the emphasis on healing the trauma caused by these events. Although not as prevalent, programs focused on education and rehabilitating perpetrators have also shown

promise. There are still several critical issues that need to be addressed, including appropriate resourcing of non-criminal responses, and well as training to address hate specifically within these programs, but, as validated by this study's participants, restorative justice and education-based initiatives increasingly are coming to be considered "good practice" for responding to hate crimes.

Finally, the results of this study produced several recommendations for addressing hate crimes using a victim-centered approach. Such a framework should include the following elements:

A. Changing the dialogue to delegitimize hate and discrimination.

B. Taking action to promote inclusion, diversity, and tolerance.

C. Improving reporting mechanisms.

D. Raising public awareness and providing resources for identifying, reporting, and supporting victims of hate crime.

E. Refocusing on the victim in the police identification and reporting of hate crimes.

F. Training and education for everyone engaged in responding to hate crimes.

G. Allocating resources for community building and engagement.

H. Increasing victim and community support.

I. Regulations for handling hate crimes by the courts.

J. Identifying non-criminal justice avenues to prevent and respond to hate crimes.

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Introduction

In early 2021, it was already becoming evident that the Covid-19 pandemic was exacerbating several social ills. Among the most notable of these problematic changes was a significant increase in hate crimes in many Western countries. In Canada, this reality became particularly salient when Vancouver was named by several media outlets as the "Anti-Asian hate crime capital of North America" (Baylon & Cecco, 2021). But, while governments have begun to grapple with unprecedented levels of hate crime, effective responses have remained elusive. This has been especially true of attempts to address hate crime offenders. Although there exist legislative options for hate crime enhancements, these are, for a variety of reasons, rarely used. Owing in part to the reluctance shown in utilizing criminal processes, there also have been preliminary discussions about potential non-criminal measures. For example, it has been suggested that lower-level hate crime incidents could be treated as civil offenses, in the same way as a parking ticket. The problem with these sorts of responses is that, thus far, they have been theoretically unsound, particularly insofar as they are premised on incomplete understandings of hate crime and do not fully appreciate the importance of nuance and context, in addition to not addressing the needs of victims and the broader community. Beyond being merely ineffectively, inappropriate responses can make things worse.

The research presented here argues that, while offenders are obviously a part of the hate crime equation, they are only a part. Hate crimes can, and often do, result in pronounced negative effects for both the individuals directly targeted and the broader community of individuals who identify with the victims. Consequently, addressing hate crime necessarily involves a holistic approach that includes responding appropriately to the offender and prevention by the amelioration of harms at both the individual and community level. Hate is a complex social phenomenon, requiring multifaceted and nuanced solutions. The research presented here aims to establish a framework for comprehensively addressing hate crimes.

Project Methodology

The objectives of this project were achieved through a combination of semi-structured interviews with subject matter experts and stakeholders and an exhaustive literature review. In total, 12 interviews were conduction with 14 individuals. Participants were asked a range of questions about potential criminal justice and non-criminal justice responses to hate crimes and about the perceived effectiveness of these responses. Participants who were service providers were also asked about the challenges to program delivery and about ways to overcome those challenges.

All interviews were conducted by the principal investigators. All interviews were conducted in person or via online video conferencing. The ethics of the research project, including the interview schedule and project methodology, were reviewed and approved by the University of the Fraser Valley's Human Research Ethics Board prior to any data being collected. Participation in the interviews was voluntary and those willing to participate were provided with an information sheet prior to the interview that included a detailed overview of the purpose of the interview. Immediately before the interview began, all participants were provided with the information sheet

and asked to provide their verbal consent to participate in an interview. Interviews were not recorded using video or audio recording devices. Research assistants attended each interview and anonymously transcribed the conversation.

Once the interviews were completed, all the anonymized information was entered into a Microsoft Word document and analyzed for common themes. The analyses focused on themes emerging from the specific content provided by respondents during their interviews, in addition to latent content illustrating any underlying themes.

Definition of Hate Crimes

The term 'hate crime' has raised many definitional questions (Mason et al., 2017). Often referred to as targeted crime, prejudice motivated crime, or bias crime, it is evident from the vast discussion on hate-related crimes that incidents involving hate occur on a broad spectrum (Mason et al., 2017). There are acts of hate that do not necessarily meet the definition of a crime, but still involve offences against a person or property that are motivated by an individual's or group of individuals' hatred or bias towards a real or perceived member of an identifiable group distinguished by race, national or ethnic origin, language, colour, religion, age, sex, sexual orientation, gender identity or expression, mental or physical ability, or any similar factor (Lantz & Kim, 2018; St-Amant et al., 2023; The Resilience BC Anti-Racism Network, 2023). These incidents can include criminal acts of violence or property destruction, but also include acts of verbal taunting or aggressions, online harassment, being chased or spat on, or identity-based slurs (Ndegwa & McDonald, 2023). Even though these latter acts are not criminal in nature, by providing a context for devaluing individuals or groups based on their clothes, skin color, sexual orientation, or expressions of faith, they may be offensive, hurtful, and harmful to the individual and the communities they represent (Ndegwa & McDonald, 2023; Proctor, 2020). However, determining when a hateful incident moves beyond offensive language and constitutes a hate crime or hate-motivated criminal offence is a difficult task. In general, hate crimes are defined as criminal offences against an individual, group of people, or property that are motivated by bias, hate, or prejudice, including assault, uttering threats, criminal harassment, and mischief (The Resilience BC Anti-Racism Network, 2023). Of note, police services across Canada are moving towards adopting the same definition for a hate crime: "a criminal violation motivated by 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 any other similar factor" when investigating an incident (Statistics Canada, 2006, p. 86). Increasingly, it is recognized that underlying all hate crimes are messages of subordination and detestation that imply members of a certain group are not welcome, despised, or denied respect (Mason et al., 2017; The Resilience BC Anti-Racism Network, 2023). Some examples of offences that have been classified as hate crimes include hate graffiti and damage to religious institutions.

Legal Landscape

In addition to the term being ill-defined, the *Criminal Code of Canada* does not have a single offence to capture hate crimes; hate crimes or hate-motivated offences are instead recognized in several

different ways. The Hate Propaganda section of the *Criminal Code* provides four different ways to deal with hate as speech-related offences (Ndegwa & McDonald, 2023; St-Amant et al., 2023). Promoting the protection of human rights and safeguards for the well-being of diverse communities, sections 318(1) – advocating genocide; 319(1) – public incitement of hatred against an identifiable group in a public place that is likely to lead to a breach of the peace; 319(2) – willful promotion of hatred against an identifiable group other than in a private conversation; and 319(2.1) – willful promotion of antisemitism by denying, condoning, or downplaying the Holocaust all criminalize acts that promote or incite violence or hatred against identifiable groups of people. Dealing more with the underlying motivation for the offence, subsections 430(4.1) and (4.101) of the *Criminal Code* provides a specific hate crime offence to address mischief that is committed out of hate, bias, or prejudice directed at property used for a religious purpose, or other kinds of property primarily used by an identifiable group, such as educational institutions or community centres (St-Amant et al., 2023; Wang & Moreau, 2022). Finally, subparagraph 718.2(a)(i) of the *Criminal Code* requires courts to consider whether a crime was motivated by hate, bias, or prejudice based on identity factors[1] as an aggravating factor when sentencing for any criminal offence, such as assault, uttering threats, or mischief.

Despite the availability of these various legal avenues to address hate-related crimes, it appears that they are not widely used. The provisions set forth by the propaganda/speech-related offence sections of the *Criminal Code* present challenges for laying charges and obtaining convictions for hate-related incidents. The legislation outlines that hate crimes are to be determined by the offender motivation. Thus, the victim's interpretation of the impact of the offence on their own identity is, therefore, neglected (Provost-Yombo et al., 2020). This is problematic given that it is unlikely that the offender's conceptions of the victim's identity will match perfectly, or even at all, with the victim's conception of their own identity (Provost-Yombo et al., 2020). Furthermore, prior to charging an individual or group with an offence under s.319 of the *Criminal Code,* the police must not only investigate the offender's motivation, but also obtain consent from the Attorney General before they can proceed with laying a criminal charge (Oykhman, 2023). These requirements may create some legal hurdles that may diminish the likelihood of hate-type crimes being prosecuted (St-Amant et al., 2023). In Canada, the majority (90 per cent) of police-reported hate crimes in 2020 were for offences other than the four *Criminal Code* offences that explicitly define hate crimes (Wang & Moreau, 2022). Considering the offences classified as hate-specific offences, the majority involved mischief, common assault, and uttering threats, and were classified as mischief (44 per cent of all hate crime incidents) (Wang & Moreau, 2022). Moreover, very few hate crime incidents are solved. In effect, only 22% of hate crime incidents from 2018 to 2021 were cleared (Statistics Canada, 2023b). This is largely due to insufficient evidence to proceed, most notably the lack of identification of an accused person (Statistics Canada, 2023b). However, violent crimes (38 per cent) were more likely than non-violent hate crimes (9 per cent) to result in the laying or recommendation of charges (Statistics Canada, 2023b).

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[1] Identity factors may include 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.

Similarly, in terms of proceeding with charges, it appears that Crown Counsel prefers to treat these types of offence as regular offences under the *Criminal Code*, such as assault, rather than prosecute the charges under the *Criminal Code* hate crime designated sections (Proctor, 2020). In *R. v. Feltmate* (2012), for instance, the accused, who assaulted a stranger while making racial comments, was prosecuted under sections 264(3(a) – criminal harassment and 266(b) – assault of the *Criminal Code.* Similarly, Karry Corbett was charged with assault for shouting racially charged language at a parking enforcement officer in Abbottsford in 2016 (CBC News, 2017). Between 2009/2010, and 2019/2020, there were 305 charges for hate-crime related offences that were processed in court (Wang & Moreau, 2022). Although there were charges involving mischief relating to religious property (9 per cent) and advocating genocide (6 per cent), the vast majority (85 per cent) of these charges consisted of public incitement and willful promotion of hatred (Wang & Moreau, 2022). In addition to being difficult to prove hate motivation beyond a reasonable doubt in court, it is difficult to balance freedom from hate with protected speech (Wang & Moreau, 2022). Because hate crimes are often not investigated or prosecuted as such, this serves to trivialize these acts. As a result, the criminal justice system effectively fails to reflect the true extent of the harm to the victim and seriousness of the offence (Roberts, 1995).

Furthermore, even once a case has been prosecuted as a hate crime, obtaining convictions may also prove challenging. In addition to proving beyond a reasonable doubt that the perpetrator intentionally communicated statements to incite hatred or must have foreseen the promotion of hatred was an almost certain outcome, a judge must consider the terminology used/history of the ethnic group, the location, the perpetrator's actions and speech, the context of the speech or words, and any symbols or banners used when considering a charged laid under sections 319 of the *Criminal Code* (Oykhman, 2023). Out of a total of 81 cases completed between 2009/2010 and 2019/2020 where the most serious charge was a hate crime-related offence, only 43% ended in a finding of guilt, with only 34% of those guilty findings resulting in a sentence of custody (Wang & Moreau, 2022). In the last several years, there have only been a few noteworthy convictions under the hate crimes sections of the *Criminal* Code, including the 'Your Ward News' case in Toronto that involved a conviction under s. 319(2) for the promotion of hatred against women and Jews. Still, very few incidents result in jail time (Proctor, 2020; St-Amant et al., 2023).

The use of hate as an aggravating factor in sentencing is also relatively rare. Based on a review of publicly available case law, Provost-Yombo and colleagues (2020) found that hate was only recorded as an aggravating factor during sentencing in some manner in only 48 sentencing decisions between 2007 and 2020 (Provost-Yombo et al., 2020). It was more common for hate to be considered an aggravating factor in cases involving violence (86 per cent), and where the motivation for the offence targeted race, nationality, or ethnicity (50 per cent) (Provost-Yombo et al., 2020). Further exacerbating the low frequency of judicial consideration of motivation during sentencing is the lack of utility of hate as an aggravating factor in sentencing decisions. Section 718.2(a)(1) or hate motivation were only used in 32 of those cases (Provost-Yombo et al., 2020). However, where hate is found to be an aggravating factor, it does appear to carry weight. Provost-Yombo and colleagues (2020) determined that, where hate was found to be an aggravating factor, the result was an increase in sentence length by, on average, 70%. The main impetus behind using hate as an aggravating factor appears to rest on the principles of deterrence and denunciation (Provost-Yombo et al., 2020). Taken together, it appears that, despite the movement toward legally

protecting multiculturalism and diversity in Canada, there remains a clear commitment to freedom of expression and a tolerance of a certain level of offensive speech (St-Amant et al., 2023; Wang & Moreau, 2022).

In response to the concerns regarding the minimal use of existing legal avenues for addressing hate crimes, the Government of Canada has created new legislation that aims to better address hate crime and hate propaganda. The *Online Harms Act* proposes changes to the *Criminal Code of Canada* that includes the creation of a standalone hate crime, increased penalties for existing hate propaganda offences, and a preventive measure to protect Canadians against the commission of a hate propaganda offence and hate crimes (Canadian Heritage, 2024). A standalone hate crime offence will apply to any offence in the *Criminal Code* or any other Act of Parliament where the underlying act was determined to be motivated by hate (Canadian Heritage, 2024). All four current sections relating to hate crimes in the *Criminal Code* will see their maximum punishments increased to ensure sanctions more appropriately reflect the degree of harms caused and the dangers posed by those who spread hate (Canadian Heritage, 2024). Finally, the *Criminal* Code will allow any person who has reasonable grounds to fear that someone will wilfully or intentionally commit a hate propaganda offence or hate crime to seek a court-ordered peace bond (Canadian Heritage, 2024). Whether these proposed amendments to the *Criminal Code* will result in increased hate crime charges and penalties remains to be seen. Due to the lack of clear definition of a hate crime, the continued emphasis on the protection of freedom of speech, and the failure to account for hate when considering criminal offences, it is often difficult for victims to recognize when they have been the subject of a hate crime or hate-motivated offence. Even worse, when victims do recognize and report hate-motivated crimes, they may feel disenchanted with the criminal justice system when little action is taken (Wang & Moreau, 2022). Regardless of whether an incident results in a criminal offence, hate-motivated violence may have profound effects on victims and the community more broadly (St-Amant et al., 2023). By sending vilified messages to individuals based on their affiliation with a particular group, hate-motivated incidents create fear and exclusion (The Resilience BC Anti-Racism Network, 2023). Therefore, it is crucial to ensure incidents of hate are better understood, and all reports of hate-motivated offences are taken seriously and investigated properly.

Trends in Reported Hate Crimes

In contrast to the decline in overall police-reported crime, overall, hate crimes are on the rise in many areas in Canada (Wang & Moreau, 2022). Compared to the 1,817 incidents in 2018, there were 3,576 hate crime incidents formally reported to the police in 2022 (Statistics Canada, 2023a). Most provinces have reported increases in hate crimes, with some of the largest occurring from 2019 to 2020 in Ontario (+316 incidents), British Columbia (+198 incidents), Quebec (+86 incidents), and Alberta (+ 84 incidents). Certain cities have seen a steady increase in reported incidents, such as Kitchener-Cambridge-Waterloo, Ontario, with reported incidents rising from 39 in 2018 to 144 in 2022; a 269% increase over that time. However, other cities have seen a rise and then a slight decline in police-reported cases of hate-motivated crimes. In Edmonton, Alberta, for instance, there had been a rising trend in police-reported hate crimes from 2018 (N = 70) to 2021 (N = 116); however, reported incidents fell in 2022 (N = 87) (Statistics Canada, 2023a). Of note, this

still represented a 24% increase over those five years. A similar pattern has emerged in Vancouver, British Columbia. The number of police reported hate crimes rose steadily from 2018 (N = 196) to 2021 (N = 439), but there was a slight decline in 2022 (N = 368). Still, from 2018 to 2022, this represented a 88% increase in the number of reported hate crimes to the Vancouver Police Department (Statistics Canada, 2023a). Certain jurisdictions in the Greater Vancouver Area report similar declines. In the City of Richmond, for instance, there was an increase in hate crimes and incidents between 2020 and 2021; however, even though the data for 2022 are not yet ready for public release, the "initial information suggests a significant decline in hate incidents" in 2022 (Premji, 2023, para 13).

CHANGES IN TARGETS/TYPES OF CRIMES

General trends in hate crimes are important for understanding prevalence; however, it is important to note that not all hate crimes are equal. Hate crime trends appear to be largely driven by specific motivating factors. According to published case law and police-reported hate crimes statistics, certain motivating factors are less common than others. Hate crimes committed on the grounds of age, language, or disability occur at low frequencies (Provost-Yombo et al., 2020). For example, in 2020, crimes targeting language, disability, age, sex or gender comprised 7% of all hate crimes (Wang & Moreau, 2022). Sex is also rarely recorded as a motivating factor; however, hate crimes against females have been on the rise, especially for Indigenous and minority groups (Provost-Yombo et al., 2020). Furthermore, crimes committed on the grounds of sexual orientation, which have predominantly targeted LGBTQ2+ communities, were on a downward trend until more recently: from 2020 to 2021, there was a 64% increase in hate crimes targeting sexual orientation (Statistics Canada, 2023b).

Hate crimes committed on the grounds of race, ethnicity, nationality, or religion have consistently been the most commonly reported to police (Provost-Yombo et al., 2020; Wang & Moreau, 2022). However, even these types of crimes appear to fluctuate alongside societal-level factors and events. For example, the impact of the Covid-19 pandemic, for instance, exacerbated experiences of discrimination, including hate crimes. The number of police-related hate crimes rose by 72% from 2019 to 2021 (Statistics Canada, 2023b). The number of police-reported crimes motivated by hatred of race or ethnicity increased by 6% from 2020 to 2021 after increasing over 80% in 2020. Most of the increase resulted from reported hate crimes targeting Arab and West Asian populations (up 46 per cent), as well as East and Southeast Asian populations (up 16 per cent) (Statistics Canada, 2023b). In Vancouver, British Columbia, the Vancouver Police Department noted a spike in anti-Asian racism during the Covid-19 pandemic: compared to seven reported anti-Asian hate crimes in 2019, there were 66 reported incidents in the first six months of 2020 (CBC News, 2020). According to data made available from the Vancouver Police Department (2022) through a Freedom of Information request, of the 204 hate incidents or crimes that involved violence/harassment towards Asian and East Asian (i.e., Chinese, Korean, Japanese) people in the city that were reported to police from March 2020 to Dec. 15, 2022, the majority occurred during the peak of the Covid-19 pandemic. Here, 98 racially prompted hate crimes were reported in 2020. These incidents involved racial slurs, stalking, and physical assaults, among others (Premji, 2023).

Complementing the police data, the results from different self-reported victimization surveys suggest that, even though visible minorities have always perceived higher levels of discriminatory incidents, the Covid-19 pandemic further exacerbated these feelings (Heidinger & Cotter, 2020). Asian communities, for instance, reported considerable increases in anti-Asian racism and incidents of xenophobia in 2021. Increasing by 47% since 2020, the Chinese Canadian National Council (2021) reported more than 900 racially motivated hate incidents in 2021. The results from the 2020 General Social Survey on Social Identity also indicated that, compared to non-racialized Canadians, individuals who self-identify as belonging to a racialized group were more than twice as likely to report having experienced discrimination since the start of the Covid-19 pandemic (Statistics Canada, 2023b). A crowdsourcing data collection initiative aiming to understand the impacts of the Covid-19 pandemic on Canadian's perceptions of safety revealed that, compared to only 10% of non-minority participants, 21% of visible minority participants perceived that harassment or attacks based on race, ethnicity, or skin colour occurred 'sometimes' or 'often' in their neighbourhood (Heidinger & Cotter, 2020). In particular, Chinese (30 per cent), Korean (27 per cent), and Southeast Asian (19 per cent) participants were the most likely to perceive an increase in the frequency of harassment or attacks based on race, ethnicity, or skin colour as a result of the Covid-19 pandemic (Heidinger & Cotter, 2020). Experiencing higher levels of discrimination and hate has also made members of minority groups feel unsafe in their neighbourhood (Heidinger & Cotter, 2020).

Although the number of hate crimes committed on the grounds of religion decreased by 16% between 2019 and 2020 (from 613 to 515 reported incidents), this was largely due to fewer incidents targeting the Muslim population (down 55 per cent) (Wang & Moreau, 2022). From 2020 to 2021, there was a surge in religiously motivated hate crimes represented by a 67% increase in reported hate crimes targeting a given religion during this period (up to 884 incidents) (Statistics Canada, 2023b). Based on police-reported hate crimes that were motivated by religion, these forms of crimes have always disproportionately impacted the Jewish community. In 2021, there were 487 hate crimes directed at the Jewish religion compared to the next highest targeted faith, Muslim, which had 144 reported crimes (Statistics Canada, 2023). However, the recent Hamas-Israel war that began in October of 2023 has further prompted a surge in reported hate crimes related to both antisemitism and Islamophobia (Bessonov, 2023). In Toronto, the number of reported antisemitic hate crimes for the month of October 2023 had more than doubled compared to the same time in 2022, specifically, 15 reported antisemitic hate crimes between October 7 to 25, 2023 compared to seven during the same period in 2022 (Bessonov, 2023). Similarly, there were five reported Islamophobic hate crimes between October 7 to 25, 2023, compared to zero during the same period in the previous year. Montreal, Ottawa, and Calgary police also noted spikes in hate crimes targeting religion during this same period that were linked to the conflict (Bessonov, 2023).

In effect, while it is not possible to always connect police-reported hate crimes to specific national or international events, social movements may result in changes to hate crimes by highlighting issues of discrimination, and/or exacerbating or enticing crimes targeting a particular group as a result of individuals or groups reacting to the movement (Wang & Moreau, 2022). As a result of public discourse and media coverage around particular issues, social movements may also heighten awareness about hate crimes and, thus, increase reporting (Wang & Moreau, 2022).

A NOTE OF CAUTION: LIMITS TO OUR KNOWLEDGE BASED ON OFFICIAL DATA SOURCES

The information on trends presented above is largely drawn from police-reported data. However, police data represent only one dimension of hate crimes; this data reflects only incidents that come to the attention of the police and are subsequently classified as crimes that are motivated by hate (Statistics Canada, 2023b). Changes in police data on hate-motivated crimes may reflect true changes in the extent of these types of crimes being committed; however, they may also reflect differences in how these events/incidents are recognized by police and community members, an increase in sensitivities to current events (e.g., high profile events), changes in police-public relations and engagement (e.g., level of outreach by police to communities), differences in police investigations of these incidents, and/or the personal circumstances of the victims, including language barriers, issues of trust or confidence in the police or criminal justice system, or fear of additional victimization or stigma by the very act of reporting their victimization to the police (St-Amant et al., 2023; Wang & Moreau, 2022). It has been surmised by law enforcement officials that hate crimes are increasingly a hidden form of criminal behaviour, as they are likely under-reported (St-Amant et al., 2023). In relation to the apparent downward trend in hate crimes in Richmond, British Columbia, for instance, Steven Ngo, a lawyer and advocate, surmised that, "the reality is people have just given up [reporting]" (Premji, 2023, para 16). Pak, who co-founded the Stop Anti-Asian Hate Crimes Advocacy Group, echoed Ngo's sentiment: "[T]hose figures from RCMP or the police department might reflect the reporting has decreased, but to me personally, I have more people talking to me about the random incidents happening to them (Premji, 2023, para 18).

When self-reported information is also taken into account, it allows for a greater appreciation of the magnitude of the problem of hate crimes. Self-reported victimization data indicates that crimes in general, and hate crimes specifically, most often involve minority groups (Provost-Yombo et al., 2020). According to the 2014 General Social Survey on Canadians' Safety, one in five visible minorities reported experiencing some form of discrimination in the past five years compared to only 12% of the non-visible minority population (Simpson, 2018). Most visible minorities who had experienced discrimination (63 per cent) believed that the discrimination was based on their race, skin colour, ethnicity, or culture (Simpson, 2018). Based on the 2019 General Social Survey on Victimization, it is apparent that hate crime victimization occurs far more frequently than official records suggest. While there were an estimated 223,000 self-reported hate crimes in Canada in 2019, only one in five incidents perceived to be motivated by hate were reported to police (Wang & Moreau, 2022). Although there are a variety of reasons for discrepancies in self-reported and officially recorded incidents on hate crimes (e.g., police use strict legal criteria for determining whether a crime is motivated by hate), this suggests that victims may be reluctant to report, and/or the police are hesitant to classify incidents as hate-motivated crimes (Wang & Moreau, 2022). Because of this discrepancy between perceived/experienced hate crimes and formally recorded incidents, it is vital to better understand the reporting, investigation, and response to hate-related crimes not only from those who are responsible for dealing with the incidents (e.g., police), but also from the perspective of those who are most affected, namely the victims. There is a pressing need to develop a victim-centred approach to ensure increased safety and wellbeing of vulnerable individuals and communities.

Understanding the Dynamics of Hate Crimes

IMPACTS OF HATE CRIMES ON VICTIMS AND COMMUNITIES

Victims of hate crimes are those who have suffered harm because of a hate crime. The harm can include injury or loss of life, material (i.e., property) damage, moral suffering (e.g., physical, emotional, or mental anguish), economic loss and loss of income, as well as loss of maintenance for dependence (Office for Democratic Institutions and Human Rights, 2020). In terms of victim profiles, according to police-recorded hate crime incidents, except for crimes targeting sex or gender, men and boys are victimized more often than women (Statistics Canada, 2023). From 2018 to 2020, 62% of victims were men or boys compared to 38% who were women or girls (Statistics Canada, 2023). Considering impacts, while reported hate crimes continue to be primarily non-violent in nature, some victims are more likely to be violently victimized than others. In Canada, hate crimes motivated by a person's perceived sexual orientation, as well as those targeting race or ethnicity against people perceived to be Asian are more likely to involve physical violence (Wang & Moreau, 2022). Among police-reported hate crimes between 2011 and 2020, for instance, 61% of crimes targeting sexual orientation and approximately 60% of hate crimes targeting individuals of perceived Asian race/ethnicity were violent crimes involving assault (both common and with a weapon or causing bodily harm) and uttering threats (Wang & Moreau, 2022). Police-recorded hate crimes between 2011 and 2020 also revealed that, in addition to being younger, victims of violent hate crimes targeting perceived sexual orientation or individuals identified as Indigenous were also more likely to sustain injuries (38 per cent and 42 per cent, respectively) (Wang & Moreau, 2022). Of concern is that hate-motivated violence may involve more serious physical injury. Based on data drawn from the 2013 National Crime Victimization Survey (NCVS), Fetzer and Pezzella (2019) discovered that the odds of suffering serious physical injury were 23% higher for victims targeted in bias-motivated assault than non-bias assault. Similarly, Messner and colleagues' (2004) examination of assault cases also found that bias assaults were approximately three times more likely to result in serious victim injury compared to nonbiased assaults.

In addition to the potential to exacerbate physical consequences, another key reason hate crimes are singled out for special attention is because of the very nature of these crimes. In contrast to most nonbiased crimes, victims of hate crimes have been targeted for who they are, rather than anything peculiar about the victim or their behaviour (Ndegwa & McDonald, 2023; Provost-Yombo et al., 2020). Hate crimes involve direct attacks on important elements of the victim's sense of identity (Roberts, 1995). By sending a message of rejection based on characteristics that are immutable, the harms caused by hate crimes are magnified. The victims not only experience the physical consequences of the crime, but also the mental and emotional trauma that results from the affront to their character (Ndegwa & McDonald, 2023; Roberts, 1995). The evidence shows that hate crime victims are more likely to have stronger emotional reactions (Iganski, 2008), report being 'very much' emotionally affected (Smith et al., 2012), and have a greater propensity towards having unwanted intrusive thoughts about the incident (McDevitt et al., 2001). Victims may also experience depression (e.g., Herek et al., 1999; McDevitt et al., 2001), anxiety and nervousness (e.g., Office for Democratic Institutions and Human Rights, 2020), and heightened and prolonged psychological trauma, including Post-Traumatic Stress Disorder (PTSD) because of experiencing hate crimes (e.g., Bell & Perry, 2015; Brown, 2014; Perry, 2009). The emotional impacts not only

contribute to victims experiencing additional feelings of anger, shame, rejection, and fear (McDevitt et al., 2001), particularly in relation to repeat/perpetual victimization (Ndegwa & McDonald, 2023; Roberts, 1995). In response to accepting that victimization is likely permanent, victims often adopt coping mechanisms that involve changes to their behaviour, including isolating themselves, avoiding certain locations and people, and restricting certain behaviours, such as public displays of affection, displays of religious or cultural symbols, or use of their language (Bell & Perry, 2015; Walters, 2021). Victims may also report experiencing problems with family members or friends (Office for Democratic Institutions and Human Rights, 2020).

It is crucial to note that, although the experiences of victims are often grouped together, hate crime victims are not a homogenous group; they have different backgrounds, circumstances, and experiences (Wang & Moreau, 2022). All people will be impacted by hate crimes differently depending on their social role or status within society or a community (Office for Democratic Institutions and Human Rights, 2020). For example, because crime is often associated with cultural heritage and experiences of past and ongoing discrimination, stereotyping, and stigmatization, Black minority victims may experience crime more acutely than victims from a white majority group (Iganski, 2014). However, based on an examination of three sweeps of data collected by the Crime Survey for England and Wales, Iganski (2014) found that, even amongst victims of racist hate crimes, there are variations in emotional reactions. Approximately one-quarter of victims had a purely externalized reaction (i.e., felt anger or annoyance), while nearly one-in-five victims experienced only an internalized reaction (i.e., anxiety, panic attacks, crying, depression, difficulty sleeping, fear, feelings of vulnerability, etc.). Most of the victims (47.3 per cent) reported both externalized and internalized reactions. Of note, not all victims experienced an emotional reaction (in approximately one in ten incidents victims reported experiencing no emotional reaction) (Iganski, 2014). However, when multiple biases target several intersecting characteristics, the impact of the crime may be exacerbated (Office for Democratic Institutions and Human Rights, 2020).

Additionally, not all victims are equally likely to experience violence. There is evidence to suggest that the likelihood of violence and injuries varies by offence type and bias motivation. In addition to an escalating trend in violence against racial minorities, Pezzella and Fetzer's (2017) examination of offences captured in the National Incident Based Reporting System found a disproportionate prevalence and severity of injury for anti-lesbian and anti-White bias crimes compared to nonbiased offences. Moreover, compared to anti-White bias, anti-Black bias crimes were more prevalent and likely to involve serious injuries (Pezzella & Fetzer, 2017). Thus, while hate crimes may generally result in multidimensional physical and psychological injuries to hate crime victims as a collective (Fetzer & Pezzella, 2016; Iganski, 2014), individual hate crime incidents are likely to impact victims differently.

Further to these direct impacts, many victims may experience secondary victimization via the response and behaviours of criminal justice system representatives, and professionals in institutions dedicated to supporting victims of crime (e.g., medical professionals and psychologists, social workers, etc.) (Office for Democratic Institutions and Human Rights, 2020). Secondary victimization may result from a lack of, or unhelpful response, victim-blaming, trivializing the individual experience and/or consequences, denying or dismissing bias motivation during the

investigation, expressing sympathy for the perpetrator, reinforcing the prejudices of the perpetrator, a lack of appropriate experience, skills, and/or knowledge to identify the victim's needs and the harms suffered, and denying the victim's rights (Office for Democratic Institutions and Human Rights, 2020). Public responses to the event can also positively or negatively influence, prevent, or cause secondary victimization (Office for Democratic Institutions and Human Rights, 2020).

Another reason hate crimes are unique is because their effects extend far beyond those felt by just the victim. People who are also affected by hate crimes include those close to the victim (e.g., family members, friends), those who witnessed the incident, members of the identity community, individuals who share characteristics similar to the targeted victim or property, and even people from other communities who have experienced similar forms of discrimination or marginalization (Office for Democratic Institutions and Human Rights, 2020; Ndegwa & McDonald, 2023). The mere fact that a person knows someone who has been a victim of a hate crime may increase the chances that they perceive threats towards themselves (Paterson et al., 2019). In other words, they experience victimization simply by seeing themselves as potential victims even if they have not been the target of a hate crime directly (Ndegwa & McDonald, 2023). Perhaps the greatest part of the impact of hate crimes is the conveyance of a message of fear to all members of the community to which the specific individual belongs (Roberts, 1995). Hate crimes make entire communities feel vulnerable because they perceive that they could be targeted in the future (Perry, 2014). There is also some evidence to suggest that trauma may be experienced vicariously by those who identify with the victim (Paterson et al., 2019). Because people who share certain attitudes, behaviours, or beliefs may develop a sense of belonging to a community or group, in doing so, they may perceive the attack of one of their group members as an attack on the entire group (Paterson et al., 2020). This perception leads to an acceptance of discrimination and understanding that they may be randomly attacked because of their group identity (Office for Democratic Institutions and Human Rights, 2020). In addition to this shared harm, hate crimes have the potential to heighten tensions between different racial and ethnic groups (Roberts, 1995). Communities affected by hate crimes come to feel alienated or separate from the general population (Office for Democratic Institutions and Human Rights, 2020).

By creating widespread fear, hate-motivated violence is often not reported. Because certain types of hate crimes, such as racially motivated crimes, are frequently committed by groups of offenders or gangs, victims and witnesses may fear additional victimization if the police become involved (Roberts, 1995). Furthermore, given that victims of hate crimes are predominantly from visible minority groups, there may also be a degree of apprehension to report crimes against themselves or other members of their community due to perceptions of systemic racism in the criminal justice system (Roberts, 1995). Based on the belief that the police minimize the seriousness of hate crimes, lack interest in providing services, or are unaware of the targeted violence, many communities who face hate crimes have started to rely on informal systems and mechanisms to protect their own members from violence (Field, 2017). Several community initiatives have been created to fill existing gaps in victim supports. For instance, the StopHateAB.ca website provides community education workshops and increases awareness by making information compiled from reported incidents publicly available (St-Amant et al., 2023).

HATE CRIME OFFENDERS AND THEIR MOTIVATIONS

Reviews of hate crime cases and police-reported crime data suggests that most offenders are Caucasian males in their early thirties (averaging between 31 and 35 years of age) (Provost-Yombo et al., 2020; Wang & Moreau, 2022). Unlike police-reported crime in general, hate crime offenders tend to select strangers as their targets of hate crimes. Between 2011 and 2020, in Canada, 64% of hate crime victims were victimized by a stranger (Wang & Moreau, 2022). While victimization by a family member or intimate partner is rare, victimizations by an acquaintance is not uncommon. Based on police-reported data in Canada between 2011 and 2020, victims of hate crimes targeted because of their perceived sexual orientation (39 per cent), as well a victims targeted for being Indigenous (37 per cent), Jewish (37 per cent), and Black (36 per cent) were victimized by someone they knew (Wang & Moreau, 2022).

Because all people have protected characteristics, anyone can become a target of a hate crime. However, hate crimes reflect the nature of prejudice in society and the characteristics of individual perpetrators, which, in turn, will impact the target and type of attack (Office for Democratic Institutions and Human Rights, 2020). For instance, based on a review of 58 convicted hate crime offenders, Dunbar (2003) discovered that a more discernable bias motivation was associated with both instrumental violence and an intent to target racial minorities. Because the purpose of hate crimes is to subordinate and intimate those who are 'different', it is often the case that hate crime offenders target members of already marginalized or discriminated against communities (Lantz, 2022; Office for Democratic Institutions and Human Rights, 2020). Motivated by a specific prejudice, bias, or animus, it appears that offenders often select those who are more visible or easily identifiable as belonging to or being affiliated with a specific group based on, for example, their attire, language, skin colour, and/or religious symbols. Moreover, intersecting vulnerabilities (i.e., when victims have multiple attributes being targeted, such as race and sexual orientation) tend to further increase the likelihood of victimization (Mason et al., 2017; Office for Democratic Institutions and Human Rights, 2020). This suggests that there are often multiple motivations, such as gender and sexual orientation, behind the commission of a hate crime.

To properly address hate crimes, it is necessary to understand 'why' it happens, and not merely assume it is all tied to prejudice, animus, bias, and/or discrimination. The basic underlying factor for hate offenders is bigotry. For instance, crimes targeting race, sex, and sexual orientation are often rooted in offender perceptions of inferiority and superiority, which have been used to foster hostility toward the political, legal, and economic advances of minorities (Perry, 1998). However, it is rare for hate crimes to be motivated solely by prejudice (McDevitt et al., 2022). Mission hate crimes (i.e., those solely perpetuated by bigotry) are not responses to any specific event, but rather involve the offender seeking to "rid the world of evil" (McDevitt et al., 2002). There are typically additional factors with respect to hate offenders' psychology and environment that influence the type and nature of hate crime committed (McDevitt et al., 2002). Some offenders, for example, are further motivated by the thrill or excitement of the act. Typically, these offenders are younger and commit these crimes out of boredom and an immature desire to display power (McDevitt et al., 2002). Seeking victims who are perceived as being different, these offenders often travel outside of their own neighbourhood to commit these crimes, such as minority neighbourhoods or religious institutions in another area. Other hate crime offenders commit defensive bias attacks. In these

instances, from the offender's perspective, the crime is necessary to protect his/her neighbourhood from outsiders (McDevitt et al., 2002). The bias in these cases may be a manifestation of underlying anxieties or grievances, such as the potential consequences resulting from neighbourhood diversification. The purpose of these types of crimes, then, is to send a message that the group is not welcome in the neighbourhood (McDevitt et al., 2002). Hate crimes that are motivated by retaliation involve offenders acting in response to a real or perceived hate crime (McDevitt et al., 2002). These offenders are more likely to act alone, perpetrate the attack outside of their own neighbourhood, and possibly engage in more extreme forms of violence (McDevitt et al., 2002).

Being able to categorize offenders by offence motivation affords the police the ability to focus their investigations on the presence or absence of certain factors (McDevitt et al., 2002). However, relying solely on classification schemes masks the complexity of these offences. For instance, while hate crimes can involve a single offender, which is typically the case with anti-sexual orientation violence, hate-motivated offences appear to be more likely to involve multiple offenders (Lantz & Kim, 2018). Using data on bias crimes obtained from the National Incident Based Reporting System, Pezzella and Fetzer (2017) found that incidents involving three or more offenders were approximately 73% more likely to be motivated by bias than incidents involving one offender. Furthermore, based on an examination of bias crimes recorded between 2003 and 2012, Lantz and Kim (2018) discovered that not only are bias crimes associated with an increase in the likelihood of co-offending (by roughly 54 per cent), the likelihood of serious injury also increased as a function of co-offending by approximately 26%. Based on these results, it is surmised that, in addition to any individual bias, group processes, such as diffusion of responsibility, and thrill-seeking, may be important factors underlying hate crime offences and the increased severity of violence often associated with these types of crimes (Lantz & Kim, 2018; Lantz, 2021). Masculinity may also play an important role in the brutality of hate crime offences, particularly in relation to anti-sexual orientation violence (Lantz & Kim, 2018).

Given the oftentimes enhanced violence associated with hate crimes, it has been surmised that, in addition to hateful motivations, hate crime offenders may have stronger violent and antisocial tendencies (Messner et al., 2004). Delving into the history of individuals accused of hate crimes, it appears that many do have a lengthy criminal history (Dunbar et al., 2005). Individuals accused of hate crimes tend to have frequent contact with the criminal justice system. Many have had prior contact with the police on at least one occasion. Out of 2,872 people identified as being accused of at least one hate crime from 2012 to 2018 in Canada, 49% had been accused in at least one prior police-recorded incident in the three years prior to their first hate crime (Statistics Canada, 2023). While previous incidents may not have been hate-related, a substantial proportion involved violations against a person (28 per cent) (Statistics Canada, 2023). According to Dunbar and colleagues (2005) examination of 204 identified hate crimes offenders in a large metropolitan area in the United States, in addition to having prior arrests (48 per cent), a large proportion (36 per cent) had a prior arrest or conviction for violence prior to the age of 20 years old. Dunbar and colleagues (2005) also found that these higher rates of arrests and convictions, as well as severity of the history of violence, were more common among offenders who were part of a hate-oriented group or racialized gang, or hate crimes motivated by racial or ethnic bias.

In addition, hate crime offenders often have supervision failures with the criminal justice system. According to Dunbar and colleagues' (2005) review of 204 hate crime offenders, 45% had prior supervision failures, including probation and parole violations. Similarly, 54% of the 2,872 individuals accused of hate crimes between 2012 to 2018 had subsequent contact with the police that may or may not be hate crime-related in the three years following their initial hate crime violation (Statistics Canada, 2023). Versatile criminal histories suggests that hate crimes may not be a behavioural trajectory, but rather happen as part of a broader pattern of negative behaviours. While some crimes may be motivated purely by the offender's hatred, it may also be the case that a hate crime occurs as part of an everyday conflict or event. Essentially, offenders may only act upon their prejudice or bias out of anger or frustration during a triggering situation (Chakraborti & Garland, 2012).

The complexity of hate crime offender backgrounds does not cease at criminal involvement. Hate crime offenders appear to have certain personality traits, including high emotional instability, as well as engage in disinhibiting behaviours, such as alcohol use (Cramer et al., 2020). Hate crime offenders are more likely to use alcohol and drugs during the commission of the offence (Lantz & Kim, 2018), as well as have a criminal record for substance abuse. In one study, 23% of 204 hate crime offenders had a conviction related to substance abuse (Dunbar et al., 2005). Many hate crime offenders also have noted 'unfit' childhoods requiring some degree of institutional intervention. Just over one-quarter (26 per cent) of 204 known hate crime offenders had family histories marked by domestic violence and/or family separation (Dunbar et al., 2005). These psychological, behavioural, and historical indicators are believed to place hate crime offenders at a heightened risk for engaging in violence (Dunbar et al., 2005).

In addition to varying motivations, the presence of multiple offenders and the lack of offence specialization all suggest that there may be varying levels of culpability among hate crime offenders. Some offenders, leaders, are fully aware of and committed to their hate and purposely engage in hate crimes (McDevitt et al., 2002). These offenders bear full responsibility for the harms caused by their actions. Other offenders may be less culpable, such as those who simply follow someone else's hateful actions, or become involved in situations where, even though they may not approve of the attack, they do not take action to prevent it (McDevitt et al., 2002). It is also important to note that not all offenders are aware that their actions are hateful; some offenders may not be aware of their bias or do not understand the victim's perspective. In addition to understanding the motivation, determining culpability may enable courts to more effectively hand down sentencing options that would be of optimal benefit to the victim and offender (McDevitt et al., 2002).

Of note, our understanding of hate motivated offending is largely based on the characteristics and behaviours of male offenders. However, as mentioned above, some hate crimes are perpetrated by women. Based on data drawn from offender, offence, and victim segment files from the National Incident-Based Reporting System related to violent offices committed from 2010-2016, Lantz (2022) found that, while men are significantly more likely to participate in bias-motivated offences, more than 16% of hate-motivated violent offences involve female offenders acting alone or with other women. Although females do engage in assaultive violence, compared to male perpetrators, females are less likely to inflict injury on their victims (Lantz, 2022). A notable attribute of hate

crimes involving female perpetrators is that women appear to engage in group offending. This suggests that group dynamics may play a role in promoting female-perpetrated or involved bias crime violence (Lantz, 2022). The dynamics of the group may also influence who is targeted. When acting on their own, female perpetrators are more likely to target males and strangers, and be involved in crimes motivated by race, ethnicity, or disability (62 per cent). However, when offending with men, 25% of the incidents targeted victims based on their sexual orientation (Lantz, 2022). However, it should be noted that many crimes are perpetrated alone or without men, therefore, it should not be assumed that women are reluctant to engage in hate crimes, nor that they simply follow men into racism or bigotry (Lantz, 2022). Like their male counterparts, female hate crime offenders may also engage in bias-motivated violence as a means to establish status and exercise power over others. Given the non-trivial involvement of females in hate-motivated offences and violence, further research is necessary to better understand the causes of their participation and develop gender-specific prevention and response strategies (Lantz, 2022).

WHERE HATE CRIMES TAKE PLACE

Hate crimes can happen anywhere. Based on police-reported data from 2011 to 2020 in Canada, hate crimes typically take place in open areas, such as fields or in parks (33 per cent) or at residences (26 per cent) (Wang & Moreau, 2022). Violent and non-violent religiously motivated hate crimes; however, occur most often in religious institutions (12 per cent and 21 per cent, respectively) (Wang & Moreau, 2022). By offering a medium for the spread of hate-related content, hate crimes are increasingly happening online (Article 19, 2022; Wang & Moreau, 2022). By enabling the spread of extreme viewpoints, privately owned social media platforms are particularly likely to propagate hate (Muller & Schwarz, 2021). Increasingly, police-reported hate crimes are also being recorded as cybercrimes; 7.1% in 2020 compared to 5.1% in 2018 (Wang & Moreau, 2022). The types of hate behaviours online are varied. Of the 575 cyber hate crimes recorded between 2016 and 2020 in Canada, uttering threats was the most common offence (39 per cent); however, indecent or harassing communications (24 per cent), public incitement of hatred (12 per cent), and criminal harassment (11 per cent) still happened relatively frequently (Wang & Moreau, 2022).

Complementing the police records, self-reports indicate that a large portion of internet users have witnessed or experienced hate content while on the internet. According to data from the 2009 General Social Survey, for instance, 30% of online users between 15 and 24 years of age had come across hate content (Wang & Moreau, 2022). The *Abacus Data* poll of 2,000 Canadian residents commissioned by the Canadian Race Relations Foundation (2021) also revealed that one in five Canadians had experienced or witnessed some form of online hate, aggressive behaviour, or harassment, such as offensive name calling, racist or sexist comments or content, or comments or content inciting violence. Racialized Canadians are particularly vulnerable to this kind of online behaviour. Research has indicated that 14% of racialized Canadians compared to 5% of non-racialized Canadians reported experiencing or seeing some form of online hate (Canadian Race Relations Foundation, 2021). Given the pervasiveness of online hate, it is not surprising that a large majority of the surveyed Canadians (78 per cent) expressed concerns about the spread of hate speech online, and that nearly half of the participants (49 per cent) perceived online hate and racism to be a 'big' problem in Canada (Canadian Race Relations Foundation, 2021). When asked

about how to prevent or respond to the spread of online hate speech, the Canadian Race Relations Foundation (2021) found that most Canadians were in support of not only requiring social media companies to remove racist or hateful speech promptly (80 per cent), deplatform users who have shared racist or hateful content (78 per cent), and inform police of serious hate speech (79 per cent), but they were also in support of strengthening existing laws to hold perpetrators more accountable for their behaviour (79 per cent), and having the federal government take action to prevent the proliferation of hateful online behaviour (60 percent).

There are various forms of online hate, ranging from incitement to discriminatory harassment and threats against individuals, and even to crimes against humanity or genocide (Article 19, 2022). Accordingly, the impacts of online hate are diverse and may be severe. However, the landscape of online hate speech poses unique challenges from legal, regulatory, and policy perspectives. Provided that content may have an extensive digital footprint (e.g., content going viral), and authors are difficult to identify, the typical response has focuses on adopting regulatory regimes to place pressure on social media companies to remove content that is viewed as going against human rights standards (Article 19, 2022). However, broad regulations coupled with limited transparency and accountability for the removal of content poses threats to freedom of expression. Vague legislation can be applied abusively to silence or intimidate dissenters (Article 19, 2022). Of particular concern, violations to freedom of expression often disproportionately impact minority and dissenting groups, who are also disproportionately more likely to be on the receiving end of hate speech (Article 19, 2022). Without adequate remedies for violations of their rights, minorities and dissenting groups are likely to experience multiple forms of victimization. Therefore, any solution requires balancing open on-line spaces and conditions for effectively tackling hate speech (Article 19, 2022).

Preventing and Responding to Hate Crimes

After a crime has occurred, victims require information and support (Ndewga & McDonald, 2023). Due to the very nature of the offence, victims of hate crimes have additional, unique needs that must be addressed. Requiring support in multiple areas, hate crime victims need help to feel safe and develop a sense of security, both emotionally and physically (Office for Democratic Institutions and Human Rights, 2020). In addition to criminal justice responses, there needs to be community-based supports that create safe spaces and supports to ensure individuals and communities can regain their sense of safety (Ndewga & McDonald, 2023). There have been several governmental and non-governmental initiatives created to address and prevent hate crimes. In addition to improving reporting and providing reporting alternatives other than police, such as online reporting through websites, there have been federal action plans, community-based outreach by police, and community-based support services (Wang & Moreau, 2022). The goal is to influence the likelihood that hate crimes are ultimately reported to the police (Wang & Moreau, 2022).

CRIMINAL JUSTICE RESPONSES TO HATE CRIMES

Current hate crime legislation provides the framework for how hate crimes are to be addressed and processed. However, the police are responsible for translating these laws into practice. It is the

police, therefore, who play the most critical role in not only mobilizing hate crime laws, but also how people experience the law (Mason et al., 2017). The effective implementation of hate crime laws and policies, therefore, requires that police identify, record, investigate, and respond to these crimes in accordance with the provisions and intent of the laws and regulations (Mason et al., 2017).

Police services respond to reports of hate-motivated incidents received by the public, and, depending on their level of expertise in identifying hate-motivated crimes, during the course of their regular duties. During the initial investigation of a hate-related incident, police can, based on the level of evidence at the time of the incident, record the incident as either a 'suspected' (i.e., those that cannot be confirmed as hate crimes, but for which there is sufficient evidence to suspect they are motivated by hate) or 'confirmed' hate-motivated crime (Wang & Moreau, 2022). As more information is gathered and reviewed during an investigation, the status of the case will either be verified or reclassified. Of importance is that the crime will be classified based on the identified motivation of the accused, and not the characteristics of the victim. This means that if anti-Asian language is used during an assault, the hate crime will be deemed anti-Asian regardless of whether the victim is Asian. To record evidence of hate motivation during an investigation, therefore, the police must pay special attention to the offender's use of language and the circumstances surrounding the commission of the offence (Roberts, 1995). Due to the level of discretion afforded to the police when making determinations about the seriousness of a crime, there may be considerable variations in the level and type of resources allocated to address a crime, as well as the nature of the treatment extended to victims (Mason et al., 2017).

EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM RESPONSES

Research thus far suggests that policies and laws for hate crime are not being sufficiently enforced by Crown Counsel, police, or courts (Perry, 2015). There are well-documented difficulties associated with implementing hate crime law and policy (Mason et al., 2017). Crown Counsel, for example, must balance freedom of speech and protections against hatred, in addition to the likelihood of conviction and maintaining public safety (Perry, 2015). Much of the variation between police agencies centres on the deployment of organizational resources, including creating dedicated units or teams to address hate crimes and whether there exists a systematic approach to recording elements of hate incidents (Mason et al., 2017). Even though law enforcement and Crown Counsel work in tandem to concretise hate crime law because it is impractical or not possible to prosecute many hate-motivated incidents, and due to the more frequent and broader interface between police and victims, the police's enforcement of hate crime legislation has garnered most attention (Mason et al., 2017).

Police must be able to recognize, report, and investigate hate crimes effectively. One of the primary issues surrounding the enforcement of hate crime laws is that hate-motivated crimes are never actually classified as a hate crime to begin with. Some evidence suggests that police are reluctant to pursue hate crimes or gather evidence to support that a crime was motivated by hate (Perry, 2015). When investigating hate crimes, police are required to make determinations based on perceptions of the accused, rather than how the victim(s) self-identifies (Wang & Moreau, 2022). A failure to pursue a hate crime, therefore, may reflect a hesitation to undertake a decision about the

motivation of the suspect, or perhaps police lack the necessary information to be able to fully appreciate the importance of making a determination about whether a crime was motivated by hate (Roberts, 1995; Wang & Moreau, 2022). In addition to sending a negative message to victims that reinforces their social and political marginality, the lack of recording and prosecuting incidents as hate crimes may also place victims at risk for escalated violence and additional harms (Perry, 2015; Roberts, 1995). In addition, when a crime is not accurately classified and then prosecuted as a hate crime, this prevents an offender from receiving a response that is proportionate to the harm caused. Hate or bias are recognized as aggravating factors because of the added threats to others who share targeted characteristics with the victim. Failing to ensure the motivation of hate means the harms associated with these crimes will not be reflected in sentencing patterns (Roberts, 1995).

CHALLENGES WITH TRADITIONAL CRIMINAL JUSTICE SYSTEM RESPONSES

Despite the existence of various hate crime policy documents, there are hurdles to their effective implementation. One of the primary issues is that hate crime laws and policies often fail to include real action, and, instead, become more tokenistic or ceremonial (Mason et al., 2017). Due to some police agency's culture and the orientation of senior management, issues of social injustice or harm are sometimes not prioritized, and, oftentimes, frontline police officers do not believe hate crimes should be treated differently from other crimes (Mason et al., 2017). Deficits in trust between police and affected communities also pose challenges resulting in the non- or underreporting of hate crimes and hate incidents (Mason et al., 2017). In addition to the perception that complaints are not being taken seriously, victims may be reluctant to report to police because they feel the police could not or would not do anything about the incident (Wong & Christmann, 2016). Marginalized groups may also under-report due to fear of the police, fear of detention or deportation, or fear of being revictimized by the criminal justice system (Wong & Christmann, 2016).

In addition to under-reporting, satisfaction with the criminal justice system's response is also an issue. It is evident that, regardless of various attempts to address hate crimes through legislation and the criminal justice system, many victims are not satisfied with the way the police respond to incidents nor the supports made available to them after the fact (Mason et al., 2017). Victims of hate crimes also often face barriers when attempting to access services (Ndegwa & McDonald, 2023). In addition to lack of awareness about the supports available, hate crime victims may face language barriers, fear of police and/or the criminal justice system, a lack of financial ability to access programs, being geographically isolated, lack of peer or family support, and concerns about not being understood (Ndegwa & McDonald, 2023; Wong & Christmann, 2016). Increased reporting by the community to the police will be a large indication of improvements in trust, as well as provide for improved ability amongst police to accurately recognize hate motivation and understand the negative impacts of hate crimes and hate crime incidents on victims and communities (Mason et al., 2017). Addressing the challenges will, therefore, largely begin with improving confidence in reporting coupled by ready recognition and response by police (Mason et al., 2017).

Non-Criminal Justice Responses to Hate Crimes

The retributive model continues to dominate our criminal justice system largely because the concept of retribution is so deeply embedded in our conceptualizations of justice (Hanan, 2016; Lyubansky & Barter, 2011; Walters & Brown, 2016). However, by placing an undue emphasis on punishment, retributive justice fails to account for the consequences and needs of the victim(s) (Levinson, 2020). This is particularly true in the case of hate crimes, wherein the legislation requires the consideration of an increase in the severity of punishment contingent upon the very nature of the harms caused by hate crimes (Iganski & Lagou, 2015; Walters & Hoyle, 2012; Walters, 2014). In addition to their inability to address root causes and curtail reported incidents of hate crimes, hate crime laws provide inadequate support to victims and communities who are most vulnerable to the harmful consequences of hate-motivated offences (Gadd, 2009; Levinson, 2020; McConnell & Swain, 2000; Shenk, 2001; Walters, 2014; Walters, 2019).

RESTORATIVE JUSTICE

Considering these shortcomings, academics and practitioners have begun to examine the utility of alternative models of justice for combatting hate crime. One approach that has garnered widespread support for providing a non-punitive approach to addressing crime and conflict is restorative justice (e.g., Hanan, 2016; Kelly, 2002; Lyubansky & Barter, 2011; Walters & Brown, 2016). Based on the idea that crime is not merely a violation of law, but involves damage to interpersonal relationships, restorative justice focuses on mending relationships by bringing victims and offenders together in dialogue to acknowledge the criminal incident and to collaboratively explore ways to address the harms and resolve the conflict (Gavrielides, 2012; Shenk, 2001). It also provides an opportunity for offenders to take responsibility for their actions and to understand the effects of their behaviour. Restorative justice processes may be implemented at any stage of the criminal justice proceedings as either the primary mode of intervention or in tandem with more formal sentencing processes (Gavrielides, 2012; Walters et al., 2021). However, most matters addressed through a restorative justice process are referred by police officers at the pre-charge stage (i.e., after a crime has been committed but prior to a charge being laid), or post-charge by Crown (i.e., after a charge has been laid but prior to the commencement of court proceedings) (Canadian Resource Centre for Victims of Crime, 2011; Tomporowski et al., 2011; Cohen et al., 2024).

Formal evaluations of restorative justice programs and processes are scant. Due to differing goals, processes, and community needs and resources, program processes tend to be highly subjective, personal, and interactive. Thus, it is difficult to capture and measure core restorative justice processes and their outcomes (Robinson et al., 2012). However, based on the available evidence, it is apparent that restorative justice programs and processes may have a positive impact on offenders and victims involved in serious and violent offences (e.g., Daly, 2003; Hayden, 2012; Hayes, 2005; Sherman, Strang & Woods, 2000; Wilson, Cortoni & McWhinnie, 2009; Cohen et al., 2024). Violent offenders who participated in the Bethlehem, Pennsylvania Restorative Policing Experiment's family-group conferences, for example, were less likely to re-offend compared to their counterparts who were referred to court (36 per cent compared to 10 per cent reductions) (Hayes, 2005). In a large-scale evaluation of a South Australian program designed to address sexual assaults

committed by youth, Daly (2003) found that, post-conference participation, most victims/survivors reported feeling satisfied with how their case was handled (82 per cent) and had gained a better understanding as to why the offender committed the crime (53 per cent). Similarly, when examining the applicability of restorative justice measures in cases of serious crime, Public Safety Canada (2005) found higher rates of satisfaction amongst victims who participated in restorative processes. Another project involved a study of restorative justice programs across British Columbia with the intended purposes of understanding the perceived benefits and challenges with using restorative justice as a response to youth and adult offending and the application and potential use of restorative justice to a wide variety of criminal offending. This study found that those who went through a restorative justice process at the pre-charge stage recidivated at a much lower rate (12 per cent) compared to a matched sample of offenders based on the nature of the offence committed who did not participate in a restorative justice process (75 per cent) (Cohen et al., 2024).

Of importance, restorative justice processes also show promise for being effective in addressing the root causes and impacts of hate-motivated offending, as well as contributing to the emotional well-being of hate crime victims (e.g., Gavrielides, 2012; Levinson, 2020; Shenk, 2001; Walters & Brown, 2016). An evaluation of a restorative justice initiative, the Hate Crime Project, in London, England, showed that this program was able to successfully address protracted hate-based conflicts, reduce incidents of repeat victimization, and assist with identifying individuals at-risk of perpetrating hate crimes within the community (Southwark Mediation Centre, 2010). The program's holistic approach resulted in a reduction in repeated victimization from one in four cases to one in 12 cases, and a 50% reduction in reported hate crimes (Southwark Mediation Centre, 2010). A subsequent evaluation of the program that included direct observation and semi-structured interviews with victims reported that participation in the program resulted in reductions in anger, anxiety, and fear (Walters, 2019). This improvement in the victims' emotional state was largely due to victims being able to explain the harms they suffered and to feel supported (Walters, 2019). Offenders agreeing to desist from further hate incidents and reparations made to the victims were also components of the program that led to positive outcomes for the victims (Walters, 2019). Based on interviews with practitioners and policy makers with expertise in the area of hate crime and restorative justice in the United Kingdom, and direct observations of restorative justice practices, Gavrielides (2012) found that restorative justice processes played a key role in dealing with hidden hate crimes (i.e., those that are not brought to the attention of the criminal justice system), and these processes could be developed to focus on the interpersonal and social network damage that occurred when prejudice-based bullying occurred. Moreover, restorative justice processes may be perceived as being more favourable and increase victim satisfaction rates. For instance, in a study measuring minority attitudes to hate crime sentencing, Walters et al. (2021) found that members of the LGBTQ2+ community perceived restorative justice to be a more favorable response to hate crime than prosecution when presented with additional information about alternative sentencing measures.

However, evidence suggests that some restorative justice processes may be more appropriate for responding to serious and violent crimes, such as hate crimes. Victim-offender mediation (VOM), which provides a humanistic approach to dialogue by fostering dialogue directly (face-to-face) or indirectly (via letter, proxy, or telephone) between victims and offenders, may be an effective technique for responding to violent crimes (Shenk, 2001). Because the process involves a suitability

and risk assessment, as well as approaching victims and offenders independently to obtain consent and prepare them in advance of the meeting, VOM can tailor the process to meet the specific needs of all participants (Coates et al., 2006; Hansen & Umbreit, 2018; Shenk, 2001). The individualized nature of VOM may offer an avenue for providing better support to hate crime victims, while also encouraging offender accountability (Shenk, 2001).

By expanding the meeting beyond the victim and offender, community sentencing circles (CSCs) may provide an effective way to address the societal impacts of hate crimes (Umbreit et al., 2003). Grounded in traditional practices and ceremonies of North American First Nations peoples, CSCs bring victims and offenders together with families, community members, a judge, lawyer(s), and the police to discuss and arrive at sentencing recommendations (Canadian Resource Centre for Victims of Crime, 2011; Cohen et al., 2024). Allowing for multiple sessions to focus on different elements of conflict, as well as monitoring of the offender's progress in satisfying the circle agreement, CSCs not only enable citizens to take part in 'doing justice', but they also facilitate responsive sentencing to ensure accountability and increase the prospects of rehabilitation (Umbreit et al., 2003).

Even though restorative justice techniques have not been fully explored as a diversionary measure to address serious and violent crimes, including hate crimes (Public Safety Canada, 2005; Cohen et al., 2024), the initial evidence suggests that restorative processes are well-positioned to help address hate attitudes by dispelling stereotypes and myths. The restorative justice process allows for offenders to directly confront their prejudicial attitudes and recognize their shared humanity with the victim (Gavrielides et al., 2008). Furthermore, like other offence types, hate crime offenders and victims may also benefit from restorative justice processes through reduced prison sentences, awareness of and assistance with addressing psychosocial needs, and an increased likelihood of receiving personal restitution (Hansen & Umbreit, 2018).

There are often barriers to implementing and utilizing alternative responses, such as restorative justice approaches, when dealing with hate-motivated offences. Hate crimes are only eligible for alternative measures in certain circumstances. Specifically, they must satisfy three criteria: (1) the wishes of the identifiable victim(s) should be considered, and the victim must want to participate in the process; (2) the accused's history should not include prior offences of a similar nature or violence; and (3) the accused needs to accept responsibility for the act or omission that forms the basis of the incident under consideration, and consent to participating in the restorative process (British Columbia Prosecution Service, 2021; Canadian resource Centre for Victims of Crime, 2011). Concerns have been raised pertaining to the potential for re-victimization and power imbalances, as well as the difficulties associated with re-establishing relations among affected parties through dialogue alone (Gavrielides, 2012; Walters & Brown, 2016; Walters, 2019). Given the very nature of hate crimes, where offenders hold power or influence over an especially vulnerable victim (i.e., based on age, economic dependency, mental or emotional capacity, or based on the nature of the offence), victims may be reluctant to confront the perpetrator (McConnell & Swain, 2000). Offenders with deeply held prejudicial beliefs, for instance, may be impermeable to the transformative effects of restorative justice processes. Thus, these processes may only be suitable for addressing hate crimes where offenders have low-level prejudicial attitudes (Walters, 2014).

Another challenge involves the general reluctance to implement alternative practices in cases where crimes are considered more serious (Andrew, 2019; Cohen et al., 2024). Even where restorative justice practises are being applied, they have been criticized for focusing too narrowly on achieving resolution in the form of settlement or restitution (Hansen & Umbreit, 2018). To better reflect the true principles of restorative justice, it is important to weave elements of moral learning into restorative justice agreements to enhance awareness and appreciation for diversity (Walters, 2014). Some ways to achieve this goal may be to ensure that agreements include a requirement that offenders attend cultural events or complete a learning module on the historical impacts of racism.

Presently, there are few operational restorative interventions that focus specifically on addressing hate crimes (Scottish Consortium on Crime and Criminal Justice, 2017). There are several programs operating in the United Kingdom that offer services for individuals affected by hate crimes. In England, for example, Restorative Cleveland belongs to a multi-agency partnership focused on empowering victims to exercise autonomy over their experience by providing the space necessary to communicate their feelings and needs to their offender and move past the harms endured (Restorative Cleveland, n.d.). In Bradford, England, Restore: Respect aims to reduce long-term offending and re-offending, increase community cohesion, and increase awareness of and access to restorative justice services for victims of hate by hosting trainings and restorative discussions with young people and practitioners in the community (Independent Academic Research Studies International Institute, n.d.).

There are also some programs in Canada that actively target offences related to racism, intolerance, or discrimination as part of their mandate. In Edmonton, Alberta, for instance, the Youth Restorative Action Project (YRAP) targets adolescents who have committed offences rooted in a wide range of issues, including intolerance and racism, using a victim-offender-type mediation model to facilitate discussion and collaboration (Hogeveen, 2006). Assigning offenders to mentors, the program's goal is to provide youth with opportunities to account for their actions through positive-role modeling, education, and rehabilitation (Park et al., 2014). Thus far, the program has successfully dealt with over 300 cases of varying degrees of severity since 2003 and has been championed by the courts and media as being an innovative approach for engaging with young offenders (Hogeveen, 2006).

Some programs have become more directly involved with engaging in anti-racism work. For example, the Sulah program was created to address the growing trend of Islamophobic hate incidents in Kitchener-Waterloo (Jackson, 2020). Receiving referrals from various criminal justice system and community representatives, the Sulah program provides mediation services at the pre- and post-sentencing stage, as well as post-conviction (Community Justice Initiatives, n.d.). The program is also being expanded to include an online reporting mechanism to allow for clients to self-select mediation to resolve their conflicts (Community Justice Initiatives, n.d.). Given that most victims and offenders (97 per cent) who have engaged with the mediation process reported feeling satisfied with the outcome of the process (Community Justice Initiatives, n.d.), the program intends to establish partnerships with local communities to further encourage accessing restorative justice when the need arises (Jackson, 2020). In another example, the Cranbrook and District Restorative Justice Society (CDRJS) has engaged in anti-hate work for several years. In addition to becoming a

member of the Resilience BC Anti-Racism Network, the CDRJS is recognized as a representative of the BC Hate Crimes Team and works alongside the RCMP to identify and investigate potential crimes targeting individuals based on protected characteristics (Cranbrook and District Restorative Justice Society, n.d.). With restitution being the goal, the CDRJS focuses on facilitating dialogue between the victim and offender that will result in a mutually agreed upon outcome that addresses the needs of both parties. Typical outcomes include an apology, financial restitution, or community service (Cranbrook and District Restorative Justice Society, n.d.). Delivered by Lift Community Services within the qathet region of British Columbia, qathet Community Justice provides cross-cultural training to foster an appreciation for diversity and inclusivity within the community (qathet Community Justice, n.d.). Also, a member of the Resilience BC Anti-Racism Network, the qathet Community Justice is committed to engaging in anti-racism work. In addition to providing community mediation services in response to incidents of racism and discrimination, the program offers educational and awareness-raising activities (qathet Community Justice, n.d.). The program's main goals are to advocate for equitable access to justice and to keep the needs of those who are directly affected at the centre of the process.

RE-EDUCATION PROGRAMS

There is very little empirical evidence to support the efficacy of rehabilitative programs for hate crime offenders. Cognitive-behavioural programs have been found to be unlikely to fully account for the emotional elements associated with violent hate crimes (Smith et al., 2002). In contrast to the oftentimes reactive nature of hate crimes (i.e., responding to a triggering event), cognitive-behavioural programs treat violence as a purely cognitive process that results from a rational calculation (Smith et al., 2002). Based on Iganski and Smith's (2011) evaluation of existing rehabilitative programs in the United Kingdom, it appears that there does not exist an effective one-size-fits-all approach to rehabilitating hate crime offenders. Due to the diverse array of motivating factors of offenders, rehabilitative interventions must be delivered in an individualized and flexible manner (Iganski & Smith, 2011). Moreover, it is also recommended to add an educational component, as well as intergroup contact between offenders and targeted communities, as a means to supplement rehabilitative efforts (Palmer & Smith, 2010). Presently, although many interventions for hate crimes involve an educational component, most education-based initiatives are aimed at prevention. Broadly speaking, the prevention-focused initiatives aim to increase general awareness of hate crime and reduce prejudice amongst at-risk individuals and the broader community (Gavrielides et al., 2008).

There have been several initiatives that deliver a broad range of prevention and intervention measures, including educational activities, counselling and organized cultural events, and psychological interventions (i.e., cognitive-behavioural therapies), with or without an accompanying group-based component. A well-established program targeting hate crime offenders is the Promoting Human Dignity program. Developed following the enactment of the 1998 Crime and Disorder Act in England, the program addresses a broad scope of hate crime offences (excluding ideologically committed acts of racism or offences committed by extremist groups) with the aims to assist participants in developing an awareness of their prejudice and its consequences, as well as to provide practical strategies to help offenders regulate their emotions and behaviours (Iganski & Smith, 2011; Walters & Brown, 2016). The default delivery format for the Promoting

Human Dignity program is group-based; however, a "one-to-one provision" may be implemented in cases where group work is not deemed to be suitable (Iganski & Smith, 2011, p. 14). Informed by rational-emotive behaviour therapy, the course covers a variety of race-related topics, including discrimination, stereotyping and labelling, victim empathy, and emotional recognition, over the span of 14 weekly sessions (Iganski & Smith, 2011). Based on direct observations of two groups and structured interviews with program participants and staff, Palmer and Smith (2010) found that the program was viewed very positively. The participants found the general cognitive-behavioural element to be helpful in increasing awareness around the need to reconsider the acceptability of their language and behaviour (Palmer & Smith, 2010). Exercises aiming at fostering victim empathy were noted by participants as being the most challenging but rewarding part of the program. Contrary to the participants who found the setting to be supportive and uplifting, practitioners expressed concerns that the group setting may encourage racist beliefs (Palmer & Smith, 2010).

The Priestley One-to-One Programme in London, England is a cognitive-behavioural therapy intervention that is designed to deal with racially motivated offenders (Hankinson & Priestley, 2010). Adopted widely across England and Wales, as well as in Sweden and Norway, this program is available in probation settings for medium and medium-high risk offenders and provides individualized programming to attend to the particular needs and characteristics of the racially motivated offenders (Hankinson & Priestley, 2010). Originally developed as a 12-session intervention, the program was reconfigured to become more of a general offending behaviour program to incorporate elements of motivational interviewing, moral reasoning, cognitive-behavioural methods, problem-solving, cognitive restructuring, social skills training, and self-management (Hankinson & Priestley, 2010). An initial evaluation of program outcomes for the West Mercia location over a five-year period (2003 to 2008) showed that most participants (74 per cent to 81 per cent) found the program to be useful in addressing a range of issues, such as problem recognition and solving, and reducing offending (Hankinson & Priestley, 2010). The program's unique blend of skill-building exercises coupled with a respectful and motivational delivery approach was believed to be the reason numerous offenders were able to overcome barriers to self-actualization and meaningful change (Hankinson & Priestley, 2010).

The Diversity Awareness and Prejudice Pack was developed in 2001 by the London Probation Trust in response to the 1998 Crime and Disorder Act that introduced provisions specific to racially and religiously aggravated offences (Dixon et al., n.d.; Iganski & Smith, 2011). While the Diversity Awareness and Prejudice Pack was originally designed for use with racially motivated offenders, it was later expanded to encompass other motivations for hate crime, including religion, disability, and sexuality (Dixon et al., n.d.). This program aims to work with participants to identify the harms presented by their prejudices and to encourage the development of pro-social attitudes and beliefs, with the overarching goals of protecting victims and reducing the risk of re-offending (Iganski & Smith, 2011). To increase the odds of achieving intended outcomes, the Diversity Awareness and Prejudice Pack utilizes a "model of change" to prompt offenders to reflect on their distorted thought patterns and behaviours by exposing them to alternative viewpoints and information that challenge stereotypes (Dixon et al., n.d.). The program employs a diverse range of interactive exercises to prompt engagement through several course modules that cover, among others, socialization processes from childhood, personal identity, offending attitudes, beliefs, and values, enhancing victim empathy, and targeted violence (Dixon et al., n.d.). In addition to requiring offenders to

document interactions with target groups in a weekly diary, staff may also require offenders to partake in local cultural events that promote diversity and inclusivity. The purpose is to provide ways for offenders to identify and reflect on their prejudice and how it manifests, as well as to reinforce the message that offenders are receiving in supervision (Dixon et al., n.d.). An informal evaluation completed by the London Probation Trust in 2005 reported that a small number of probation staff interviewed about the program observed increased empathy towards victims among participating offenders, and that offenders themselves self-reported improved awareness of their attitudes and beliefs, as well as the harms they had caused to their immediate victims and the larger community (Iganski & Smith, 2011). Moreover, probation staff felt that the Diversity Awareness and Prejudice Pack's one-to-one approach was successful in preventing the re-enforcement of prejudicial beliefs, which has been a particular concern identified by practitioners in the use of group-based work with hate crime offenders (Iganski & Smith, 2011; Palmer & Smith, 2010). However, it was cautioned that the program's transformative capacity may be less pronounced in cases involving crimes committed by racists holding entrenched and unapologetic views (Lemos, 2005).

Established in 2007 by the Lancashire Constabulary, the Smile Hate Crime Awareness Programme is offered to hate crime offenders as either part of their court order, or as a post-release supervision requirement (Hamad, 2017). Founded on the idea that hate crime perpetrators were not committed haters, but rather lacked an understanding of the consequences of their actions, the program provides educational opportunities to increase offender awareness of the consequences of their actions and foster victim empathy (Iganski, 2012). The program consists of two-hour sessions that are co-facilitated by two trained mediators as one-to-one or group-based sessions (Hamad, 2017). Designed to encourage critical thinking and perspective-taking amongst participants with the aim of engendering a greater appreciation for diversity and multiculturalism amongst participants, the course includes a review of the hate incident, a discussion about the impacts of hate crimes, and information about multiculturalism, conflict, and ways of changing attitudes and responses (Iganski, 2012). Empathy questionnaires are administered at the start and end of the program to generate two victim empathy scores (Iganski, 2012). In addition, six weeks after completion of the program, facilitators conduct follow-up discussions with participants to collaboratively identify three areas for behavioural improvement that they can continue to work on to meet their long-term goals (Iganski, 2012). In terms of program outcomes, a 2012 evaluation found that 45% of Smile participants were re-convicted post-intervention compared to 78% of offenders from a matched comparison group who were managed by way of the court system for racially aggravated offences (Iganski, 2012). Notably, while four of the 42 offenders from the comparison group engaged in further hate-motivated offences following their participation in the program, none of the program participants did (Iganski, 2012). Although these findings were not statistically significant, they appear to suggest that rehabilitative interventions, such as the Smile program, may prove more successful in reducing recidivism for hate-based offences than alternative sentencing options (Iganski as cited in Hamad, 2017).

Launched in 2002 by the San Diego County Anti-Defamation League, PATHWAYS to Tolerance provided a psycho-educational program targeting hate crime offenders and youth at-risk of perpetrating hate crimes and bias-motivated offences (Misch et al., 2004). The primary objective of the program was to reduce the risk of re-offending by increasing tolerance for individuals with

diverse backgrounds. The program also aimed to encourage offenders to acknowledge personal biases, take responsibility for their prejudice-motivated behaviours, empathize with victims of hate crimes, and develop non-violent conflict resolution skills (Misch et al., 2004). Delivered as part of a 12-week curriculum, the program used experiential, team building, and psychotherapeutic processes to address topics of privilege, hate crime laws, gangs and hate groups, diverse sexual orientations, and genocide (Misch et al., 2004). An evaluation of PATHWAYS found that program participants knowledge of tolerance, personal biases, and behaviour increased post-intervention. More specifically, six in ten participants admitted to their biases, and four in ten accepted responsibility for their actions (Misch et al., 2004). Moreover, recidivism rates were noted to be very low, as none of the participating youth perpetrating further hate crimes during and up to six months after the intervention (Misch et al., 2004). Despite its noted success, this program ended in 2004 due to a lack of funding.

Although scant, there is some empirical evidence to suggest prevention programs delivered through schools may curb negative experiences youth have with discrimination, hateful speech and actions, and harassment (Losinski et al., 2019). Various social and emotional learning approaches designed to facilitate inclusiveness have been found to result in positive outcomes for students (Losinski et al., 2019). Direct instruction and peer mediation approaches, as well as anger management, social problem solving, or social skills training programs may all have utility. Several bullying prevention programs, including the well-known Olweus Bullying Prevention Program, have been found to reduce incidents of bullying and promote a more positive school culture (Losinski et al., 2019). Anti-hate speech prevention programs may be useful for pre-empting the onset or continuance of hate, prejudice, or bias among adolescence. Developed in Germany, the 'HateLess. Together against Hatred' hate speech prevention program targets adolescents in grades seven to nine and aims to prevent hate speech perpetration and victimization by equipping adolescents with the necessary skills to stand up against hate speech among peers (Wachs et al., 2023). Providing activities at the individual, classroom, school, and community levels, HateLess aims to enhance professional competencies (e.g., factual knowledge about hate speech), self-competencies (e.g., coping strategies and counter-speech), emotional competencies (e.g., empathy), methodological competencies (e.g., ethical media), and social competencies (e.g., cooperation) (Wachs et al., 2023). The program consists of five successive modules: (1) What is hate speech? (2) Why does hate speech exist? (3) Which consequences can hate speech have? (4) How can we deal with hate speech? and, (5) How do we become a HateLess school? Each module is planned for one school day and lasts approximately 90 minutes. Based on a sample of 820 adolescents between the ages of 12 and 16 years old who completed the program, Wachs and colleagues (2023) discovered that, by influencing empathy and self-efficacy, HateLess positively impacted counter-hate speech. Programs that provide adolescents with opportunities to respond emotionally and understand the emotions of victims of hate speech may lead to increases in their readiness to oppose and reject hateful speech or content (Wachs et al., 2023). Within a school setting, the evidence thus far suggests that by teaching about intergroup bias and increasing intergroup contact, children may become more aware of bias and able to challenge prejudice and discrimination, which, in turn, leads to a decrease in prejudice (Losinski et al., 2019). Given these findings, researching the development and implementation of school-based anti-hate prevention programs may be a worthwhile endeavour.

Taken as a whole, these findings indicate that restorative interventions, rehabilitative programs, and prevention efforts may help reduce re-offending rates and address harms. Even though these programs are unlikely to eradicate hate crimes on their own, they are deserving of further implementation and empirical evaluation within the area of hate crime (Gavrielides, 2012; Gavrielides et al., 2008). It is crucial to understand how these programs not only address the harm, but also ensure they provide proper risk assessment, as well as create protocols and processes that ensure that victim needs are met and their safety is prioritized (Tomporowski et al., 2011). Using restorative justice processes as one element of a multi-pronged approach to tackling hate crimes and the harms caused, for example, may prove most beneficial. In so doing, restorative justice can play a role in addressing the entire spectrum of hate crime incidents (i.e., non-criminal hate-motivated incidents to serious hate crimes) (Gavrielies, 2012).

Qualitative Interviews with Subject Matter Experts

As outlined in the methodology section of this report, a total of 14 subject matter experts and stakeholders were interviewed on a wide range of issues related to hate crimes and hate incidents, including criminal justice and non-criminal justice strategies, programs, and approaches to prevention and respond to hate crimes and incidents, victims, and offenders, and successes and challenges associated with addressing hate crimes. Participants represented law enforcement officers responsible for hate crime investigations, other agents of the criminal justice system responsible for addressing hate crimes, policymakers in the area of hate crime legislation and organizations, and individuals who manage/operate networks, organizations, or programs dedicated to preventing and responding to hate crime perpetrators and victims.

RAISING AWARENESS

Given their diverse backgrounds, participants reported being engaged in a wide range of activities to prevent and respond to hate crimes and incidents. While those working in the criminal justice system were primarily involved in investigating, arresting, and prosecuting those who committed hate crimes or were involved with hate incidents, many participants, including those working in the criminal justice system, were engaged in raising awareness about the nature, form, consequences, and responses to hate crimes and incidents. Raising awareness was conceptualized rather broadly: some participants indicated the need to better inform the community of local resources available to victims of hate crimes and incidents, which others pointed to increasing the general knowledge of community members about what constitutes a hate crime, which communities or groups were most likely to be victims of hate crimes or incidents, and the root causes of these events. Strategies to raise awareness about hate crimes included public education campaigns, presentations to grassroot organizations that assisted new arrivals to Canada, establishing partnerships with community-based victim services, delivering presentations at secondary schools, and working with restorative justice groups to include hate crimes and hate incidents in their programs. Of note, it was acknowledged by some participants that raising awareness strategies should not be a one-size-fits-all approach. Rather, while there would likely be some common elements across strategies, it was critical that **education campaigns be developed from within each community to address the specific needs of each area or group**. It was recognized that developing tailor-made, target

campaigns increased the costs associated with delivering a unique campaign for different communities; however, participants felt that a campaign that addressed the distinctive needs of a community would have a greater impact than a generic message.

Criminal justice and community-based education was also seen as critical and an important step forward in raising awareness. Here, the themes included educating communities and criminal justice practitioners that hate crimes and incidents needed to be thought of as not just targeting a person or a group of people based on their race or ethnicity, but targeted a much wider range of individuals, groups, and communities, including homeless populations, gender-based identity groups, and other socially marginalized groups. In this way, raising awareness also meant expanding beyond the traditional criminal justice system's notion of thinking about an incident exclusively in terms of intent or mens rea, but to include consideration of the effect or impact the crime or incident had on the victim or victims who had experienced hate, as well as on broader communities. Moreover, some participants indicated that there was a need to raise awareness on specific issues, such as digital media literacy and how national and international events contributed to hate crimes or incidents in British Columbia. Some participants also suggested that more effort was needed to raise awareness among those working in the criminal justice system and service providers, such as therapists, counselors, and those working in conflict resolution, that violence in the home, such as domestic violence, intimate partner violence, or young people being physically or psychologically violence towards their parents, can be the result of or the consequence of engaging with hate ideologies. Given this, events that might not, on their surface, appear to have a connection to hate, need to be investigated with this lens in mind.

In sum, participants spoke of a general need to increase awareness around hate crime laws in Canada and the criminal justice system's treatment and response to hate crimes and incidents, community resources for perpetrators and victim's, the ways in which people can report witnessing or being the victim of a hate crime or incident, the nature and quantity of hate crimes and incidents in their community, and the work being done in various communities to prevent and respond to hate crimes and incidents.

TRAINING, EDUCATION, & CAPACITY

Training and education opportunities were viewed by participants as a critical under-addressed issue. While participants acknowledged the resource challenge facing local, provincial, and federal governments, hate crime training for first responders and those working with offenders, victims, and communities was viewed as both lacking and necessary. Most participants indicated that the lack of targeted training resulted in capacity gaps in assisting the various types of groups or individuals who requested assistance or interacted with the criminal justice system. Participants identified that this was an acute problem in rural areas or in addressing hate directed towards members of the LGBTQ2+ community. Of note, the relationship between lack of training and capacity was not that these programs were flooded with offenders or victims, although, of course, some jurisdictions have more hate crimes and incidents than others. More commonly it was simply that organizations or agencies did not have suitably trained staff and, therefore, were uncomfortable working in the area of hate crime or incidents. In other words, it was not that the program had many trained staff but that the demand from the community was overwhelming.

Instead, it was that there was a lack of human resources to do this work because of resourcing issues and lack of training.

Participants representing community programs generally felt that, while some staff had lived experience that contributed to the corporate knowledge and capacity of the organization, most staff had insufficient knowledge or experience addressing hate crimes or incidents or working with offenders and victims of hate crimes or incidents. A common theme was that anti-racism work required a specific type of person with a specific skillset, and that this combination was in very short supply in most community organizations addressing hate crimes or incidents. In effect, participants felt that there was a lack of individuals with a fulsome understanding and the necessary training to work in this space in a safe and inclusive way to support those who have engaged in or been the victim of racism or hate. Other participants indicated that training options or opportunities were rather limited and sporadic. In effect, with few exceptions, training was related to issues connected to hate crimes, such as mental health, drug or alcohol addiction, and conflict resolution, rather than hate crime specific. Participants indicated that there was a lot of training available on restorative justice practices, mental health issues, and being trauma-informed in one's practice, but there was paucity of training on issues, such as racism, changing racist attitudes, hateful ideologies, cultural awareness and sensitivity training, or how to safely intervene with offenders and victims of hate crimes or incidents. To enhance understanding and develop more appropriate responses to hate crime and incidents, education around countering violent extremism was also highlighted by a few participants. The notion here was **to deliver specifically designed curricula to frontline workers and agencies involved in working with perpetrators and victims**.

Another theme that emerged from participants was that it was challenging to retain staff who were properly trained because the work was very difficult, and some staff faced threats from clients or their families on a regular basis. It was interesting to note that one participant indicated that a unique feature of working with those who engaged in hate crimes or incidents was that some of these clients were more interested in trying to convert their case workers to their cause, ideology, or lifestyle than to abandon their worldviews or ideologies. While this was viewed as extremely challenging, in general, many participants believed that there were simply not enough training opportunities to prepare staff to work with perpetrators of hate and that there was insufficient capacity within many agencies or organizations, with respect to skillset and behavioural specialists engaging in this type of work, in part because of a lack of training options.

In terms of training for police officers, some participants argued that police officers needed additional training to properly triage an incident or offence as including an element of hate. This would include training officers on the complexities involved in prosecuting hate crimes or incidents so that police were more aware of the additional elements they should consider during their investigations of offences. What some participants saw as the challenges with police were that hate offences are complex, the threshold to achieving a conviction is very high, hate crimes or incidents are not a regular occurrence that police officers will often need to address, and the common cycling of police officers through the infrastructure of policing because of transfers or promotions makes it difficult to maintain a necessary level of training and awareness among frontline officers. Given this, participants believed that it was very challenging to keep police aware of what were the offences

that could include a hate element, how they should respond to hate offences or incidents, and who to reach out to for assistance when an incident did or could contain an element of hate. One recommendation is that **police officers, especially first responders, should receive more anti-racism and/or anti-bias training**. This might contribute to officers being more capable of recognizing and acknowledging when crimes that are reported are hate crimes.

Participants primarily responsible for investigating hate crimes or those working in specialized units felt that, in addition to more training and more human resources, better investigations and more outreach work could be done. A common theme was that the lack of resources and trained officers resulted in many incidents or offences that contained an element of hate not being treated as such. In addition to expanding the lens through which police viewed crimes or incidents, additional training and resources would likely allow for cases that were not as highly prioritized to also be investigated for hate. Moreover, increasing training opportunities for sworn and civilian members would contribute to enhancing the analytical capacity of hate crime units. Still, it is important to acknowledge that participants who were responsible for either overseeing hate crime units or prosecuting offenders indicated that, since the Covid-19 pandemic, they had seen an increase in hate crime files, suggesting that there have been some successes in raising awareness and training in this area.

In terms of prosecuting offenders, participants indicated that hate, bias, or racism is commonly treated as an aggravating factor in sentencing. A common challenge is that, at trial, the defence counsel places the burden on the Crown to prove that an offence was motivated by bias or hate beyond a reasonable doubt. Given the difficulty of achieving this burden, participants felt that many Crown Counsel were hesitant to include hate or bias as part of the charge. Of note, participants did not feel that this was a problem with current hate crime laws in Canada, which were seen as consistently improving on the issue of hate crimes, but with the training of prosecutors to recognize that it was not prohibitively difficult to prove hate beyond a reasonable doubt. In effect, participants felt that 'newer' Crown were more invested in prosecuting offences as having a component of hate or bias. Still, there was a concern that some Crown Counsel were telling police officers that hate or bias was difficult to prove or not chargeable. As any charge related to hate requires a contextualized approach that required additional information to determine if the words, actions, or situation amounted to hate, decisions about whether a hate incident or offence was chargeable required a lot of consideration. Consequently, participants recommended that Crown Counsel should not make decisions about chargeability quickly and should not be giving advice to the police about whether to pursue this line of investigation without carefully consideration of the all the evidence. Given this, **Crown Counsel should be instructed to allow the police to submit their Report to Crown Counsel and then consider the entire package to determine whether it is appropriate to include hate or bias as an element of the offence**.

Some participants also felt that additional training should be provided to judges about the effects of hate, racism, or bias on victims and their communities, and the effect that professional haters or hate propagandists have in the community, so that sentences can better reflect the harm committed. This training should include having judges provide more information or details about how consideration of hate, racism, or bias affected their sentences rather than just indicating that consideration of these factors resulted in an increased sentence. As will be discussed below, judges

might also be instructed in how to better integrate victim and community impact statements into their sentencing decisions.

NON-CRIMINAL JUSTICE RESPONSES TO HATE CRIMES

In discussing non-criminal justice responses to hate crimes, a distinction was made by several participants between hate crimes and incidents that fell below the criminal threshold. An example of an incident that would be considered below the criminal threshold was termed 'racist rants'. This might involve unplanned encounters between a perpetrator and a victim that appeared to be unprovoked or spontaneous that was racist in nature but was so constrained or brief that the incident does not constitute hate promotion. As these more fleeting occurrences fall outside the domain of hate promotion or a hate crime, if they are responded to by the police and a file is created, they are more commonly treated and recorded as mischief. While there is the additional problem of these type of incident not being recorded as containing an element of hate and, therefore, affecting the quantitative data around the number of hate crimes or incidents in British Columbia, the response to these types of incidents can vary greatly depending on whether the element of hate was acknowledged. Still, in addition to restorative justice programs, which were discussed previously and will again be discussed below, responses to these types of incidents include a focus on having low-barrier mental health supports and counseling for survivors, witnesses, and perpetrators. One participant suggested that expanding the mental health crisis co-response model would also be a beneficial response. This approach pairs a police officer with a mental health professional to provide immediate response to mental health crisis situations and a follow-up response after a person in crisis has interacted with frontline police officers and hospital staff.

Another somewhat common theme was the development of networks or formal relationships between community organizations that either might be able to respond to hate incidents or who have clients who express hate, racism, or bias, or who are involved in hate groups or engage in hateful rhetoric. One example of this type of structure are situation tables. Situation Tables (also known as Hubs) have become an increasingly popular means of addressing crime and several co-occurring social problems in communities across Canada (Cohen et al., 2022). Situation Tables represent a holistic approach to individual and community well-being and safety. They are premised on a model of social service collaboration that aims to identify vulnerable individuals and connect them in a timely fashion with appropriate resources and services (Cohen et al., 2022). Critical goals for Situation Tables include mitigation of risk for vulnerable people and families, in part, by identifying individuals who met the threshold for acute elevated risk and to develop intervention plans that involved multiple agencies and services. Other benefits of situation tables include their ability to break down barriers between agencies and enhance the degree to which agencies and service providers shared information and communicated with each other to better promote meaningful partnerships that resulted in the delivery of appropriate, timely, and wraparound services to clients (Cohen et al., 2022). Participants reported that some jurisdictions have been using their situation table or hub model to address hate crimes or incidents. Of course, British Columbia has also established the Resilience BC Anti-Racism Network that employs a centralized 'hub' that provides provincial support to the program with many community-based branches connected to the hub. The community branches form committees composed of anti-

racism leaders and other representatives with a vested interest in reducing racism in their community. This model builds upon the Organizing Against Hate and Racism model, and is the third iteration of BC's anti-racism program. Spokes are contracted to build community protocols as well as local anti-racism networks. Properly constituted networks must include a representative from the RCMP or local police so that they are always informed if a hate crime has occurred. Importantly, the network is a victim-centered model that prioritizes victim needs and ensure that they receive the supports they need, regardless of whether the victim wants to criminal justice system to become involved. The police also provide their final report on incidences annually to the network.

One of the challenges identified by several participants involved police involvement in these kinds of networks. While participants indicated that they encourage their committees to involve the police in some capacity, this has, for some participants, been an ongoing challenge. Participants who expressed this view indicated that there was a lack of interest and a lack of capacity among their local police agency to engage with the network. Even where police interest and capacity were not issues, some participants indicated that some network members have expressed discomfort with having police officers in racialized spaces. Still, participants felt that it was very important to have an open line of communication with the police for when there was major incident or serious hate crime in the community. Perhaps a more fruitful approach would be to ensure that **all 'spokes' have open communication with the RCMP's Hate Crimes Unit**. This would allow the Unit to share information with the community, give community-specific educational presentations, and be a resource to the community. Participants felt that their relationships, if they evolved into meaningful partnerships, might encourage local police officers to become more involved in anti-racism work.

It is critical to keep in mind that, sometimes, victims are not comfortable talking with the police about their victimization. More than one participant stated that they have had racialized people report an incident to the network but were not comfortable enough to go to their local police agency. In part, it was felt that this was because the police did not take these cases seriously enough and were not properly identifying and documenting these crimes are being hate motivated. Much like the broader literature on why victims of crime do not report their victimization to the police, for hate crimes or incidents, participants indicated that victims felt that there was either nothing the police could do or that the police would not do anything to respond to the incident. Regardless of whether this sentiment is accurate, some participants indicated that many of the victims they interacted with believed that complaints of hate-motivated incidents were not being taken seriously enough by the police, who were failing to follow through with recommending charges, and Crown Counsel, who were failing to press charges. The result of all this was an under-reporting of hate crimes and incidents in British Columbia. One solution to this issue is, as outlined above, raising awareness and training, in addition to building trust between the police and the communities directly victimized and impacted by hate.

Another option to respond to hate incidents raised by participants was the use of tickets or fines for hate incidents. While this approach has been used in non-criminal hate incidents in Germany, the United Kingdom, and France, there was concern that tickets would not be effective in the long-term because they did not serve as a deterrent or as an appropriate punishment for a hate incident. Moreover, it was believed that tickets served no rehabilitative or restorative value, therefore, it did

not teach the perpetrator anything other than that they violated some bylaw or engaged in some transgression, with which they might not agree. In effect, a ticket did nothing to change the beliefs of the perpetrator and was a token response to the offending behaviour. A related concern was what would happen when the person who was issued the ticket challenged it in court. Here, the concern was how the issuing of a ticket, for example, for uttering a racial slur in public would be upheld in court when someone made a section 2 of the Charter challenge. In effect, many participants did not feel that a ticket was an appropriate response to a hate-motivated incident, nor that it would achieve any deterrent or educational outcome or would be sustained when challenged in court. Still, some participant felt that, notwithstanding these concerns, potential benefits of using tickets were that it served as an immediate response to the perpetrator's actions, served to demonstrate to the perpetrator that their actions were unacceptable and, depending on the value of the ticket, could result in some degree of specific deterrence by making the perpetrator think twice before acting in the same way again.

The most commonly mentioned non-criminal justice system response to hate crimes or hate incidents was restorative justice. As restorative justice has been discussed throughout this report, suffice it to state here that participants felt that it was critical for communities to create robust restorative justice responses and to allow for the greater integration between the criminal justice system and restorative justice programs. The idea was that restorative justice might be a more appropriate response to hate crimes and incidents because of the enhanced role for victims and the community when compared to the formal criminal justice system. Participants believed that having perpetrators meet with and discuss their actions directly with their victims was a powerful step in the process of healing, repairing the harm caused, and reintegrating the perpetrator into the community. Rather than exclusively punishing the act, restorative justice can change people's minds and hearts. It was for this reason that some participants felt that restorative justice was very important to use in hate-based incidents.

Of course, as a first step, it is necessary to determine whether the victim of a specific hate-motivated incident want restorative accountability and believe that a diversionary response is appropriate. Given this, and the concern that some victims might feel that a restorative justice response is not commensurate with the harm they suffered, restorative justice should be considered at all stages of the process, such as pre-charge and post-charge, as well as pre- and post-sentencing. Restorative justice responses should never be used without consulting or considering the wishes of the victim(s), as this could discourage others from coming forward and reporting their victimization to the police or to a community-based organization. Moreover, at the onset, when discussing whether a restorative justice process would be an interest, victims should be given the choice to file a human rights violation or to engage the formal criminal justice system. Furthermore, if restorative justice was to be used in hate crimes or incidents, participants spoke of the importance of training facilitators to be able to do this kind of work and restorative justice programs having the capacity to take on this type of work. In addition, it is necessary to have a perpetrator who is able and willing to accept responsibility for their actions, apologize directly to their victim(s), work with the victim(s) to develop a plan to repair the harm they have caused, and complete that agreement. The most important thing is to ensure that the victim is supported, protected, and willing to participate in the process. Participants also spoke of the importance of the restorative justice process being culturally appropriate.

Of note, while several participants spoke about the potential of restorative justice to contribute to the healing of victims and address the limitations of the criminal justice system where formal sentencing does not always reflect the effects of the offence on victims of hate-based crimes, others believed that it was very unlikely that restorative justice would be effective with those offenders who engage in hate propaganda or the promotion of hate. In effect, some participants suggested that restorative justice approaches only worked with a small number of those engaged in hate crimes or incidents. In addition to believing that those involved with hate propaganda were not suited to restorative justice, a related concern was subjecting marginalized victims to 'professional haters'. The belief was that professional haters have certain attributes of their personality that are too entrenched to allow them to change or recognise their actions as being wrong or being able to identify with their victims. There was also the concern that victims of hate incidents or crimes wanted their perpetrators to see them as human beings and to acknowledge the legitimacy of their existence, which was unlikely to happen with professional haters. These concerns speak to the need for training of facilitators and mediators to ensure that offenders and victims who are approached to participate in a restorative justice process are properly screened and vetted, fully understand the process and expectations of restorative justice, are fully prepared to participate fully and honestly with the process and enter the program intending to reach for agreement related to repairing the harm caused. These legitimate concerns also suggest that restorative approaches may not be appropriate for all offenders and all forms of hate crimes.

Support for restorative justice among participants appeared to increase when the perpetrator was a young person. Participants believed that there was much more potential for positive outcomes from the restorative justice process with younger people. This was based on the notion that there was a greater capacity for change among younger people and that more community supports existed for younger perpetrators compared to those who were older. The appropriateness of restorative justice or a victim's willingness to consider restorative justice as an appropriate intervention strategy appeared to be based on whether the perpetrator was engaged in a hate-motivated incident and had engaged in hate propaganda or demonstrated entrenched beliefs. Still, for many participants, even those in favour of using restorative justice to address hate crimes, the three main challenges to using restorative justice for hate crimes were: (1) whether the police and Crown Counsel would divert offenders to restorative justice pre-charge or at any subsequent stage of the criminal justice process; (2) whether the government would allow restorative justice programs to be used for hate crimes and incidents; and (3) whether the staff of restorative justice programs would have the necessary training, skills, and interest in expanding their mandate to include hate crimes and incidents.

Regardless of whether a restorative justice process was appropriate or possible, some participants indicated that another potentially success intervention strategy would be to have **perpetrators meet and interact with leaders of the affected or targeted community**. For example, if the incident involved an element of antisemitism, the perpetrator should be encouraged to meet with, for example, a rabbi or other Jewish community leaders, to learn more about Jewish people and culture. Participants believed that spending time with people humanizes them and can result in building understanding, which could result in shifting attitudes, beliefs, and opinions, thus reducing the chances of future incidents. There have been several well publicized cases of famous athletes

who have expressed racist views on social media participating in this type of intervention, resulting in raising awareness and publicly expressing remorse and forgiveness.

Another model that was noted by participants was the BC Human Rights Tribunal, which is responsible for hearing complaints under the Human Rights Code, including the hate speech section of the Code. To make a complaint under B.C.'s Human Rights Code, an individual must file a written complaint to the B.C. Human Rights Tribunal. This filing initiates a legal process that is similar to a court proceeding. The Tribunal model in British Columbia was viewed as a potentially effective way to respond to hate crimes. Despite concerns about budget issues, a substantial increase in the number of cases since the Covid-19 pandemic, the lack of an appropriate complaints management system, and significant delays, which led to problems with effectiveness, the Tribunal, nonetheless, has been used in several high-profile cases. Specifically, it was viewed as being a viable approach to address hate speech. However, participants indicated that few people knew about the Tribunal, its mandate, or how to access it.

An additional suggestion was to **include reformed offenders in education programs and messaging campaigns**. Participants indicated that, especially for younger people, having those with lived experience talk about their lives, their pathways in and out of hate, and the effects that engaging in hate crimes and incidents had on their lives was more impactful than the same message delivered by authority figures. More broadly, it was suggested that education campaigns and programs should be included in the K-12 curriculum throughout British Columbia and this education should include curricula on human rights, social justice, and anti-hate. In effect, the notion was that **anti-discrimination/human rights education should be included as an essential component of school curriculums**.

With respect to community education, some suggestions included making peace-building education available to bring youth who came from different countries or cultures together in ways that contributed to eliminating hate, raising awareness, and building tools to increase the capacity for young people to better understand, live, and work with each other. While the government of British Columbia has made some strides in bolstering their hate crime website, the website was seen as another method of building community, informing and educating people about what are hate crimes and what they can do to combat it, and resources for victims. Similarly, the province continues to develop ways to provide accurate information to the public about hate crimes and incidents and has been working to develop hate reporting apps and other technology-based tools to capture and report hate incidents that do not necessarily meet the elements of a crime in British Columbia. The Anti-Racism Hotline was also mentioned as a positive step in providing an alternative method of reporting hate crimes and incidents. Moreover, the province's lead role in documenting these incidents and helping connect those who report to local organizations for assistance was seen as a positive development.

Another theme related to non-criminal justice system responses to hate crimes and incidents was related to addressing hate content on the internet. This was seen as an extremely large problem both by participants who worked in the criminal justice system and those working in community-based organizations. The challenge was not only related to how widespread and easy it was to find and connect with information and people engaged in hate promotion, but the challenges associated with deplatforming hate promoters and removing hate-based content from the internet, which

might involve Charter challenges, the willingness of internet service providers and platforms to remove content that is perhaps not illegal but offends a broad sector of the public, and the challenge of those promoting hate online not living in Canada or the hosting of hateful website not being in Canada. Of note, at the time of writing this report, the federal government introduced legislation that, in part, is intended to address some of these concerns.[2]

In summary, non-criminal justice approaches were believed to be working well and provided victims with a way to report and address their victimization with or without the involvement of the police. However, except for provincial networks, these approaches were mainly grassroot initiatives that were not very well funded or staffed that were working beyond their capacity and sometimes beyond their mandate to address hate crimes and incidents. Moreover, interventions that involved the perpetrator gaining a better understanding of the impact of their actions on their victim and the victim's community were viewed as very important. In effect, providing learning opportunities for perpetrators where they had a chance to learn, reform, and refrain from engaging in hate conduct in the future was viewed positively, as were interventions for victims that were trauma-informed, culturally sensitive, and designed specifically to address the effects of hate crimes or incidents.

Not surprisingly, it was considered critical that interventions and prevention strategies directly connected perpetrators to the community. In effect, connecting perpetrators to positive social networks and building sustainability and resiliency were viewed as critical elements of successful prevention and intervention strategies. Building pro-social or positive relationships in one's community can service to insulate individuals from engaging in hate crimes or incidents. This includes social participation in mainstream institutions, such as employment and/or school. Achieving reductions in violence, as well as racist or biased attitudes, values, or beliefs, is more easily achieved and sustained when interconnectedness to pro-social community is in place. Even if this does not result in full disengagement, these elements can contribute to a reduction in participation with hate crimes and incidents.

CRIMINAL JUSTICE SYSTEM RESPONSES TO HATE CRIMES

For the most part, participants did not think that criminal justice responses have been very successful, especially with offenders who are entrenched in their views. The main themes from participants were that the criminal justice threshold to obtain a conviction for a hate crime was very high, there was very little deterrence given the paucity of prosecutions and the severity of sentences, and it was very difficult to interpret and apply hate crime legislation. In effect, there was a concern that many hate crimes and incidents were not being investigated as being hate-motivated by the police or Crown Counsel. Another challenge was the sense from some participants that there was not a lot of confidence among police officers that their Report to Crown Counsel for a hate crime would be accepted, which was supported by the belief that hate crime prosecutions were extremely rare in British Columbia. As mentioned above, some participants, especially among those

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[2] As detailed above this this report, on February 26, 2024, the Liberal government introduced Bill C-63, the Online Harms Act, that included reforms on protecting children online, creating internet complaint mechanisms, and new penalties for hate crime.

involved in anti-hate networks or intervention programs, believed that there was a lack of training and awareness among agents of criminal justice about hate crimes that resulted in those who interacted with victims downplaying, minimizing, or being unfamiliar with how to properly identify and respond to these types of offences. It should be noted that there is only one provincial hate crime unit in British Columbia, which is also the only one in Western Canada. Moreover, there are very few hate crime units anywhere in Canada, with Ontario and Quebec, having provincial units. At the municipal police department level, it was reported that hate crime units only existed in Vancouver, Edmonton, Calgary, there was a part-time Police Coordinator in Victoria. The lack of hate crime units meant that information about hate-motivated crimes were relayed to the intelligence units of local police agencies that had hate crimes and extremism within their mandates. In reference to British Columbia's provincial unit, it was outlined that the unit was available to any municipal police department or detachment that requested assistance with a hate-motivated crime. It was reported that, for the most part, investigations concerned with hate propaganda was the primary focus of the unit. The unit might also monitor hate crime activity in British Columbia by looking at files that were flagged in PRIME-BC. However, given the number of human resources assigned to the provincial unit, there was the concern that it did not have the capacity to operate effectively, especially in rural areas of British Columbia. In addition to **expanding the number and size of hate crime units in British Columbia**, it was suggested that it would also be beneficial to have **dedicated Crown Counsel** that had expertise in hate crimes to prosecute hate crimes. These dedicated Crowns could also mentor and train future Crown Counsels. Moreover, it was felt that Crown Counsel needed to do a better job communicating with the public when it came to hate crimes. For example, rather than using the typical refrain of "the matter is before the courts, so we are not commenting", without speaking about the specifics of the case, it might be beneficial to have some key messages about the province's position on hate and hate crimes that could be used to both inform and educate the public.

Another concern was that, while a successful conviction might reduce recidivism, which was an important goal of sentencing, it did not alter the offender's worldview. The use of restorative justice or community leaders at any stage of the criminal justice process was discussed above; however, participants thought that there was potential merit associated with some of the sanctions imposed by the criminal justice system. For example, perpetrators who were placed on probation with an order to not access a computer or the internet could have a positive effect on recidivism and might serve as a deterrent because this type of sanction was easy to enforce. Rather than opening a new police or criminal file, participants indicated that it was much simpler to charge the offender with breach of their probation order as this just required establishing that the offender had accessed the internet or used a computer when they were prohibited from doing so. Still, the use of probation was viewed as being more effective with first time offender or 'amateur haters'. When dealing with 'professional haters' or those who were more organized and predatory, participants felt that harsher penalties were needed, even though they would be unlikely to change an offender's core values, attitudes, or beliefs. Furthermore, there was some concern that the current penalties available to judges were too minor compared to the harm inflicted on individuals and communities by the perpetrator's actions.

While there was no consensus on what type of sentences were most effective, there was concern that many professional haters enjoyed the attention that a trial might provide them, enjoyed having

their views disseminated by the media, and believed that their cause would benefit from challenging their charges in court. In effect, there was a belief that some offenders believed that a trial would bring additional supporters to their point of view and serve to establish Charter protections for their actions. Still, for some participants, there was the general belief that even modest sanctions can have a positive effect on recidivism. Contrary to the previous comment, it was thought that media publicity and Crown's relatively high rate of success in achieving convictions in hate crime cases resulted in a degree of general and specific deterrence, as well as reminding people of the outer limits of permissible discourse and behaviour.

One criminal justice response that was viewed by some participants, but not all, as being impactful was the use of victim impact statements and community impact statements. While victim impact statements are submitted directly through the court, there was some interest among participants in seeing greater use of community impact statements. They felt that some communities were very aware of community impact statements and used them quite often and effectively to describe the effect that a hate crime or incident had on the community. However, participants felt that, for the most part, there was too much of a reliance on the victim submitting a victim impact statement. This was viewed as a lost opportunity in sentencing, as there is the legislative ability to have a community impact statement entered into the court record that had to be considered by a sentencing judge and could contribute to an offender's sentence.

Participants further maintained that victims are resilient in different ways and to varying degrees, such that a minor incident could have a huge effect on one person, while a major hate crime might have a minimal effect on someone else. Given this, victim impact statements were believed by participants to be too dependent on the victim and relied too much on the articulateness of the victim. Serving a complementary purpose or used when a victim was unwilling or unable to submit a victim impact statement, community impact statements can speak to the broader effects of a hate crime and, therefore, are much less dependent on the personal experience of the direct victim(s). In this way, community impact statements provide a voice for the community and allow for a judge to understand how the crime affected the community. Of note, some participants argued that too little weight was placed on victim impact statements by judges when determining an appropriate sentence and, therefore, did not view these statements as a very positive element of the formal criminal justice system's response to hate crimes.

In general, there was some degree of concern that there was no national oversight of hate crime in Canada by the criminal justice system. Speaking about British Columbia, investigators indicated that they had the ability to monitor crimes and incidents in the province, but there was no capability through any enforcement agency in Canada to get an overall picture of the nature and quantity of hate crimes across the country. This resulted in a reliance on Statistics Canada data, which only provided data on police-reported hate crimes in Canada. In addition, this lack of data contributed to an inability to develop a national criminal justice strategy to address and respond to hate crime that was evidence-based and based on validated empirical data. There was also the concern that what was known about hate crime was based on incidents reported to the police, which was likely minimized in jurisdictions where there was not a high level of trust in the police, such as among Indigenous communities or new arrivals to Canada from authoritarian countries where the police were viewed as an arm of the oppressive state. Connected to this idea were the

ways in which people could report hate crimes to the police. In those communities that are disproportionately affected by hate, it was important for the criminal justice system to provide a basic understanding of what a hate crime was, easy and varied ways to report an incident, a crime, or their victimization, such as online or a method that did not involve directly reporting to the police, and a description of victim services, regardless of whether the victim wanted to pursue a formal remedy to the incident. In effect, being the victim of a hate crime or incident can challenge one's fundamental identity and sense of belonging in society. Participants believed that these impacts were not being adequately considered and supported by the formal criminal justice system. What was required as a victim-centred approach with specialized services for victims, especially for those where there was a violent element to the hate crime.

Recommendations for a Systemic Framework for Addressing Hate Crime Using a Victim-Centered Approach

Given the deep problems associated with hate crime victimization, the approach to victimization taken in this report is to use an integrated hate crime service framework (Wong & Christmann, 2016). A fully coordinated approach requires that actions and systems are in place to address hate crimes before, during, and after criminal justice system involvement (Wong & Christmann, 2016). Recognizing that, despite the impacts of the incidents, many victims are reluctant to pursue official responses (e.g., reporting to police), it is imperative that this framework be **victim centered.** This means that the response must focus on the rights and needs of the victims in an individual manner, based on an individual assessment (Office for Democratic Institutions and Human Rights, 2020). Given the complex needs of victims, this means there must be a multitude of different support systems in place. In addition to actions taken to prevent, recognize, and respond to hate incidents, a focal part of this framework will involve ensuring communities create safe spaces for victims (Ndewga & McDonald, 2023).

A. CHANGE THE DIALOGUE TO DELEGITIMIZE HATE AND DISCRIMINATION

It is important to recognize that hate-fueled ideas and language are often woven into the mainstream and normalized as part of public discourse through the language used by political leaders (Article 19, 2022). The government, therefore, is responsible for changing the dialogue to delegitimize hate, discrimination, and violence. In so doing, political leaders need to refrain from using messages of intolerance or expressions that may promote violence, hostility, or discrimination. Moreover, political leaders must publicly denounce hate speech, making it clear that violence is never tolerated as a response to incitement of hatred (Article 19, 2022). To ensure informed language and speech is utilized by government officials, it is recommended that ethical guidelines outlining appropriate conduct are adopted and enforced by political parties and all levels of government (Article 19, 2022).

B. TAKE ACTION TO PROMOTE INCLUSION, DIVERSITY, AND TOLERANCE

In terms of taking action to foster inclusion and understanding, thus far, the Government of Canada (2021) has shown a commitment to combating racism and discrimination using various strategies.

In 2022, the Canadian Race Relations Foundation and Chiefs of Police National Roundtable created a national Task Force on Hate Crimes (Canadian Race Relations Foundation, 2022). The task force was designed to not only focus on increasing awareness of the scope, nature, and impact of hate crimes across Canada, but also to create national standards for police training, effective engagement with victims and communities, and supporting hate crimes units across the country (Canadian Race Relations Foundation, 2022). As a collaborative effort, the task force will be chaired by the Canadian Race Relations Foundation and the Royal Canadian Mounted Police, and include representatives from police services across Canada with a broad range of experience and expertise (Canadian Race Relations Foundation, 2022). Task forces that coordinate across agencies is believed to facilitate the sharing of information on hate crimes (Groma, 2018). Provided the Hate Crimes Task Force is not guaranteed to be extended past 2023, it is recommended that consideration be given to making the task force permanent to continued information sharing and standardization in police practices pertaining to hate crimes.

The *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022* builds on existing initiatives aimed at addressing racism and discrimination in Canada and is intended to further progress toward coordinating federal action to empower communities, build awareness, and change attitudes. Part of the strategy includes the establishment of a new Anti-Racism Secretariat with the Department of Canadian Heritage to assist with leading federal institutions in identifying and coordinating responsive initiatives, identifying gaps, assisting in the development of new initiatives, and considering the impacts of new and existing policing, services, and programs on communities (Government of Canada, 2021). Prioritizing combatting racism and discrimination, the strategy's engagement pillar commits the government to improving coordination across governments, and meaningfully involving racialized and minority communities, and Indigenous Peoples in decision-making related to government actions (Government of Canada, 2021). The government has also dedicated funding to offer enhanced support for community capacity building and projects that promote diversity (Government of Canada, 2021). A large element of this strategy focuses on the importance of public education and awareness in eliminating discrimination and inequality (Government of Canada, 2021). In this capacity, the government has invested in a National Public Awareness Campaign to address historical roots of racism and its impacts on different communities in a regionally and demographically relevant manner.

Recognizing the growing concerns about online hate speech and the importance of combatting racism and discrimination, the government has committed to taking coordinated action to prevent social media and other online platforms from being used to incite, publish, and promote, violence, hatred, and terrorism (Government of Canada, 2021). Joining the global pledge to eliminate terrorist and violent extremist content online through the Christchurch Call to Action, the government will work alongside online service providers to make voluntary, collective commitment to combat online hate (Government of Canada, 2021). Building on this commitment, Canada's Digital Charter, which was enacted in May 2019, outlines Canadian's freedom from hate and violence (Government of Canada, 2021). Committed to continual efforts to work with the digital industry to address online hate and online harm, the Digital Charter provides that digital platforms will neither foster nor disseminate hate, violent extremism, or criminal content (Government of Canada, 2021). The Digital Citizen Initiative, which is a multi-element strategy designed to support democracy and social cohesion in Canada, was created in response to the growing levels of false,

misleading, and inflammatory disinformation published online (Government of Canada, 2023). The goal is to build resilience against online disinformation, create resources to support addressing and preventing cyberbullying, and build technical capacity and expertise among community organizations to address mis-/disinformation, hate speech, and cyberbullying.

To truly take a victim-centred approach, it is recommended that **the government focus on implementing positive and non-coercive measures to address the root causes of discrimination**. Provided that hate speech seeks to marginalize and foster divisions, it will be most successful when people either cannot or will not speak out against it. Thus, intolerance is most likely to flourish in environments where human rights are not respected, such as where freedom of expression or religion/belief are restricted (Article 19, 2022). Rather than developing measures to prevent or disrupt access to or the dissemination of information, it is recommended **the government take actions that will foster safe online environments that are conducive to engagement by all** (Article 19, 2022). Ensuring people have the same rights on and offline means that all measures to tackle hate reinforce that all freedoms, including freedom of expression, freedom of religion, freedom of equality, and freedom from hate, are mutually reinforcing human rights principles (Article 19, 2022). Promoting inclusion, diversity, and pluralism through informed speech is the best mechanism for preventing and responding to intolerance and tackling hate (Article 19, 2022). One potential measure would be to establish a public policy and regulatory framework that promotes pluralism and diversity of the media, including new media, as well as universal and non-discriminatory access to and use of means of communication (Article 19, 2022). In effect, it will take more than legal protections against discrimination and in support of freedom of expression, religion, or beliefs to truly "change hearts and minds" (Article 19, 2022, p. 8).

C. IMPROVE REPORTING MECHANISMS

Based on discrepancies between police-recorded hate crimes and self-reported incidents of hate, it is evident that reporting practices require improvement. While it should not be incumbent on victims to bear complete responsibility for recognizing hate crimes, reporting processes must be as easy and straightforward for victims as possible. It is recommended that police services continue to increase awareness about hate crimes and provide reporting systems that are accessible to diverse populations. Many police services in British Columbia provide information about hate crimes on their websites, and, at the very least, phone numbers or email contact information for reporting a crime. Some police services have started to include an online reporting option. Provided that victims are often from racialized or minority communities, it is imperative that information and reporting mechanisms are made available in multiple languages for increased accessibility (Wang & Moreau, 2022). For instance, in addition to defining a hate crime and providing the relevant legislation, the Vancouver Police Department's website (2023) outlines how to report a crime through 9-1-1 or the non-emergency line, as well as by using an online PDF form that is available in multiple languages. However, this is not yet standard practice for all police services; many municipal police departments and RCMP detachments either do not provide an online reporting option or they do not include hate crimes in their list of crimes that can be reported online. Thus, to increase awareness about hate crimes and reduce barriers to reporting, it is recommended that **all police services in British Columbia provide hate crime information, including relevant laws and trends, on their websites and adopt an accessible online reporting mechanism for hate-**

motivated crimes and incidents. Given that many victims are still reluctant to report their experiences to police, it is also recommended that police services' websites contain links to outside organizations dedicated to recording information about hate crimes and connecting victims to services. For example, as part of their hate crime toolkit, the Delta Police Department (2022) provides the Crime Stoppers phone number. The Vancouver Police Department provides contact information for a 24 hours-a-day, seven days-a-week multilingual information and referral service, VictimLinkBC (Vancouver Police Department, 2023).

Recognizing that not all victims feel safe, want, or even need to report hate-related incidents directly to the police, it is important to continue fund reporting alternatives. To ensure these alternatives are trusted and effective, they must have professional capacity, which includes dedicated funding for hate crime work, focus on hate crime as a core component of their business, be well-embedded in the community, and maintain reporting staff who have requisite knowledge and capability to handle hate crimes (Wong & Christmann, 2016). Additionally, they must be accessible, provide up-to-date information, and provide quick and convenient ways to find trained support, including the identification of local services (Wong & Christmann, 2016). The Government of British Columbia has created alternative ways to report hate incidents. The Report Hate Crime website provides information about crimes in multiple languages and contains links for reporting hate crimes that lead to the Resilience BC Anti-Racism Network rather than directly to a police service (Government of British Columbia, 2023).

Initially created to offer a means of connecting individuals in crisis to a live, confidential, and anonymous support service outside of normal business hours, hotlines/helplines have been developed to address a variety of concerns or problems (Brody et al., 2020). Typically operating 24 hours a day and staffed by specially trained professionals or paraprofessional volunteers, hotlines have been a crucial step in offering one-time or time-limited advice and information, as well as referrals to services for individuals in situations where in-person access is limited due to the timing of the crisis (i.e., outside of normal business hours), location (i.e., distance from available supports/services), availability of providers, experiences of shame or stigma, and/or a need for confidentiality (Brody et al., 2020; Ingram et al., 2008; Kalafat et al., 2012). Recently, the Government of British Columbia has committed to providing a culturally safe platform for victims and witnesses of hate incidents by creating a racist incident helpline. Offered through BC211, this free helpline is proposed to provide confidential, trauma-informed multilingual services (BC Government News, 2023). Provided that helplines focusing specifically on incidents of hate are relatively new, there is a dearth of information about their functioning or outcomes. However, studies of other types of hotlines/helplines suggest that this type of initiative may offer a promising avenue for assisting victims in obtaining assistance for their concerns (e.g., Mathieu et al., 2021; Wasco et al., 2004). Examining the calls received by eight telephone crisis centres between March 2003 and July 2004, Kalafat and colleagues (2007) found significant decreases in callers' crisis stages and hopelessness not only during the call, but also in the weeks following the call. Moreover, of the crisis callers who participated in the follow-up (N = 801), 43.4% had completed most of the plan of action, which included various strategies, such as discussing the problem with a partner, calling a lawyer, and engaging in a diversionary activity, that had been developed during the call (Kalafat et al., 2012). Similarly, based on information recorded by senior counselors for the 455 calls made to the Girls and Boys Town National Hotline in April 2005, for instance, Ingram and

colleagues (2008) found that, by the end of the call, callers were calmer, more confident, and decided on their course of action compared to how they felt at the beginning of the call. Even frequent callers are believed to benefit from helplines. In addition to rating suicide prevention helplines an eight out of ten in relation to perceived helpfulness (e.g., Coveney et al., 2012), it is estimated that between 16% to 50% of frequent helpline callers follow through with the advice provided by a crisis helpline (e.g., Gould et al., 2007; Murphy et al., 1969).

Hotlines/helplines must be able to attend to calls quickly and lower barriers for callers to accessing supports and services. To be successful, therefore, a helpline must have proper systems in place and properly trained and experienced staff. Due to the limited time hotline staff have with a caller and the potentially large volume of calls received, it is beneficial for a hotline/helpline to have a system in place that streamlines the process. In addition to striving to answer calls within three minutes to ensure a timely response, the California vs Hate hotline ensures that the caller is able to receive help in their preferred language by requiring staff to identify the language spoken by the caller as the first step when answering a call (Rodriguez, n.d.). Creating a system that places the ownership of problem solving on the caller instead of the responding professional may also help to focus the call and ensure appropriate solutions (Ingram et al., 2008). The Problem, Options, Plan method offers a concise method for helping callers work through their problems in a systematic manner (Ingram et al., 2008). Starting with the problem, in addition to defining the problem (i.e., asking what prompted the call), counselors must assess the caller's current safety and level of risk for victimization or self-harm. Where safety concerns are immediate, this must become the primary focus of the call (Ingram et al., 2008). Once the main issue is identified, the counselor must then assist the caller through a problem-solving process to discuss possible solutions (Ingram et al., 2008). During this time, counselors will help callers identify what coping skills they could utilize and who they can turn to for support. Finally, prior to ending the call, counselors should encourage callers to follow through with the chosen options, and, where appropriate, offer a referral to a local agency for follow-up assistance (Ingram et al., 2008).

As mentioned above, it is crucial that the helpline staff have the requisite knowledge and skills to be able to address the unique needs of hate crime victims. In addition to receiving enough hours of initial instruction, observation, and role playing, **hotline/helpline workers should receive ongoing training and supervision** to ensure they are competent and proficient (Ingram et al., 2008). Having consistent and regular supervision from senior staff will ensure helpline staff are properly supported in their role (Ingram et al., 2008).

Resource availability will also play a pivotal role in the efficacy of a helpline/hotline. Many hotlines provide services 24 hours per day, seven days per week. These open access hotlines may benefit individuals who are already connected to a service by providing after business hours supports to keep them focused on finding solutions and/or achieving their treatment goals (Ingram et al., 2008). However, if the hotline does not have highly trained and skilled staff, there is the potential for creating more harm than good for the client (Ingram et al., 2008). Another important dimension to consider is the network within which the helpline or hotline exists. Kalafat and colleagues (2007) noted that the most common problem for callers to these types of centres are the nature of the referrals provided by hotline staff. In addition to referrals being inappropriate for the caller's problem, there is often an inadequate response from the agency to which the caller was referred,

including long waitlists and unhelpful responses (Kalafat et al., 2012). To be effective, the helpline must have an up-to-date, robust network of agencies and emergency numbers. In effect, helpline staff must have access to a referral database to enable callers to be referred to an appropriate and available (i.e., open, capable, and accessible) agency/service in their area for follow-up support (Ingram et al., 2008).

To increase engagement with the helpline and widen their appeal to those who are more reluctant to ask for or seek help, it is recommended that additional steps be taken to ensure privacy and anonymity of users and incorporate more technology into the services provided. It is worth exploring, for example, whether a chat- or text-based option, such as internet chat rooms, an app, text messaging, electronic mail, or message board, can be utilized for the interaction (e.g., Ingram et al., 2008; Mathieu et al., 2021). The California vs Hate hotline, for instance, offers a free non-emergency hate crime reporting hotline that accepts anonymous calls Monday through Friday between the hours of 9AM and 6PM. The hotline also accepts reports through an online portal anytime (Gillies, 2024). Even though the research on the efficacy of chat-based hotlines is very limited, the early evidence does suggest that online messaging services or popular chat applications (e.g., Facebook Messenger) may provide a satisfactory means of addressing certain issues (Brody et al., 2020). Eliminating the need for private, sound-proof spaces and increasing anonymity, chat-based hotlines may reach a wider audience and enable clients to discuss topics they would be otherwise hesitant to say aloud (Brody et al., 2020). Provided that most individuals accessing chat-based hotlines seek urgent emotional support, it is suggested that chat-based services may prove advantageous in crisis settings (Brody et al., 2020).

Another important consideration is whether the helpline is reaching its target audience. Based on the available literature, it is apparent that hotlines are more effective at reaching some populations than others. Hotlines/helplines tend to be utilized primarily by women (e.g., Franks & Medforth, 2005; Ingram et al., 2008) and callers seeking assistance for mental health concerns (Saffron & Walker, 1996). Also consistent among hotlines is a tendency to have a high percentage of repeat callers with recurring problems (e.g., Ingram et al., 2008; Kinzel & Nanson, 2000). Thus, intensive outreach efforts may be required to engage under-represented, high-risk populations (Matthews et al., 2023). It is also important to recognize that hotlines/helplines will only be effective if the public is informed about their existence (Lehman, 2024). Using media awareness campaigns may also increase awareness and use of the racist incident helpline (Mathieu et al., 2021).

D. RAISING PUBLIC AWARENESS AND PROVIDING RESOURCES FOR IDENTIFYING, REPORTING, AND SUPPORTING VICTIMS OF HATE CRIMES

Combatting hate crimes requires more than a criminal justice response. Efforts must be made to educate the public about this form of criminal behaviour and its effects, including where the problem exists, who is being targeted, and the harm inflicted by hate crimes. It is also necessary to ensure community groups are taking an active role in educating their own members about ways to respond to hate crimes when they occur (Roberts, 1995). Strengthening the community will help to ensure there are sufficient resources to support effective dialogue with diverse groups in the community and address their needs. Targeted anti-hate initiatives and campaigns can appeal to the public's emotions, as well as provide a practical method for raising awareness about the negative

consequences of hate behaviour, educate the public about how to identify and report hate incidents, and provide guidance for positive interventions to reduce discrimination (Cramer et al., 2020).

Some efforts are being made to encourage people to speak out about hate crimes and to provide safe spaces for victims. There have been several Canadian organizations developed to report incidents of discrimination and collect information for specific groups who have experienced hate-related incidents (Wang & Moreau, 2022). Elimin8Hate and Project 1907, for instance, created centralized online tools and information for reporting anti-Asian discrimination (Wang & Moreau, 2022). The Resilience BC Anti-Racism Network (2023) provides information on hate crimes, encourages reporting, and provides supports by connecting individuals with members from Resilience BC in their community. In 2022, the city of Richmond, British Columbia created the "Hate Has No Space" campaign to encourage citizens to report hate crimes (Premji, 2023). The city also expressed an interest in partnering with community organizations to hold events that supported and created safe spaces for Asians in the province (Premji, 2023).

E. REFOCUSING ON THE VICTIM IN POLICE IDENTIFICATION AND REPORTING OF HATE CRIMES

There have been several important improvements in policing to address hate crime offences. To prevent the masking of hate crime motivations and allow for more nuanced and intersectional analyses of police-reported hate crimes, the Uniform Crime Reporting Survey has been updated to accommodate incidents with multiple motivations (Eagle, n.d.). In effect, the existing crime motivation categories have been expanded to include a secondary motivation category (Wang & Moreau, 2022). For instance, if a crime is motivated by religion and sexual orientation, this will now be captured in official records (Eagle, n.d.). To further improve recognition of the multifaceted nature of hate, **it would be beneficial for police to record not only hate crimes, but also hate incidents**. Even when incidents of hate do not meet the legal threshold for a crime, victims are still negatively impacted and require supports to deal with the harms inflicted. Given this, it is recommended that police services in British Columbia implement a system like the practice adopted in the United Kingdom and collect information on both hate incidents and hate crimes (Mason et al., 2017). Because police are the primary point of contact for victims, this will assist with ensuring resources and supports are targeting affected communities.

In addition to improving reporting protocols, it is equally important to ensure standard practices for reporting, responding to, and investigating hate-motivated incidents. Creating a *Provincial Policing Standard* will help to standardize operating procedures, protocols, and checklists for individual police departments. The implementation of standardized procedures and protocols will inform and influence the discretion of individual police officers and provide more guidance for making decisions about the classification of hate crimes (Mason et al., 2017). It is also crucial that police are trained in how to detect hate crimes, as well as respond to and accurately and completely report those crimes (Roberts, 1995). Police training in hate crime investigation is also essential for ensuring police officers have the requisite skills to correctly identify and classify reports of hate crimes, as well as respond to victims in a sensitive and appropriate manner (Roberts, 1995). While individual police services should implement appropriate policies and in-house training opportunities to guide their own officers, it is recommended that national or, at the very least,

provincial policing training be developed to promote a uniform police response to the investigation of hate crimes (Cramer et al., 2020; Roberts, 1995).

F. TRAINING AND EDUCATION

Police services have taken steps to prioritize the policing of hate crimes as serious offences and have committed to embedding both prevention and response strategies in their policing approaches (Mason et al., 2017). Many police services have dedicated resources to the identification and reporting of hate crime incidents over the last few decades. Most of the largest municipal police services, including Vancouver, Edmonton, and Toronto have a hate crime unit or hate crime teams (Wang & Moreau, 2022). Composed of officers or civilian professionals that have specific training in crimes motivated by hate, these units/teams provide support to frontline officers, conduct hate crime-specific investigative work, provide outreach to affected communities, and educate other police officers and the community (Wang & Moreau, 2022). There is some evidence to suggest that hate crime units do send a positive message to the community that police take hate crimes seriously (Groma, 2018). To be successful; however, in addition to ensuring properly trained officers are assigned to these units or teams, the units must ensure they maintain consistent contact with those populations most at risk for hate crimes (Roberts, 1995). The police must communicate with the public, particularly those most vulnerable to being victimized, about hate crime trends, and be responsive to the needs of the communities they serve (Roberts, 1995). It is vital that police services continue to devote resources to community outreach, focusing specifically on efforts to engage with racialized and minority communities that are disproportionately negatively affected by hate crimes. It is recommended that police services continue to develop and maintain integrated and coordinated capacity building initiatives to prevent and respond to the problem of hate crimes.

An example of this type of initiative was developed by the Victoria Police in Australia. In 2010, the Victoria Police aimed to increase reporting and build better relationships with targeted communities through the development of their Prejudice Motivated Crime Strategy (Mason et al., 2017). Designed to proactively advance human rights and social justice-related values, this strategy includes several initiatives to increase community knowledge along with shared expectations and meanings, and to improve the police's understanding of hate crimes (Mason et al., 2017). In addition to increasing the prominence of, and resourcing for specialized liaison officers (e.g., Gay and Lesbian Liaison officers) and dedicating officer positions to focus on social inclusion and engagement with recently arrived communities, the department launched a community consultation process and developed a Priority Communities Division to invite feedback on cross-cultural training and to facilitate regular liaison with key community leaders about emerging issues (Mason et al., 2017).

With respect to investigations, it is recommended that police services follow the directions taken in the United Kingdom, wherein the minimum standards for police investigations and response "aim to recognize the crime and undertake a quality investigation that supports an outcome which satisfies the victim and community, as well as reduce repeat victimization" (Mason et al., 2017, p. 56). Accomplishing this will require a shift in operational perspective. Currently, because of the way hate laws are written, police are directed to focus on the motivation of the offender when deciding

on hate crime classification. Thus, the police response is still not entirely rooted in a victim-based approach. To ensure the effect of the offence on the victim is considered during incident classification, it is recommended that, again, police agencies in British Columbia implement a policy for investigating hate crimes like that used in the United Kingdom. According to United Kingdom hate crime policy, a defining factor in recording any incident as a hate crime is based on the perception of the victim or any person (e.g., family member, witness, or support worker), rather than the investigating police officer (Mason et al., 2017). Further ensuring primacy is given to the victim's perception, the policy does not require the victim to provide corroborating evidence or justification to support their belief. Implementing a similar policy in British Columbia would allow for police agencies to comprehend the motivations and impacts of hate crimes more fully. Moreover, by accounting for the perspectives of the victim(s), even where a hate incident does not meet the legal threshold for a criminal offence, police will be able to provide assist victims and refer them to available support services.

To ensure programs are developed and delivered to properly address the unique needs of victims and offenders, it is recommended that **practitioners undergo hate crime awareness and intervention-specific training** and become familiar with issues specific to diversity within the community to gain a working knowledge of the local hate crime landscape (Hamad, 2017). In addition to training on the causes and consequences of hate crimes, program facilitators should also address their own biases and prejudices prior to engaging in working with hate crime offenders. This will ensure program staff do not jeopardize the neutrality of the process or create opportunities for collusion (Dixon & Court, 2015). Program staff must also be trained in how to approach and elicit information from offenders. Understanding how to employ a motivational approach that is premised on respect and support will establish ground rules and safe boundaries, facilitate rapport-building between staff and offenders, and encourage critical reflection (Dixon & Court, 2015). When eliciting information from offenders, program staff should adopt interview schedules that incorporate open-ended questions. This will allow for more detailed information to be gathered, and, ultimately, result in a better understanding of offender circumstances, motivations, and histories (Dixon & Court, 2015).

G. ALLOCATE RESOURCES FOR COMMUNITY BUILDING AND ENGAGEMENT

Because hate incidents, criminal or not, have the potential to result in serious harm to victims and communities, it is essential that all reports are taken seriously. To ensure all incidents of hate can be responded to appropriately, it is imperative that British Columbia expand beyond a police-only response to hate crimes (Hamad, 2017; McBride, 2015; Wang & Moreau, 2022). To better prevent and respond to hate crimes, a collaborative response is necessary. To become aware of and properly address the unique needs and vulnerabilities associated with being a hate crime victim, police agencies need to engage with communities and partner with community-based organizations specializing in supporting hate crime victims. This will enable continued coordination of hate crime reporting, increased service referrals and the provision of supports, and reduced costs associated with training and program delivery (Gavrielides et al., 2008; Wang & Moreau, 2022). Many police services have started working with anti-racism or anti-hate committees to address issues of hate in their communities and encourage reporting of hate crimes. For example, the Alberta Hate Crimes Committee is a non-profit organization consisting of a team of educators, community members,

government, and law enforcement who work together to support collaborative and cooperative development of educational and awareness initiatives about hate crimes and incidents in Alberta (Volunteer Connector, n.d.). In addition to supporting law enforcement, government, and community partnerships that bring attention to the negative effects of hate activities, the Alberta Hate Crimes Committee advocates for increased support to victims and enhances government and community responses to crime (Volunteer Connector, n.d.). Crucial, therefore, is that **police organizations receive sufficient resources and support to develop and maintain partnerships with community organizations**, as well as to establish and continue meaningful dialogue with different communities and different sectors within communities (Mason et al., 2017; Wang & Moreau, 2022). These partnerships and dialogue will ensure voices of victims and community members are heard and enhance practitioners' understanding of different communities and local tensions. In addition to increasing awareness of what hate crime is, where to report it, and where to go for support, these collaborations and engagements between police, community partners, and communities targeted by hate crimes will also ensure policy and practice are developed to reflect real-life experiences and needs (Office for Democratic Institutions and Human Rights, 2020). Given this, it is recommended that police services and local governments ensure proper time and resources are allocated to community building and engagement.

H. INCREASING VICTIM AND COMMUNITY SUPPORT

As outlined above, to address the unique needs and challenges of victims of hate crimes, sufficient, timely, and appropriate community supports must be available, including services in place that have a strong understanding of the specific dynamics of hate crimes (Ndewga & McDonald, 2023). In the immediate aftermath of an event, there is an acute need for safety and physical protection of victims. Although some victims may be capable of increasing their safety on their own (e.g., by changing locks, installing alarm systems or video cameras, or staying with friends or relatives), many victims require additional sureties. In cases in which victims report their crimes, it is important that agencies and organizations encountering victims assess the dangers posed for future victimization, and provide additional security measures, including police escorts to and from court, and finding alternative living situations for those who are particularly vulnerable in their own homes (Office for Democratic Institutions and Human Rights, 2020). Similar to instances of intimate partner violence, victims of hate crimes will also need a variety of practical and emotional supports, including medical attention and assistance to deal with the consequences and short-, medium-, and long-term effects of the crime, compensation for money lost as a result of the crime (e.g., to repair damaged property or assist with lost income), support for dependent children or relatives, legal guidance and advice, and assistance with court and navigating the criminal justice process, medical attention, information and advice emotional and psychological support (e.g., to be listened to, understood, and believed), and a sense of community and solidarity (Office for Democratic Institutions and Human Rights, 2020).

One viable option for providing support for victims of hate crimes is through victim services. While there are often no hate crime specific victim services, there are a variety of support systems available to victims, including system-based services to help victims navigate the criminal justice system, police-based services to help victims cope with crisis, community-based services that provide referrals, emotional support, and practical assistance, and court-based services to provide

victims with support for preparing their court cases (Ndewga & McDonald, 2023). Based on self-reports, it appears that targets of hate crimes already gravitate towards using these types of services. According to Heindinger and Cotter (2020), since the start of the Covid-19 pandemic, a larger proportion of visible minorities (13 per cent) than the rest of the population (9 per cent) contacted a victim support service due to crime in their area. Participants who identified as Black (18 per cent), Latin American (16 per cent), Filipino (15 per cent), Korean (14 per cent), and Chinese (13 per cent) reported contacting victim services, including counsellors, psychologists, community and cultural centres, and other support groups (Heindinger & Cotter, 2020). The key here is that the victim services must address the unique needs of hate crime victims and reduce barriers to accessing services (Ndewga & McDonald, 2023). In effect, victim services need to ensure that all victims are treated with respect and dignity, the victim's experiences and harm done are acknowledged, client-centred services that help victims understand the criminal justice process are provided, and victims are supported in accessing information for their case and voicing their desired outcome or what they perceive justice delivered to look like (Office for Democratic Institutions and Human Rights, 2020). Moreover, to reduce harm, it is necessary for these services to be delivered in an emotionally and physically safe environment (Government of Canada, 2018). Service providers must be trained to ensure they are able to recognize and reduce power differences, and communicate in an authentic, non-judgmental way (Government of Canada, 2018).

It is important to recognize and bring awareness to existing organizations that may also play a pivotal role in addressing and preventing hate crime by providing much needed support to victims. The Resilience BC Anti-Racism Network (2023), for example, is a province-wide approach to identifying and challenging racism by providing information about hate crimes in British Columbia, disseminating information about the importance of reporting a hate crime or hate incident and the various ways to make a report, and providing resources for victims. Similarly, in addition to encouraging the development of support mechanisms that promote the safety and active involvement of victims in the criminal justice system, the Alberta Hate Crimes Committee allows for Albertans to contribute to solutions to hate crimes through dialogue, problem solving, and community action (Volunteer Connector, n.d.). In addition, the No To Hate website provides a way to flag incidents of white supremacist hate speech, and counter the hateful online content with love (dosometing.org, n.d.). Increasing public awareness about these organizations may increase reporting of hate crimes, as well as providing a larger number of victims with additional resources and support options.

While significant strides are being made to ensure services and supports are sustainable and can be provided in culturally relevant and appropriate ways, it is necessary to provide more resources, including training, specialized services, and funding. Increasing training on hate crimes, with a particular focus on how hate crimes differ from other crimes, may also strengthen knowledge and understanding of hate crime issues amongst service providers. Making specialized trauma-informed counselling services available for the long-term for victims of hate crimes and their families, as well as community members would ensure the immediate and lingering effects of these crimes can be fully addressed in a culturally appropriate manner (Ndegwa & McDonald, 2023). The Safe Horizon (2023) program, which operates in various community program offices in the City of New York, provides a multitude of services designed to assist victims of hate crimes to heal from trauma. In addition to safety planning, advocacy, case management, and information and referrals,

Safe Horizon has a counseling centre that is a licensed mental health clinic focusing on trauma-focused treatment for survivors of crime and abuse. **Developing a trauma-informed, health-focused service specifically for victims of hate crimes and incidents in British Columbia is recommended**.

Providing funding that can be accessed by communities to assist with enhancing security and healing from the trauma of hate crimes may also prove beneficial in tackling hate crimes (Ndegwa & McDonald, 2023). The Anti-Hate Community Support Fund was established by the Ministry of Public Safety and Solicitor General to provide support for identifiable groups in British Columbia who have experienced or are at risk of experiencing hate-motivated crimes or incidents (Government of British Columbia, n.d.). Eligible organizations, including non-for-profit organizations (e.g., place of worship, cultural community centre, etcetera) or registered charities, are able to apply up to three separate times for a $10,000 grant to cover a variety of expenses associated with hate crime victimizations, such as repairs to structures, fixtures, or spaces, enhancing security measures, safety audits or assessments, and graffiti removal (Government of British Columbia, n.d.). Provided that funds allotted to this initiative expire in March 2024, it is recommended that this program be evaluated to determine whether there is a necessity for extending this funding long-term.

I. REGULATIONS FOR HANDLING HATE CRIMES BY COURTS

Based on the notion that hate crimes result in increased harms, it has been argued that these offences should automatically result in enhanced punishments (e.g., Fetzer & Pezzella, 2019; Iganski, 2001; Perry, 2001). However, not all hate crimes impact victims equally, and the offender's mental state (i.e., their bias, prejudice, or hate) is not always the sole reason they engage in hate crimes. Therefore, a blanket increase in the severity of the punishment for these types of offences based solely on offender motivation may not actually represent a proportional response to the crime committed or achieve several of Canada's sentencing goals (Iganski & Lagou, 2015). To better affirm the social value of victims and reinforce community commitment to equality, it is recommended that, in addition to considering the motivation for the crime, **courts should also consider the perspectives of the victims**, in addition to situational factors that facilitated the behaviour in question. While it is imperative that victims are not retraumatized nor required to prove the harms caused, when volunteered, their experiences should be considered by the courts in determining the severity of the punishment. Even though many victims do not file a victim impact statement[3], where provided, victim impact statements should be considered to satisfy the court that the impact of the hate crime on the victim is truly greater than the harms experienced by the victim of a parallel crime (Iganski, 2014).

It is recommended that hate laws clearly promote human rights through the express social condemnation of hate-motivated crimes (Lantz & Kim, 2018). To accomplish this, a clear directive must be provided to the courts that will ensure cases involving hate crimes are handled with

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[3] According to Provost-Yombo and colleagues' (2020) review of published case law, between 2007 and 2020, victims did not submit a victim or community impact statement in 69% of cases dealing with hate crime as an aggravating factor.

greater regularity. In Alberta, steps have been taken to ensure hate offences are being prosecuted as such. The prosecutor's manual, which provides guidance and instructions to prosecutors, will remove the subjectivity in decisions about prosecuting hate crimes by explicitly stating that it would be in the 'general public interest' to prosecute a crime motivated by prejudice, hate, or bias based on the victim's gender, religion, ethnicity, and sexual orientation, among other identity markers (Kovtun, 2022, para 3). While not changing the laws or how cases are prosecuted, this directive may lead to more consistency in prosecuting hate-motivated crimes (Kovtun, 2022).

J. IDENTIFYING NON-CRIMINAL JUSTICE AVENUES TO PREVENT AND RESPONSE TO HATE CRIMES

When considering the applicability of non-criminal justice system responses, it is important to differentiate between circumstantial and targeted offending, as this will allow for interventions to be matched to the intensity and embeddedness of the individual offender's prejudicial beliefs and attitudes (Dixon & Court, 2015). The hate crime offenders who are consciously motivated by intense and deeply rooted bias, prejudice, or hate, particularly those who engage in pre-meditated defensive and retaliatory types of hate crimes, pose a significant risk to the public and require criminal justice sanctions (Dixon et al. n.d.; McDevitt et al., 2002). However, it may be more beneficial for offenders and victims to utilize community-based sanctions in instances where offenders show less culpability for their actions (McDevitt et al., 2002). It is recommended that, in instances where offenders are not fully aware of the depth of the harms they have inflicted upon their victims, rehabilitative and therapeutic interventions designed to help offenders raise their empathy for the victim and address the personal and social contexts for their offending should be considered (Iganski, 2014). Given the complexity and highly variable nature of hate crimes; however, it is imperative that any rehabilitative or non-criminal justice system response be responsive and adaptable. In other words, the process must be flexible enough to not only manage the diverse array of motivating factors of offenders, but also address the violent elements of hate crimes (Iganski & Smith, 2011). The program must integrate specialized measures to target the attitudes and beliefs that underly the hate crime with more general approaches that attend to the universal needs of all offenders (Iganski & Smith, 2011). It is recommended that all practitioners employ a strategic and targeted approach when determining an appropriate response to ensure the intervention focuses directly on addressing the elements of prejudice and discrimination that have contributed to the commission of the hate crime (Dixon & Court, 2003).

Recognizing the potential benefits of restorative justice, it is recommended that approaches to hate crimes include a restorative justice-based component, particularly a victim-offender model (Shenk, 2003). This may allow for decisions related to how perpetrators address the harms inflicted to be informed by impacted groups (Shenk, 2001). Funding restorative justice initiatives that focus on hate crime and hate-motivated offences, therefore, may promote healing for the victim and offender, help to break the cycle of hate, and reduce the likelihood of repeat offending (Ndegwa & McDonald, 2023). The Government of Canada has demonstrated its commitment to investing in initiatives that seek to combat racism and discrimination through the Anti-Racism Action Program which promises $30 million in federal funding for proposed and existing community-based projects throughout the country (Canadian Heritage, 2020a). Several of these projects reflect a restorative approach to conflict, such as the 'Anti-Racism Education and Mediation Project' proposed by the

Newfoundland and Labrador Human Rights Commission that will utilize funding to establish a restorative mediation justice clinic to respond to disputes within the community (Canadian Heritage, 2020b). This shift in governmental priority towards bolstering community-based approaches aimed at tackling issues of prejudice and discrimination serves as a positive indicator of the potential for further growth within the realm of alternative, non-punitive approaches to hate crime.

It is important that the focus is not merely on responding to incidents after they occur, but also on preventing hate incidents from happening altogether. As with all interventions, it is important that these initiatives are balanced. Approaches or programs need to be able to address the broader issues associated with prejudice, while also being tailored to reflect the local characteristics and trends in hate crime offending (Iganski & Smith, 2011). It is recommended that research and funding be allotted to better understanding hate crime educational prevention programs. For example, research should focus on examining the impact of various activities that promote reflection on socialization experiences, as well as the benefits of including certain types of information, such as historical and political events, in course materials (McBride, 2015; Dixon & Court, 2003).

Conclusion

The significant increase in incidents fueled by hate precipitated by the Covid-19 pandemic has provided extra impetus in efforts to prevent and ameliorate the harms caused by hate crimes. At present, empirical assessment of hate crime programs and initiatives remains lacking; however, this does not mean that we are completely "in the dark." There are several considerations that, taken together, comprise a foundation of good practices upon which to construct responses to hate crimes.

Discussions of hate crimes ideally should be focused on prevention. However, in this time of extreme political polarization, ideological warfare, and overall social cruelty, prevention seems to be nearly chimera. As will be noted below, one element of a systematic response to hate crimes involves trying to turn individuals who are not yet fully committed to hatred from that path. But a realistic strategy must include a concerted focus on remediation to help address attendant traumas while working toward long-term social change.

Moreover, it is critical to keep in mind that individuals who perpetrate hate crimes are not all the same; more precisely, not all are bigots, racists, misogynists, homophobes, jingoists, etc. Rather, these individuals must be considered along a continuum. At one end are those who may not fully realize that they are committing harm. For example, just because someone uses a particular word or phrase does not automatically mean that they intend to do harm, or that they even understand that they are doing harm. This does not dismiss their actions nor minimize their impact, but, in these instances, it is potentially much more effective to try to educate and change attitudes from which behavioral change could reasonably be expected to follow. In the middle of the spectrum might be those who are trying to be provocative. These individuals are aware that what they are saying and/or doing is unacceptable, but they do it to get attention, get more hits or likes on social media, and/or make a name for themselves. Although more culpable than the first group, these

individuals are not yet firmly entrenched in their hatred, and, therefore, have the potential to change. In short, individuals in these first two groups should not be treated as irredeemable. In contrast, for those individuals who are that the far end of the continuum, hatred is deeply engrained. They are "hard core," essentially professional haters, for whom the feelings of pain, intimidation, and fear caused by their hate crimes are intentional. These individuals may, at some time, come to change their beliefs, but, at present, there is little recourse but to fully engage with criminal justice responses. The relative sizes of these groups remain unclear, but anecdotal evidence suggests that the "hard core" group comprises most hate crime offenders. Although identifying where individuals are along this continuum can be challenging, acknowledging differences, and properly distinguishing between those who are and are not amenable to change is an important step in effectively responding to hate crimes. One-size-fits-all "solutions" are doomed to failure and may even exacerbate problems of hate.

While it is important to address the perpetrators of hate crime, is it at least equally important that the victims of hate crimes feature centrally in hate crime responses, regardless of whether these responses are primarily criminal justice, non-criminal justice, or some combination of the two. As noted above in this report, the effects of hate crimes on victims are distinct, producing feelings of humiliation and vulnerability that are not present for many other types of crimes. Any appropriate response to hate crimes must be grounded in trauma-informed approaches for ameliorating the harms inflicted by these crimes. This report has provided a detailed discussion of how this might best be accomplished. But it is worth reiterating that, while victims' feelings and preferences must be taken into account, they must not be forced to participate with any intervention measures. The responsibility for justice does not rest with the victims. Responses to hate crime, either criminal or non-criminal, cannot be contingent upon victim involvement. Moreover, victims should receive all necessary support services, regardless of whether they choose to press charges or otherwise engage with the perpetrator or the criminal justice system. To maintain that victims of hate crimes must have a voice is not the same thing as making them responsible for justice.

As has been noted at length, the impacts of hate crimes resonate far beyond individual victims. Communities that identify with or share the same personal characteristics that prompted a hate crime suffer vicarious victimization and trauma. As a result, the community must also be healed, and, therefore, must be an integral part of responding to these crimes. This will doubtlessly prove challenging for the criminal justice system, which has traditionally focused on individuals. However, hate crime responses will be far-reaching and more effective to the extent that they incorporate community participation in a meaningful way.

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