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**Hate Motivated Crime Victimization: A Perceptual
Study of the Effectiveness of the Ottawa-Carleton
Police Bias Crime Unit**

By: Patrick Paul McCaffery

**A thesis submitted to the
Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of**

**Masters of Arts
Department of Law**

**Carleton University
Ottawa, Ontario**

December, 1997

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**Hate Motivated Crime Victimization: A Perceptual Study of the Effectiveness of the
Ottawa-Carleton Police Bias Crime Unit**

submitted by **Patrick Paul McCaffery, B.A. Hons.**

in partial fulfilment of the requirements for
the degree of Master of Arts

Thesis Supervisor

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January 14, 1998*

ABSTRACT

To date, there has been little systematic research in Canada into the nature of, and state responses to, hate motivated crimes. The purpose of this investigation was to determine the effectiveness of one such response by exploring and describing the perceptions of victims who have received service from the Ottawa-Carleton Police Bias Crime Unit. Semi-structured interviews were conducted with 29 victims of hate motivated crimes and a phenomenological approach was used to analyze the interview results. Results indicated that the respondents found the Bias Crime Unit to be an effective response to their hate crime victimization and that the potential of this Unit is confined by internal and systemic forces. This study adds to the understanding of hate motivated crime victimization and the findings have implications for the Ottawa-Carleton Police and the larger criminal justice system.

For Kayla.

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CHAPTER I

INTRODUCTION

On a summer evening in 1989, Alain Brousseau was walking home from his job as a waiter at the Château Laurier Hotel in downtown Ottawa. Mr. Brousseau took a shortcut through Major Hill Park to his destination, the Inter-Provincial Bridge, which would lead him to his nearby home in Hull, Quebec. What Mr. Brousseau did not realize was that the park was a target for gay bashers. Believing him to be gay, a group of young men converged upon Mr. Brousseau, beat and robbed him, and proceeded to hang the young waiter upside down over the side of the Inter-Provincial Bridge. One of the men joked about how nice Mr. Brousseau's shoes were, and with that, dropped him over 100 feet to his death on the rocks of the Ottawa River shore. This incident had the dubious distinction of being the City of Ottawa's first recognized hate motivated crime and was the catalyst that ultimately led to the formation of this country's first bias crime unit - the focus of this research.

The term "hate motivated crime" is but one of many labels now being used to describe an age old behaviour which we are only now beginning to understand. For years, the motivator of hate has gone unnoticed or at least unrecognized in crime (Roberts, 1995) and, as such, it was almost appropriate for Winston Churchill to have referred to Hitler's most horrendous iniquity as "a crime without a name" (Mock, 1992). Today, more than fifty years after the end of the Second World War, there remains little systematic research into the nature and incidents of hate motivated crime.

Hate permeates all realms of social behaviour. Its pervasiveness and social significance can be felt in all walks of life. Those affected testify that hate motivated activity is woven into the very fabric of everyday life, yet for the uninitiated it appears

virtually invisible.¹ Like an iceberg, there is more going on below the surface than above. Canadians, including justice professionals and the police, who are not members of one of the communities usually targeted, may have difficulty comprehending the seriousness of hate motivated crimes (Levin and McDevitt, 1993). Roberts (1995) highlights how we can all appreciate the potential impact of a break and enter, or an assault, but concludes that it may be harder for some people to fully appreciate the impact of a racially motivated attack, or a gay bashing, either on the specific victim or the community targeted.

Only after several highly publicized incidents – such as the riots in Los Angeles following the beating of motorist Rodney King (1992), and the torture death of a Somali youth at the hands of Canadian soldiers (1993) -- did more widespread interest and research into the problem of hate motivated activity occur (Dunlop, 1996). Research to date highlights several reasons why hate motivated activity merits special attention. Such crimes can affect the victim in ways beyond those commonly associated with non hate motivated crimes, often causing victims to experience profound feelings of anger and vulnerability (Garafolo and Martin, 1993). Hate motivated crimes can also have an impact on whole communities, increasing the level of fear and heightening tension between different racial and ethnic groups (Sanderson, 1991). This type of crime conveys a message of fear to all members of a victim's community and creates an atmosphere of fear and apprehension (Roberts, 1995). Because hate motivated crimes do invoke an additional element of harm that is not present in a similar crimes not motivated by hate, it is felt that special attention by the criminal law is warranted (Roberts, 1995).

Traditional legal responses to the problem of hate motivated crime have thus far produced mixed results. Kelly (1993) attributes much of the problems to the habit of seeing hate motivated crime problems as a mandate for only law enforcement officials. In

¹ From presentations made to the House of Commons Standing Committee on Justice and Legal Affairs respecting Bill C-41, 1995.

reality, the problem of hate engages larger social, economic, and political forces (Kinsella, 1994) that go beyond the resources and capabilities of the law enforcement community. The fact that the problem is difficult to address does not, however, preclude some type of criminal justice response. Lobbyist Gary Kleck (1991), argues that government has a responsibility to do what it can to protect citizens from harm that can be feasibly regulated and hate motivated crimes appear to fall within this realm. Because the legislation to date has achieved only marginal results, stakeholders have themselves searched for viable responses to combat hate motivated crime. Among Canadian officials, one of the most commonly cited hate motivated crime abatement strategies is the creation of bias crime units staffed by officers specially trained to deal with the problem of hate (CACP, 1996; Ontario Solicitor General, 1994, et al.). So while it is clear that something had to be done to address the problem of hate motivated crime, it remains to be proven whether or not this particular approach represents a viable tool in the fight against hate motivated crime.

The Research Question

Considerable evidence supports the utility of the Ottawa-Carleton Police Bias Crime Unit in responding to hate motivated crime², but what is absent from this tertiary material are appraisals from the actual client – the victim – the core reason behind the Unit's establishment in the first place. Yet surprisingly little is known about how hate motivated crime victims have responded or reacted to this form of police intervention. Instead of careful, well-researched accounts about how effective victims find these front-line units, the public and police alike have only conjecture to work with. Thus, while there is a significant material on the effects of hate motivated crime victimization and the need for a specialized police and criminal justice response, there is a gap on the subject of how the service recipients are reacting and responding to bias crime units. As such, the question

² Kinsella, 1994; Roberts, 1995; National Action Network on Hate Crime, 1996; Ontario Solicitor General, 1994; Canadian Centre for Police Race Relations, 1996; Berzins, 1994; Ottawa Police, 1994; Raymont, 1994; Ontario Ministry of Education, 1993; Pink Triangle Services, 1995.

that begs to be answered is: *Do the victims of hate motivated crime find the Ottawa-Carleton Regional Police Bias Crime Unit an effective response in addressing their victimization?*

Because the literature on hate motivated crime victimization is small, and what exists fails to examine whether an intervention by a Bias Crime Unit is perceived to be an effective response in the eyes of the individual victim, this thesis represents a unique study in Canada that should add to the understanding of hate motivated crime victimization. This research promises to be not just a relevant scholarly contribution, but also a practical tool for the Ottawa-Carleton Regional Police Service and other Canadian law enforcement agencies struggling to respond to the problem of hate motivated crime in an effective manner.

Organization of the Thesis

In Chapter II, a review of the literature is presented. This chapter includes a discussion on why officials must start developing a common operational language, meaningful legislation, empirical data, and a better understanding of those who peddle hate (National Action Network on Hate Crime, 1996). By illustrating the division between “inclusive” and “exclusive” police definitions (Roberts, 1995), the pressing need for an operational hate motivated crime definition is made apparent. A review of qualitative issues related to hate motivated crime serves to support the theory that this type of activity inflicts a disproportionate harm in comparison to similar crimes that do not have the added component of hate. Also, an examination of relevant Canadian legislation illustrates the main issues surrounding government attempts to address this problem. From this literature review it becomes apparent that an effective police response to hate motivated crimes is required and that the use of bias crime units could represent one viable strategy for police agencies faced with this problem.

In Chapter III, the research methodology is described. Included in this chapter are an overview of the Ottawa-Carleton Police Bias Crime Unit, sources of information, a detailed rationale for the instrument design, a comprehensive overview of the respondent selection process, as well as the conceptual framework and limitations of this study. Together, this information sets the stage for the presentation of the actual field research and its results.

Research results related to the effectiveness of the Bias Crime Unit are examined on a question by question basis in Chapter IV. The interview results are analyzed separately for patterns based on the type of crime and victim group represented. Results from a small number of respondents not served by members of the Ottawa-Carleton Police Bias Crime Unit are also presented. The research results from this chapter supply the necessary information to determine the effectiveness of the Bias Crime Unit.

In Chapter V, the research results are discussed in a more extensive way, including policy implications for the Ottawa-Carleton Police Bias Crime Unit. Recommendations for future research and conclusions are also offered. The conclusions presented in this chapter address the overall effectiveness of this Unit and aid in the understanding of hate motivated crime victimization.

Conclusion

How individuals targeted by hate motivated crime perceive their victimization and attempt to come to grips with it are areas that are not fully understood. Far less is known about how these individuals react to the intervention of police specialists in the form of a Bias Crime Unit. The purpose of this study, therefore, is to explore and describe the perception and satisfaction of individual hate motivated crime victims in relation to the

services provided by the Ottawa-Carleton Regional Police Service Bias Crime Unit. In discovering whether the victims of hate motivated crime find the Ottawa-Carleton Regional Police Bias Crime Unit an effective response in addressing their victimization, an important part of the question as to how the state should and can address hate motivated crimes will have been answered.

CHAPTER II

LITERATURE REVIEW

Although little legal literature exists on the issue of hate/bias motivated crime in Canada, considerable work on this subject does exist in other countries, most notably the United States, England and Australia. This chapter examines the issue of hate motivated crime in the Canadian context, while relying on information elsewhere to serve as a foundation for the research portion of this thesis. This chapter includes a brief review on the nature and history of hate motivated activity in Canada, the special harm caused by this activity, and the legislative efforts to combat hate motivated crime.

Nature of Hate Motivated Activity

Most researchers agree that hate motivated crime is a problem.³ In “Race Relations and the Law”, Israel Ludwig (1985) uses primarily qualitative means to predict a growing problem with racism in Canadian society. The most recent annual “Audit of the League for Human Rights” (1993) shows increases in anti-Semitic hate motivated crimes in Toronto and elsewhere, as well as an alarming increase in hate propaganda on the Internet. Glenn Gilmour, author of “Hate Motivated Violence” (1994) and Julian Roberts, author of “Disproportionate Harm: Hate Crime in Canada An Analysis of Recent Statistics” (1995), both provide evidence of the existence and growing problem of hate motivated crime across Canada. Cynthia Petersen (1991) goes so far as to call this problem an “epidemic” and figures from Statistics Canada (1994) conclude that Canadians believe that intolerance will continue to grow in the years ahead. Some writers argue, however, that increases in reported activity can be attributed to the fact that victim groups are now more prepared to

³ Differentiating between “hate motivated activity” and a “hate crime” can be confusing. In Canada, there is no such thing as a hate crime per se, rather, we have laws dealing with hate propaganda (sections 318-320 CC), and laws that allow for stiffer penalties to be assessed if hate was a motivating factor (ref.: Bill C-41). Thus, hating has never been illegal in Canada, but acting upon this feeling can be if a criminal law is broken. A fuller discussion on the need for a commonly accepted operational definition of hate motivated crime and this legislation follows later in this chapter.

document and draw public attention to incidents that formerly would have gone unreported (Kelly, Maghan and Tennant, 1993). Others, like Ross (1994), conclude that the amount of right-wing violence in Canada pales in comparison to the United States and suggests that policy makers, the media, and academics are overreacting to radical right-wing violence. In the absence of conclusive data either way, estimates of the problem of hate motivated crimes in Canada are speculative. However, even conservative extrapolations based on similar data from other countries seem to confirm that hate motivated crime is indeed a problem in Canada, and that this problem should not be ignored (Gilmour, 1994; Roberts, 1995).

One of the aspects of this problem is the growth in organized hate groups. Although numerically small in comparison to the population of Canada (McVay, 1995), and responsible for just five per cent of all hate criminal activity (CACP, 96; Gilmour, 1994), the impact of organized hate groups is felt well beyond their numbers. While there is no national registry of extremists, Warren Kinsella, author of Web of Hate (1994), estimates that the white supremacist movement has grown from 200 hard core members a decade ago to 2,000 members today, with another 2,000 camp followers scattered across the country. The fact that members of organized hate groups can wear business suits and carry lap tops means they stand out less than their predecessors in white hoods or jack-boots (McVay, 1995). The lack of clear structure within hate groups also makes it difficult for police to successfully investigate or track the activity of these groups (RCMP, 1993).

Exploiting economic anxiety (Ross, 1994; Roberts, 1995) and the natural urge to look for scapegoats in difficult times (CACP, 1996, Levin, 1993; Mock, 1992), hate mongers encourage a backlash against minorities and any activities that appear to support minorities. For this reason, several writers believe that socio-economic conditions are inversely related to extremist activity - growing worse when economies falter and easing

with prosperity (Barret, 1987; Wolfe, 1981; CACP, 1996; Cohen Commission, 1966; Roberts, 1995; Gilmour, 1994; et al.). Given Canada's multicultural nature, immigration policy and high unemployment, the ground for hate is very fertile.

Lulled by half-truths based on the promotion of "Christianity" and "traditional family values", potential candidates, already frustrated by socio-economic conditions, are susceptible to indoctrination (Dunlop, 1996). Perhaps the group most at risk of being brainwashed is today's disenfranchised youth. The CACP writes that, "It is similar to a cult indoctrination, they are trained to hate" (1996:8). Heritage Front leader Wolfgang Droege states: "We're focusing on mainly younger people because they are the ones most affected by the problems in this country today. And we're having quite a success rate" (as cited in CACP, 1996: 25). Extremists like Droege are quick to capitalize on social malaise and the misfortune of others. Hate groups did not invent ignorance or intolerance: however, they do exacerbate the sentiment that already exists.

Technological advances in communications have also opened a whole new realm of possibilities for extremists who are frequently on the cutting edge of technology, but with a message that is a throwback to darker times. The Internet, with thousands of discussion groups and millions of regular users (Bronskill, 1995), is more than the largest party line; it is also thriving with hate messages and white militant groups. In the words of Thomas Metzger (1995) of the White Aryan Resistance, "The Internet is the biggest thing to happen to the movement in a long, long time." Hate groups such as the National Alliance or Ernst Zundel's "Power Newsletter" simply post their messages outside Canada to get around existing laws (Hyman, 1995). Zundel's messages are currently posted and distributed to 42 countries in 15 languages. This makes them immediately available to Canadians on-line, regardless of the law (McVay, 1995). Even the Honorable Herb Grey (1995), former Solicitor General of Canada, acknowledged that by its very nature and design the Internet

provides extremists with a legally insulated means to peddle hate with little recourse from authorities.

This section has provided a general overview on the nature of hate motivated activity especially as it relates to the Canadian experience. An historical overview of the problem of hate motivated crime will now be presented in order to provide a greater understanding of the evolution of hate motivated crime in Canada.

Historical Overview

One of the major difficulties in determining the historical extent of hate motivated activity in Canada is the fact that information on such incidents has not been systematically collected or reported (Gilmour, 1994). It would, however, seem that Canada has a long history of hate motivated crime which has been officially recorded as early as 1887 with the anti-Chinese Riots. Patel (1980) reports that at that time, newspapers and respectable individuals (businessmen, clergymen, politicians) played a prominent role in laying the foundation for violent outbursts that claimed "scores" of Chinese lives. A similar situation occurred in 1907, when white workers were again stirred to violence because Chinese workers were being presented as a threat to the economic security of white workers. Historical accounts from the 1940s show that the Canadian government was aware of right-wing activity during the Second World War, but formally did little to address this problem. In fact, interned Japanese Canadians suffered greatly and Canadian Prime Minister Mackenzie King denied safety to Jews fleeing Nazi persecution (Mock, 1992).

By 1953, the Canadian government was poised to formally recognize the problem of right wing activity. It was in March of that year that a Joint Committee of the House of Commons working on revisions to the Criminal Code was petitioned for a legislative response to suppress hate propaganda against religious and ethnic groups. Despite the

lobby efforts, the government ultimately maintained the status quo, doing nothing to address this problem (Law Reform Commission of Canada [LRCC], 1986).

The notion of legislating a response to any form of hate motivated activity was not formally explored again in Canada until the 1965 Cohen Committee. The Cohen Committee was established in response to an apparent rise in the number of neo-Nazi organizations distributing literature in Canada. Its mandate was to ascertain the nature and scope of an apparent rise in hate propaganda in Canada and to serve in an advisory capacity to the Minister of Justice by outlining appropriate responses to this type of activity (Rosen, 1994; Ross, 1994; LRCC, 1986). After a review of the issues, which included interviews and surveys with public officials, police officers and senior civil servants, the Cohen Committee found that although the problem involved only a small number of persons, legislative action was warranted because:

... the individuals and groups promoting hate in Canada constitute a 'clear and present danger' to the functioning of a democratic society. For in times of social stress such "hate" could mushroom into a real and monstrous threat to our way of life. (Cohen Committee, 1966: 24)

The recommendations of the Cohen Committee ultimately led to amendments in the Criminal Code in 1970, making hate propaganda a punishable offence (LRCC, 1986). These laws were originally incorporated into the Criminal Code as sections 281.1 - 281.3, but because of revisions to the Criminal Code, these provisions are now found under sections 318-320 of the current Criminal Code. Under these laws it became illegal to publicly espouse religious, racial and ethnic hatred. These laws also prohibited advocating genocide, the public incitement of hatred, and the willful promotion of hatred (Ross, 1994; LRCC, 1986). The main sections are as follows:

318. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years...

319. (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of...

320. (1) A judge who is satisfied by information on oath that there are reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in premises within the jurisdiction of the court, is hate propaganda shall issue a warrant under his hand authorizing seizure of the copies... [The relevant sections are reproduced in Appendix One.]

Until the 1960s, hate motivated incidents tended to be framed by the literature in terms of unwanted propaganda directed at the Jewish and Black communities (Janovich, 1997). By the 1970s, hate motivated crime was being recognized as a problem for other religious and racial groups, such as Asians, who were also voicing concerns about prejudice and intolerance (Library of Parliament Research Branch, 1989). It was during the 1970s that Karmen (1990) also charted a rise in related violence against minorities. According to Barret (1987), this shift to isolated incidents of violence was being driven by socio-political conditions and the prevalence of systemic racism in Canada. Barret maintains that as our collective tolerance to egalitarian ideals was tested with a new foreign policy and the onset of Third World immigration in 1967, some of the Canadian public responded with violence. Furthermore, he maintains that such activity was occurring because extremists found a receptive audience in Canada.

[I]t is impossible that such organizations could exist unless there was *some* degree of compatibility with the institutional fabric of the larger society; nor would their appearance on the scene generate such a high degree of reaction and hostility if they did *not* reflect public attitudes to some degree. (Cited in CACP, 1996: 6)

The fact is that hate groups did not create racism, they merely organized it, and history has shown that this task is made easier when unemployment is high and the makeup of a community is diverse (Roberts, 1995).

In his recent historical review, Ross (1992) systematically examined the extent of right-wing violence in Canada by studying newspaper clippings and similar sources

between 1960 and 1990. The 159 violent incidents he uncovered were mostly of a racist nature, including six deaths. Ross concluded that the amount of right-wing violence in Canada pales in comparison with that occurring in the United States. However, Roberts (1995), has noted that the mere fact that reported incidents of hate motivated violence are not numerous does not mean that the problem is not serious. Methods of data collection on this topic make it difficult to determine the extent of this problem and Roberts believes that a national inquiry on the issue of hate motivated violence in Canada would have revealed a much harsher reality. Perhaps the most enduring lessons that a historical overview of hate motivated activity teaches is that this problem has likely been severely under-reported in the past and that it is a problem which will likely endure into the foreseeable future.

Disproportionate Harm

One of the common themes found in the literature is that a hate motivated crime is fundamentally different from a similar crime because the former does not have the additional element of harm that hate imposes upon individuals and society (Mock, 1992; Gilmour, 1994). Roberts (1995) uses the term “disproportionate harm” to describe the cumulative negative effect of hate motivated crime. This negative effect includes the greater chance of victims suffering psychological trauma and serious bodily harm, an increased risk to community stability, and the greater likelihood for people disenfranchised with socio-economic conditions to randomly strike out against minorities (Ross, 1994; Gilmour, 1994). Because of these factors, the element of hate is arguably separable from the crime itself and supports the notion of a hate motivated crime inflicting disproportionate harm no matter how minimal the level of injury or property damage involved (Kelly, 1993).

It is also argued that when people are victimized because of race, ethnicity, or gender they are more prone to experience long-lasting psychological trauma (CACP, 1996; Petersen, 1991; Gilmour, 1994; Levin, 1993; Roberts, 1995). Kelly states:

Given similar levels of injury and financial loss, bias crime victims suffer more hardship in coming to terms with their victimization. This is because victims are, at least partially, targeted because of elements which define their sense of identity (1993: 32).

This argument is premised on the assumption that when a person is targeted because of a characteristic a victim cannot control, there is less room left for the victim to rationalize or randomize the incident. Acting Staff Sergeant Dunlop (1995), former head of the Ottawa-Carleton Police Bias Crime Unit, offered the example of a bank teller being robbed to demonstrate how and why heightened psychological trauma might occur:

A bank teller can rationalize a hold-up because they realize they were merely a random gatekeeper between the robber and the cash - nothing more. The teller can even change jobs to ensure he/she is never again victimized in a similar fashion. However, a hate [motivated] crime victim is forced to realize they were targeted because of elements of character related to their status or heritage, elements they have little ability to control. Such random actions, coupled with the knowledge that further victimization is possible, is likely to heighten a victim's anxiety and stress.

Hate motivated crimes can, and have, affected larger communities as well (Kelly, 1993). Kevin Berrill, an American writer in this field states "As with racist, anti-Semitic, sexist and other bias-motivated crimes, these attacks are intended to violate and isolate not just the victim but an entire group" (cited in Community Development, 1995: 1). The Canadian Association of Chiefs of Police (1996) and Levin (1993) believe that hate motivated crimes are more prone to terrorize entire communities and represent a threat to community stability. Hamm (1994a) even draws a parallel to Durkheim's concept of anomie because hate motivated crimes can stimulate the breakdown of community order and civility. Thus a single event may be a tragedy of a lifetime for the victim, as well as a spark that ignites a firestorm of racial hostility. The most dramatic example of this was evidenced during the 1993 Los Angeles Race Riots in which more than 50 died and upwards of one billion dollars in damage was assessed. The riots stemmed from the police acquittal of assaulting motorist Rodney King (Gilmour, 1994).

Hate motivated crimes are three times more likely to involve assaultive behaviour and four times more likely to require hospitalization than similar non-hate motivated crimes (Symposium, 1994; Gilmour, 1994; Ross, 1994). The violence associated with hate motivated crime routinely goes beyond that seen in a typical assault and places these cases in a class by themselves. Victims are more likely to be tortured - including immolation, mutilation, dismemberment and other acts which require reconstructive surgery (Community Development, 1995; Ross, 1994). Consider the following account of one person's experience.

Many of his colleagues didn't recognize Harris [a victim of gay bashing] when he arrived in the emergency ward, vomiting blood. Nine doctors, including an eye specialist and oral surgeon, hovered over him, estimating he had lost more than six pints of blood. When the swelling in his brain subsided, it took more than six hours and 280 stitches just to close the wounds temporarily - and wire together the 27 facial fractures, including 11 breaks in his smashed jaw. (*The Calgary Herald Sunday Magazine*: Jan. 7, 1990.)

The heightened levels of violence are not surprising when one considers that a bias motivated crime is twice as likely to involve multiple offenders (usually four or more) acting in concert, and frequently against a single victim (Symposium, 1994). Often victims face a chain of attacks and incidents increasing in severity (Peterson, 1991; Symposium, 1994; Levin and McDevitt, 1993). Hamm (1994) argues that this type of crime is habit forming for perpetrators who typically rationalize their actions as ridding society of "undesirables".

The early detection of problems can lead to the prevention of criminal acts (Violent Crime Linkage Analysis System [VICLAS], 1997; Goldstein, 1992). Research reveals that the most severe hate motivated assaults are initially characterized by a series of lessor activities, like verbal abuse, and these incidents gradually become more overt and offensive (Levin and McDevitt, 1993; Symposium, 1994). As show in Illustration A, which I have

adapted from Levin (1992), this progression is seldom revealed or addressed by the police until a criminal act of violence or damage occurs.

Illustration A

Because police typically do not become involved until well into Levin's (1992) progressive cycle of hate, victims may be conditioned to believe the police are unable or unwilling to help. Victims may also fail to report hate motivated crimes because they fear

exposure and discrimination. For gays and lesbians, reporting a crime may also constitute “coming out of the closet” (Carroll, 1995), while others have culturally-based reasons and may mistrust the criminal justice system.⁴

Because of the hidden meaning behind some incidents, victims and the police are frequently not aware that hate was the motivator behind a perpetrator’s crime and instead focus only on the magnitude of damage or extent of injury. For example, the number 88, painted on the wall of a synagogue may be labeled as vandalism, when in fact it is a hate-filled way of writing “Heil Hitler”.⁵ Clothing of perpetrators, such as boot lace color and suspenders, types of tattoos and criminal acts on certain dates can all have symbolic meaning, but failure to recognize them means that the hate element of the crime will go unrecognized and untracked (Centre for Democratic Renewal, 1992). The severe under-reporting or mis-classification of hate motivated crimes is estimated at between 90-95 percent (Roberts, 1995; Bowling, 1994; Gilmour, 1994). This figure is itself an indicator that this type of activity is not fully understood by the legal system or its victims.

Legislation

One of the principal difficulties in legislating responses to address hate motivated problems comes from the terminology of what legally constitutes a hate motivated crime in Canada (Gilmour, 1994; Roberts, 1995). As briefly highlighted at the beginning of this chapter there is no such thing as a hate crime per se in Canada, there are only laws dealing with hate propaganda (sections 318-320 CC), and other laws that allow for stiffer penalties to be assessed when hate is proven to be a motivating factor in the offence (ref.: Bill C-41). Because of the legislative importance for police to have a common operational definition of what constitutes a hate motivated crime, this issue will be addressed before an overview of specific hate motivated crime legislation in Canada is presented.

⁴ For more reasons on why victims might choose not to file a report, see pages 56-58.

⁵ “H” is the eighth letter of the alphabet, two H’s represent “Heil Hitler”

With no common operational definition of what is meant by hate motivated crime, police officials across Canada have instead identified this problem by using other descriptive terms, such as: discrimination, prejudice, racism and domestic terrorism, to name but a few (Ross, 1994; Hamm, 1993; Kaplan, 1995; CACP, 1996). But because these are subjective terms, the resulting inconsistent mix of police definitions has worked against any national attempt to classify and record this type of activity or to deal with it through legislation (Roberts, 1995). This type of ambiguity not only confuses those affected (Ostrom, 1990) but also creates disagreement among experts and victims alike about what a hate motivated crime is, what causes it and even whether it exists (Hamm, 1994a). Furthermore, since our share of the problem has been perceived to be small in comparison to the U.S. and other European countries (Ross, 1994; Roberts, 1995), there has been arguably less pressure to reach an operational consensus definition for this type of crime.

In his 1995 report “Disproportionate Harm: Hate Crime in Canada, An Analysis of Recent Statistics”, Roberts uses the host of Canadian police operational definitions to show why there is a pressing need for a common definition of hate motivated activity. Roberts' analysis reveals that the mix of police definitions fall within two broad categories. On the one side are those police services, such as Toronto, that have created definitions with highly “exclusive” parameters. They employ a stringent test for deciding what is a hate motivated crime. The Toronto Police define this type of activity as:

A criminal offence committed against a person or property that is solely based upon the offender's bias, prejudice or hate of the race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation of the victim (Doria, 1997 emphasis added).

On the other side are those agencies which utilize a broader, less constraining definition of hate motivated crime. Police services on this “inclusive” side include the Ottawa-Carleton Police Service which utilizes a lower threshold in determining what constitutes a hate motivated crime. The Ottawa-Carleton Police define a hate motivated crime as:

Any crime where the motivation in whole or part is hate/bias against the victim’s race, ethnicity, religion, sexual orientation, disability or gender (Watts, 1997).

Roberts (1995) maintains that employing either an exclusive or inclusive definition has significant implications for victims and law enforcement officials. The principal criticism of exclusive category definitions stems from the use of the word “solely”. Roberts writes: “To rely on an exclusive ...definition [of hate] is likely to have the effect of seriously under-estimating the incidents of hate [motivated] crimes. Many hate [motivated] crimes will not be classified as such if such an exclusive definition is used” (1995: 13). Officials from the Ottawa-Carleton Regional Police Bias Crime Unit warn that the use of the word “solely” within a hate motivated crime definition severely limits its operational usefulness, creating a framework that is too narrow in scope (Carroll & Dunlop, 1995). Because few crimes are solely attributable to one single factor (Sher, 1984), this condition seems to supply offenders with a means to avoid the stiffer penalties now mandated when hate is proven to be a motivating factor in an offence. Similarly, the use of the word solely has also been faulted for inhibiting police officials from even trying to prove that hate was a factor in the offence.⁶

“Inclusive” police services operating under the more liberal hate motivated crime definitions, such as Ottawa-Carleton, are more generous in accepting that certain incidents

⁶ Davidson, 1996; Elman, 1989; and from presentations made to the House of Commons Standing Committee on Justice and Legal Affairs respecting Bill C-41, 1995.

are bias motivated. But what forms of bias should be recognized in differentiating between crimes that are and are not bias-motivated (Garofalo & Martin, 1993)? Should bias against the mentally ill or elderly, discrimination against the obese, domestic assault, misogyny, pornography or even attacks by anti-abortionists fall within bias crime criteria? Gilmour (1994) wonders at what point does behaviour become criminal instead of merely being offensive? Some believe that the expected increase in volume of reported incidents under an inclusive definition would only desensitize and make the public complacent about this type of crime.⁷ On the other side are those who predict that the high volume of reported incidents might generate unwarranted public fear (Giese, 1995). Some go so far as to suggest that if public fear reaches an extreme state, the government would have to respond with excessive social control measures (Hamm, 1993). Interestingly, both unwarranted fear and/or public complacency is believed to benefit the interests of organized hate groups (McVay, 1995). The publicity from unwarranted fear assists in generating interest and support for extremists, while public complacency means hate mongers' actions are less likely to be challenged.

Recent legislation has been passed that could see an end to the abundance of terminology used to describe hate motivated crimes. With the enactment of Bill C-41 (1996) a central hate motivated crime definition officially became law. However, for reasons unknown, police organizations across Canada have been slow to adopt this legislated definition (Watts, 1997; Doria, 1997).

Canada's first legislated attempt to deal with hate motivated activity was through the recommendations of the 1970s Cohen Committee. As highlighted earlier, this Committee was the catalyst for sections 318-320 of the Criminal Code, making it illegal to espouse religious, racial and ethnic hatred, to advocate genocide or promote hatred (Ross,

⁷ Reference to presentations made to the House of Commons Standing Committee on Justice and Legal Affairs respecting Bill C-41, 1995.

1994; LRCC, 1986). In hindsight, these hate propaganda laws have proven to be extremely narrow in application because of difficulties with the language used. The Attorney General must consent to proceedings which have invariably turned into debates over freedom of speech and expression (Ross, 1994). Not surprisingly, therefore, these hate propaganda laws have been called into action only a handful of times due to the difficulty of gaining a conviction, even when attempting to prosecute a seemingly straightforward matter (Sher, 1984). For instance, the hate propaganda conviction of Alberta holocaust denier Jim Keegstra was upheld by the Supreme Court of Canada by only the narrowest majority (Mock, 1992).

For some, the inability of the hate propaganda laws to deliver convictions makes them a failure and points to why more hate laws are warranted. However, Martin and Garofalo (1993) would argue that these laws have been a success because they have been a catalyst in bringing about moral change and affirming what is important to people. It is for this reason that Martin and Garofalo argue that hate laws should “not be geared primarily toward crime control. Their primary role is the enforcement, or at least reinforcement, of community values” (1993: 73). Thus, the inability of current laws to garner convictions is almost incidental in comparison to a growing social awareness and desire to reify and ameliorate this problem. In response to the call for more laws, the reality is that the Criminal Code already has numerous existing “non-hate” crime laws which, although not directed specifically at extremists, can be made to address this problem. These include section 153 (scurrilous literature), section 177 (publish or tell false tale), section 60 (engage in sedition), section 407 (incite to commit offence), section 408 (conspire), as well as any of the numerous assault and property sections. In addition to the Criminal Code, there exist the Customs Tariff (section 114), Canadian Radio Television and Telecommunications Commission Regulations and Broadcasting Act, and the Canada Post Corporation Act (subsection 43.1), all of which provide practical means to combat the

problem of hate motivated crime. At the constitutional level, the Charter of Rights and Freedoms and the Canadian Human Rights Act, provide additional support against extremist activity.

Another central difficulty in using legislation to address problems of hate motivated crime concerns the absence of quantitative information that could support calls for new and better hate motivated crime laws (Gilmour, 1994). Recognizing the need for quantitative data, academics such as Roberts (1995), police agencies such as Metropolitan Toronto (1992) and groups such as the B'nai Brith (since the 1970s) have called for the creation of a national statistical database to track and monitor hate motivated activity in Canada.

An effective criminal justice response to hate [motivated] crimes involves a number of important elements. However, nothing is more critical than having an accurate idea of the nature and extent of the problem. This can only come about if a greater effort is made to collect comprehensive statistics. At the present, Canada lags far behind other nations in this regard. (Roberts, 1995: preface)

The benefits of a national repository of information about hate motivated crime are that such data would provide a reference source from which law enforcers could more effectively address bias motivated incidents. Many experts and victim groups agree that by dedicating resources to this effort, officials would be better able to develop procedures to monitor, record, classify and analyze information relating to crimes apparently directed against individuals, groups, or their property, by reason of their actual or perceived race, colour, religion, gender, national origin or sexual orientation (Roberts, 1995; Gilmour, 1994; Peterson, 1991; et al.). Providing there was a common operational language, a repository could also be expected to increase public awareness about the scope and nature of hate motivated crime, bringing this type of incident out of the closet (Dunlop, 1997), and revealing the special threat it poses to our communities. Furthermore, Cook (1991) notes

that “a good reporting and analysis system sends a positive message to the victims of bias incidents: government cares” (cited in Roberts, 1995: 5).

Despite the potential usefulness of a national repository of information about hate motivated crime, considerable resistance to gathering this type information exists because of its potential for negative application:

[During] public debate on the appropriateness of collecting data on the racial background of accused persons...[it was revealed that] representatives of racial and ethnic groups were concerned that information linking racial origin and criminal activity could be used to fuel prejudice. (Statistics Canada, 1992)

As a result of these debates, the Justice Information Council declared a moratorium on this form of data collection in Canada (Statistics Canada, 1992). And while the express focus of this moratorium was to conceal information dealing with an **accused** person’s racial background, the collection and reporting of information about a **victim’s** religion, race, and sexuality was apparently also drawn into this debate and has been similarly prohibited (Cybulski, 1997).

In 1993, another attempt to create a national database for hate motivated crime came in the form of Bill C-455, also known as the Bias Incidents Statistics Act. This proposed legislation died on the order paper shortly after being tabled and would have seen Canadian police agencies collect bias crime statistics like their U.S. counterparts already do under the 1990 Hate Crime Statistics Act (Gilmour, 1994; Roberts, 1995). Such collection would have likely involved the development of a standardized intake report to ensure that all police services gather the same data. Until there is renewed interest in passing Bill C-455, or some other mechanism to ensure hate motivated crimes do not remain invisible, officials will remain largely in the dark as to whether the problem is getting worse, better, or staying the same (Ross, 1994).

The most recent legislative effort to stem hate motivated crime in Canada was in 1996. It was during this year that Bill C-41, an act to amend the Criminal Code was enacted. Contrary to the misperceptions aired during the public debates about this legislation (specifically section 718, parts 1-3)⁸, Bill C-41 has not caused anything to become illegal that was not already covered by legislation (Giese, 1995). Instead it is a means by which prosecutors can seek enhanced penalties when hate is proven to be a motivating factor in the offence. The rationale behind the passage of this act was that because a hate motivated crime exacts a higher toll than a corresponding non-hate related crime, a stiffer penalty is warranted.

This new law has been criticized because the legislation only becomes activated after a hate motivated crime has been committed and the offender is brought before the courts for sentencing. Since the imposition of penalties is the final step in any criminal proceeding, this legislation can only operate successfully if the problem of hate motivation is identifiable and clearly understood by police and court officials. At present, however, hate motivated crimes in Canada are largely invisible (Roberts, 1995; Gilmour, 1994), and few formal mechanisms are in place, particularly in the area of front-line training, that will ensure these crimes do not remain hidden and misunderstood by those involved in the criminal justice system (CACP, 1996). Even when a hate motivated crime is identified, the lack of training means there are any number of stages within the judicial process which can easily allow the significance of the hate element to be filtered away (CACP, 1996).

Like police, Crown prosecutors are faced with the formidable task of trying to decipher an offender's motivation (Bercuson & Wertherimer, 1985; Westwick, 1995), as well as overcoming difficult freedom of expression issues (Ross, 1994; Sher, 1984). In

⁸ Reference to presentations made to the House of Commons Standing Committee on Justice and Legal Affairs respecting Bill C-41, 1995.

their report "Hate Crimes in Canada: In Your Back Yard", the CACP (1996) list what they believe are the top ten challenges facing bias crime investigators and Crown prosecutors:

1. Making the investigating officer conscious of the possibility that the crime is hate/bias motivated.
2. Identifying the crime as hate/bias motivated.
3. Dealing with the resistance from victims, especially with questions dealing with sexual orientation (fear of identification).
4. Convincing the potential or actual victim to come forward and report the incident to the police (fear of reprisals) or, when a report is filed, having the victim follow through with court proceedings.
5. Convincing potential witnesses to come forward.
6. Determining the motivation; a long process requiring subsequent follow-up interviews by an interviewer.
7. Working with victims who destroy evidence because of its offensive nature or, with community groups who lack an understanding of hate/bias crimes.
8. Dealing with the lack of awareness and understanding of hate/bias motivated crime on the part of prosecuting attorneys and judges.
9. Dealing with the lack of designated prosecuting attorneys dealing with hate/bias crime phenomena.
10. Dealing with government's lack of implication and involvement on this important issue. (CACP, 1996: 12)

The CACP's approach has been to stress the practical issues which can assist police investigating hate motivated crimes. Many of these issues underscore how fundamental many of the problems facing police investigators can be, such as recognizing that a crime is in fact hate motivated, or convincing people involved to file a police report.

Another related area of concern discussed by the CACP is how the new hate provision from Bill C-41 seems to compel officers to become a kind of "thought police" (CACP, 1996: 30). Legal Counsel Vince Westwick (1995) offers a fictitious example to illustrate.

Two people get into an argument over a traffic mishap, tempers flare, push turns to shove and a fight ensues. During the course of the fight, the white guy yells 'I'm gonna beat the shit out of you, you Black son-of-a-bitch.' Should this now be considered a bias motivated assault? Who will decide if the motive for the assault was simply the traffic mishap or hatred against Blacks?

Roberts (1995) believes that precisely because of situations like the one highlighted above, police officers are likely to ignore the hate motivation issue completely, treating a hate motivated assault as simply an assault. When this occurs, the disproportionate harm that a hate motivated crime inflicts is missed, and thus the very reason behind the passage of Bill C-41 is forgotten, turning this legislation into nothing more than a symbolic gesture (National Action Network on Hate Crime, 1996). Roberts (1995) concludes that if a crime is motivated by hate, and this element is not taken into account by the criminal justice system, then the system has effectively failed to reflect the true extent of the harm to the victim.

Police officials have not been oblivious to the challenges of hate motivated crime and have themselves taken steps to ensure this type of incident is dealt with effectively. The CACP report, "Hate Crimes in Canada: In Your Back Yard" (1996), documents four strategies available to police. These strategies range from a department-wide approach to utilizing various types of police specialists to help address the problem of hate motivated crime. The first approach the CACP discusses is a department-wide approach. Here, every member of the police organization takes responsibility for this problem, with the emphasis being placed on the front-line generalist officer. The second approach is to designate a hate motivated crime liaison officer. The CACP rates this as a cost effective way to respond to this type of crime, especially if the problem is not extensive. Bias crime units represent the third approach. Such units typically require more resources because members must be reassigned from other duties. The specific roles they assume are as field investigator, public/police educator, and intelligence gatherer. The final approach presented by the CACP is joint initiatives between participating police agencies concerned about common inter-jurisdictional problems. None of the four strategies identified by the CACP is exclusive to one another.

Each of the approaches presented by the CACP has associated costs and benefits, even if variations or overlap between the approaches are attempted (CACP, 1996). In commenting on these strategies, Acting Staff Sergeant Dunlop of the Ottawa-Carleton Police Bias Crime Unit (1996) initially supported the notion of empowering front-line officers to investigate hate motivated crimes because it would increase control over their working environment, potentially leading to these officers having greater self esteem and personal satisfaction. However, he ultimately rejected this approach because he felt it would be impossible to train every front-line officer to properly investigate the intricacies of a hate motivated crime. In contrast, Oettmeier and Wycoff (1997) caution that relying on specialist officers can easily cause these officers to be seen as elitists, a situation which also tends to negatively affect morale. Overall, the discussion of whether to create specialized police units or leave the responsibility of dealing with certain societal problems, like hate motivated crime, to generalist officers, remains unresolved (Wycoff, 1994; Leighton, 1991; Chacko & Nancoo, 1993; Bayley, 1994; Goldstein, 1992). There is also no agreed upon answer as to what is the appropriate level of resources for police agencies to dedicate towards dealing with hate motivated activity in a given community (CACP, 1996).

Conclusion

A review of the literature has demonstrated that hate motivated activity has a long history in this country which has claimed many victims. Research also helps to explain why hate motivated crime represents a special threat at both the individual and collective level. This evidence supports the notion that a hate motivated crime exacts a higher toll than a corresponding crime without the additional element of hate.

The criminalization of hate motivated activity has proved to be a difficult task because of the array of labels and strategies that tend to hinder a clear understanding of this problem. Attempts to control hate propaganda through legislation have achieved only marginal results, and the literature seems to suggest that recent legislation (Bill C-41) aimed at controlling the larger problem of hate motivated crime is not expected to fare much better. Writers in this field maintain that without commonly accepted conceptual and operational definitions of what constitutes a hate motivated crime, efforts to address this problem will be made that much more difficult. The literature also indicates why the current absence of a national statistical database to track and monitor hate motivated activity in Canada will further impede efforts to address problems related to hate motivated activity. The literature also appears to suggest that because of insufficient training for police and a general misunderstanding of hate motivated activity, the Canadian criminal justice system is ill prepared to respond to the difficult challenges it will face. Overall, much work in this area clearly has to be done and police officials are among those trying to find suitable remedies. To date, Canadian police chiefs have endorsed several strategies for police agencies and officers and Crown prosecutors to follow when dealing with hate motivated activity. The practical value of having an effective means for police to respond to hate motivated activity cannot be denied and as such, this thesis will now shift to examine the effectiveness of one such policing strategy in detail, the bias crime unit.

CHAPTER III

METHODOLOGY

Introduction

At the provincial and local levels there have been some attempts to have the police spearhead the fight against hate motivated crime. The most notable efforts have come in the form of specialized “hate crime officers” or “bias crime units”. Across Canada there are hate crime officers or bias crime units within several police services including Metro Toronto, Halifax, Winnipeg, Montreal, Halton, the OPP, the RCMP and the Ottawa-Carleton Police, to name but a few (Janovich, 1997).

The Ottawa Police (renamed the Ottawa-Carleton Police in January 1995) was the first agency to form a bias crime unit in Canada. The Ottawa Police Bias Crime Unit evolved in part out of an identified need through liaison with the local community and from the recommendations of the Stephen Lewis report (1992). This report urged Ontario police agencies to maintain closer contact with diverse communities in an effort to remain more responsive to their needs. Another impetus flowed from work being carried out at the time by the Ottawa Police Youth Services Section regarding youth gangs. What came to light in 1991 was that some of these gangs had a different motivation from the other gangs, a motivation that revolved around organized hatred. As a result, the Ottawa Police began to work very closely with the Jewish, gay and lesbian communities and discovered that no government group tracked crimes where the victim was targeted as a result of race, ethnicity, religion, or sexual orientation (Ottawa Police, 1994).

In the fall of 1992, the Ottawa Police became aware of the highly successful Boston Police Department’s Community Disorders Unit. A delegation visited this Unit and

returned to recommend that a similar operation be established in Ottawa to address criminal activity motivated by a bias against one's race, religion, ethnicity/nationality, or sexual orientation. The result was that on January 1, 1993, Canada's first Bias Crime Unit was born. This one-person operation boasted an investigative function as well as an intelligence and educational component. The investigative and intelligence functions were seen as critical for ensuring that the bias crime officer was not seen as performing "soft" police work. The educational component was essential to ensure there was an increased awareness about the problem of hate motivated crime in the community (Ottawa Police, 1994).

The Ottawa-Carleton Police Bias Crime Unit has earned both a reputation as the nation's best and an international reputation for excellence.⁹ Canadian academic and government sources have consistently commented that this Unit represents the model which other police agencies should emulate (Kinsella 1994; Roberts, 1995; National Action Network on Hate Crime, 1996; Ontario Solicitor General, 1994; Canadian Centre for Police Race Relations, 1996). In 1994, the Ontario Ministry of the Solicitor General and Correctional Services required that police services boards, in consultation with their communities, should consider developing their own bias crime unit based upon the "Ottawa model". Locally, Chief Crown Prosecutor Andre Berzins endorses the Unit, as do other prominent members from the judiciary.¹⁰ Ottawa-Carleton Regional Police Chief Brian Ford and members from the Police Services Board are, not surprisingly, equally supportive of the Bias Crime Unit. An internal police audit also yielded positive results (Ottawa Police, 1994). The media have also been very favorable in assessing the utility of this initiative, citing the quantity of charges laid and the Unit's reputation for sustaining a meaningful dialogue with affected communities.¹¹ Local school boards and principals also

⁹ In November 1995, the "United Kingdom Symposium on Hate Crime" featured a member of the Ottawa-Carleton Bias Crime Unit as their keynote speaker.

¹⁰ Chief Crown Prosecutor Jimmy Stewart, 1993; Attorney Mark Moores, 1996.

¹¹ Maclean's Magazine: May 8, 1995; Raymont, Peter (producer). CTV Documentary "Hearts of Hate": 1994; Ottawa Citizen, Ottawa Sun and The Spectrum Newspaper, 1992-1996.

grade the Unit with high marks.¹² Representatives from targeted groups, especially the gay and lesbian community, are also in general agreement as to the need for a Bias Crime Unit.¹³ Often the symbolic value of the Unit, coupled with its investigative component, are cited as the main reasons for its success. As stated earlier, there is an abundance of support for this Bias Crime Unit, yet there is no research which confirms or discounts whether it is an effective response in the eyes of actual victims who have used this service. Given this absence, the focus of this research is to ascertain the satisfaction level of victims who have received service from the Ottawa-Carleton Police Bias Crime Unit.

Sources of Information

Out of a necessity to focus this research, a case study of victims who have utilized the services of the Ottawa-Carleton Regional Police Bias Crime Unit between 1993 and 1996 represented the principal source of data. Augmenting interviews was the use of confidential police reports, victim impact statements, official and private communication, policy and procedure statements, government legislation, the Canadian Criminal Code and select books, articles and magazine accounts. The on-line newspaper clipping service "INFOMART CUSTOMSEARCH" was also utilized. This research used Canadian content as much as possible because this was a local case study and variations in laws, systems, extent and history of hate motivated crime problems in other countries could potentially confuse the question at hand. Fortunately, my tenure as a police officer and research analyst for the Ottawa-Carleton Police proved beneficial in accessing relevant data. Also, my participation on the now defunct National Action Network on Hate Crime

¹² June Girvan from the Ontario Ministry of Education; Dan Wiseman from the Ottawa Board of Education; Jack Shapiro Principal of Lisgar Collegiate.

¹³ Gays of Ottawa, Canadian Jewish Congress, B'nai Brith League for Human Rights, Urban Alliance on Race Relations, Pink Triangle, Aids Committee of Ottawa, Association of Lesbians, Gays and Bisexuals of Ottawa, Gender Mosaic, and Ottawa Knights.

provided first-hand access to many of Canada's most prominent authors in this field, and indirectly to government officials and community leaders.

Determining Sample

Creating a rich sample of victims who had made use of the Bias Crime Unit was a multi-staged process that required careful screening to ensure the final sample would be representative of the situations reported to the police in Ottawa-Carleton. The Bias Crime Unit officially began investigating crimes motivated by hatred on January 1, 1993, and has tracked these crimes by the specific offence type as well as by the victim's group targeted. Between January 1993¹⁴ and July 1996, this Unit recorded 1,158 separate incidents of hate motivated crime reported under 947 official police cases (roughly 200 cases had more than one incident.¹⁵) Of the 947 cases, 54 were not included for the purposes of this study because they were officially classified by police as "other" or "human rights". An additional 98 cases were not considered because the Bias Crime Unit investigation determined that the incident was not a bias motivated crime. This left 795 cases or approximately 1,006¹⁶ recorded incidents available for the purposes of this research.

Crime Categories

Given that a victim's satisfaction with the services of the Bias Crime Unit may be contingent upon the type of hate motivated crime they have experienced, it was necessary to

¹⁴ A total of 105 incidents were reported as having occurred on January 1, 1993 - the official launch date of the Bias Crime Unit. In reality, these incidents occurred in the fall of 1992 when the Ottawa Police started keeping track of hate motivated crime.

¹⁵ An "incident" represents a single event, such as vandalizing a car or stealing a VCR. A "case" however, is the term used to describe all those incidents that can usually be associated together by a single time and place and generally construe a single police investigation. For instance, if an offender's hatred motivated them to break into a person's home and spray paint a swastika on the wall, the case could be tabulated as containing up to three separate hate incidents: break and enter, graffiti or vandalism; and possibly even intimidation - depending on the graffiti message.

¹⁶ The number 1,006 represents an estimate because it was impossible to determine how many cases involved a single or multiple hate motivated crimes. Therefore, to determine the number of cases that should be excluded from the total of 1,158 reported incidents, the 152 cases (54 + 98), was also subtracted from the total number of incidents (1,158 - 152), this left 1,006 incidents.

catalogue the types of hate motivated crimes reported in Ottawa-Carleton between 1993 and 1996. From the Bias Crime Unit's database, fifteen crime categories were identified. In seeking to gather a rich, manageable and proportional sample from which to conduct interviews, it was determined that further categorization would be necessary because of the wide variance in the sizes of the crime categories (for instance, there were only two reported incidents of hate motivated arson while there was 183 reported incidents of hate motivated vandalism). In other words, a prohibitively large number of subjects would have to be interviewed to proportionately address every crime category. The fifteen crime categories were therefore sorted into three "bins" using established Ottawa-Carleton Police and Statistic Canada's Uniform Crime Reporting criteria (see Illustration B for a complete overview of the crime cataloging process utilized). The resulting three crime category bins were: A - Crimes against person, B - Crimes against property, and C - Threats / Intimidation.

In developing these three bins, certain observations about reported hate motivated crimes in Ottawa-Carleton between 1993 and 1996 could be made. As illustrated on Chart 3.0, the Ottawa-Carleton Police recorded 426 incidents of hate motivated threats / intimidation (39% of total hate motivated crime categories), 398 incidents of hate motivated crimes against a person (36%), and 280 incidents of hate motivated crimes directed against property (25%). Less than 1% of the incidents were missing. The missing incidents are attributed to clerical errors at the data entry stage.

Illustration B

Hate Motivated Crime Categories: 1993-1996

Chart 3.0 provides the percentage breakdown of reported hate motivated crimes in Ottawa-Carleton from 1993 to 1996.

In order to provide the reader with a more complete picture for each of the hate motivated crime categories identified in Ottawa-Carleton from 1993 to 1996, Charts 3.1, 3.2, and 3.3 have been included. These charts illustrate in more detail the composition of each of these three major hate motivated crime categories, otherwise referred to as "bins".

Chart 3.1

Hate motivated crime directed against people included five separate crime categories. At 275 incidents, assault level one was the single highest hate motivated crime category of any of the fifteen categories reported to the Bias Crime Unit.

Chart 3.2

Reported hate motivated activity directed against property mainly consisted of acts of vandalism (183 reported incidents) followed by hate motivated graffiti (67 reported incidents) and the five other categories shown.

Chart 3.3

Reported hate motivated threats / intimidation were composed of three categories: Intimidation, Harrassment and Hate Mail.

Victim Categories

To help determine whether a victim's satisfaction with the services they received from the Bias Crime Unit was related to their association with a certain racial, religious or sexual group, it was necessary to sort the Bias Crime Unit's database to determine the frequency that certain groups in Ottawa-Carleton reported being the victims of hate motivated crime. It was felt that this information would ultimately go far in helping to answer the research question at hand.

Unlike the crime categories, no established procedures could be found for cataloging victim group types other than those already developed by the Bias Crime Unit. This is an acknowledged problem among statisticians and even Statistics Canada does not have a system for cataloguing this type of information (Cybuski, 1997; Statistics Canada, 1992). Indeed, other police agencies with Bias Crime Units have developed their own systems based on the Ottawa-Carleton Police model (Watts, 1997). For these reasons the existing victim classifications of the Ottawa-Carleton Police Bias Crime Unit were employed. Using this Unit's classifications also permitted greater consistency when working with their hate motivated crime database.¹⁷ And although this increased the potential for problems related to subjectivity, particularly due to the Unit's lack of written procedure, there was little choice.

As shown on Illustration C, a total of 17 victims' groups were identified by the Bias Crime Unit between 1993 and 1996. Because it would not have been practicable to draw a proportional sample from so large and diverse a mixture, the three largest victim group "barrels" were utilized: Anti-racial, Anti-sexual, and Anti-religious.

¹⁷ The limitations section of this report (see page 52) will highlight some of the problems associated with defining the various victims' groups discussed. Specifically, the Bias Crime Unit's definitions are ambiguous and at times misleading. This points to the need for a uniform method for identifying individuals by victim group, a practice which would be beneficial in understanding the scope and nature of hate motivated crime in Canada.

The five groups most frequently reporting hate motivated crime victimization were blacks, whites, gays, Jews and Asians, representing 79% of the Bias Crime Unit's caseload from 1993 to 1996.

Illustration C

As illustrated in Chart 3.4, the most frequently reporting victim was someone identified by their race, next were victims identified by religion and finally those identified by their sexual preference.

Target Group: 1993-1996

Chart 3.4

At 60%, Race was the most dominant group identifier among reported hate motivated incidents in Ottawa-Carleton from 1993 to 1996. It is interesting to note that national figures on hate motivated crime, compiled by the Justice Canada in 1994, are remarkably similar to the situation reported in Ottawa-Carleton. According to Justice Canada the national breakdown of hate motivated crimes is 64% racial, 24% religious, and 12% anti-sexual.

Closer examination of the three victim barrels revealed that among reported incidents in Ottawa-Carleton, black people most frequently report hate motivated crime victimization. At 341 incidents, they represented 34% of the Bias Crime Unit's case load. Anti-semitic incidents led the anti-religious barrel, being reported a total of 166 times (17%). Anti-gay male¹⁸ incidents dominated the anti-sexual preference barrel, being reported 114 times (11%). Charts 3.5, 3.6 and 3.7, illustrate the composite breakdown by race, religion and sexual preference.

¹⁸Anti-lesbian incidents were reported 24 times from 1993 to 1996. Because this category includes bisexual and transgender victims and because of inconsistent data entry on the part of the Bias Crime Unit, a small (3%) variance in recording was observed.

Race Category Victimization: 1993-1996

Chart 3.5

At 341 reported incidents, blacks were well ahead of any other reporting group, including Jews and gays.

Religious Category Victimization: 1993-1996

Chart 3.6

There was a total of 166 hate motivated incidents reported against Jews in Ottawa-Carleton from 1993 to 1996. Jews were by far the leading reporters in the category of religious victimization.

Sexual Category Victimization: 1993-1996

Chart 3.7

Within the sexual preference category, 97 gay men reported being victimized whereas lesbians reported 24 incidents in the same period. Bisexuals and people who are transgender reported a combined total of 20 incidents.

An examination of victim groups showed that in addition to the anti-black, anti-Jewish and anti-gay incidents already discussed, anti-Asian incidents were reported 80 times (8% of Bias Crime Unit's caseload) and anti-white incidents were documented 74 times (7%). Together these five victims groups represented 79% of the Bias Crime Unit's case load between 1993 and 1996. The remaining 231 incidents (23%) involved those groups previously identified in Charts 3.5, 3.6, and 3.7, (such as Aborigines, Protestants, Catholics, etc.).

Charges

Between 1993 and 1996, 114 investigations resulted in criminal charges being laid by police - although not necessarily by personnel from the Bias Crime Unit. Chart 3.8 illustrates that on average, there is a 14% chance of a reported hate motivated case resulting in a criminal charge.

Police Charges By Victim's Group: 1993-1996

Chart 3.8

An examination of the Bias Crime Unit files revealed that victims who are Jewish are less likely to see the case result in criminal charges, while Asian victims are the most likely to have a charge laid. On average police lay a criminal charge in 14% of reported hate motivated cases.

Among the five most statistically significant victim groups, hate motivated activity against Asians had the highest probability of a criminal charge resulting (24% of the time), while anti-Semitic crimes only resulted in police charges being filed 6% of the time. As cases were screened it became obvious that certain groups report being the victim of certain types of hate motivated crimes. In the sample selected, Jews, for example, are seldom represented in the "crimes against person" bin (10 of 166 anti-Semitic cases or 6%), while Asians are disproportionately represented in this same area (33 of 80 anti-Asian incidents or 41%).

In addition to the broad range of “cultural” reasons cited in Chapter Two, the charge rate variance appears to explain some of the disparity between the number of police charges laid between victims’ groups. This is because crimes directed against a person are more likely to involve a witness (often the victim) than an incident of property damage, and typically merit a higher police priority than property offences, which are routinely reported over the phone, and often then just for insurance purposes.

Screening for Potential Respondents

With the aim of achieving a rich, highly representative random sample that would permit an understanding of a hate motivated crime victim's satisfaction with the Ottawa-Carleton Police Bias Crime Unit, a pragmatic approach was taken. Having already determined that the top five victim groups represented the greatest portion of reporting victims (799 incidents or 79% of total), it was from these groups that potential respondents would randomly, but proportionately, be drawn. To reflect the top five victim groups, without creating too large a sample, it was determined through simple division that the potential sample group should contain nine black, four gay, four Jewish, two Asian and two white respondents - for a total of 21 potential respondents per year.¹⁹ The composition of this group also had to proportionately reflect the three crime category bins (A - Crimes against person 36%, B - Crimes against property 25%, and C - Threats / Intimidation 39%).

To test whether a victim's satisfaction with the Bias Crime Unit can be correlated with an offender's apprehension, a significant number of cases that resulted in criminal charges were also factored into the potential sample group.²⁰ Finally, to help mitigate the

¹⁹ Although the intention was to conduct interviews with only 20 respondents, it was deemed prudent to have a healthy buffer should difficulty arise in finding willing participants. A total of 84 files were initially selected - 21 cases per year.

²⁰ Because of the low number of criminal charges, a disproportionately large number of files that resulted in charges were factored into the potential sample to increase the chances that some of the actual respondents who agreed to participate would be represented at the interview stage.

effects of staffing changes within the Bias Crime Unit, as well as other variables such as changing police policy, management styles, and other external factors, the prospective sample included an equal number of participants for each year from 1993 to 1996.²¹

Drawing the Sample

Having already sorted all 795 cases into a series of computerized bins and barrels, and with a means to easily identify cases where a criminal charge was laid, it was possible to draw potential respondent cases. For a visual overview of this process, refer to Illustration D. Because every hate motivated case selected contains a mandatory “victim category field”, the person identified in this field was deemed to be the potential respondent. If multiple victims were identified, it was randomly decided that only the first person listed was considered. If the case involved hate motivated graffiti, or damage to public property, the person who made the official police complaint was deemed to be the victim.

Upon screening the 84 cases that were randomly selected, it became obvious that 22 cases could not be used. In most of these cases, the victim's address was not provided on the police report, other cases had no victim (e.g., public graffiti found by police), or involved child victims. Three of these cases had been improperly filed. Because the potential sample pool had now dropped to just 62 cases, an additional 24 files were randomly drawn using the same selection procedure as before. However, one exception to the procedure was made to include a case involving Natives who had refused service from the Bias Crime Unit. It was felt that because the purpose of the research was to understand a victim's perceived satisfaction with the Bias Crime Unit, the Native case should be included because it would permit some understanding of why certain victims decide not to involve the police.

²¹ The annual number of cases remained relatively constant over the four years studied, reaching a high of 232 cases in 1996 and a low of 169 cases in 1994.

Selecting the Potential Sample Group

Potential sample sorted to ensure selection proportionately reflects crime category bins.

In seeking to draw neither too many, nor too few potential respondents, the number of persons sought per year was 21. (It was mathematically determined that to be proportionate of the five top reporting victim groups, there should be nine black, two white, four gay, four Jewish, and two Asian hate motivated crime victims.) By selecting 21 potential respondents per year, it was felt that a suitably large pool to draw from would exist. To ensure that respondents were randomly selected from the victim barrels, a deck of playing cards was utilized. The deck was cut and the card selected was matched against the last digit of the police file numbers for the computer generated barrels, when a match was made that file was chosen providing it also fit within crime category requirements.

The problem of trying to divide an individual into fractions was resolved by adjusting figures over a four year average. In other words, if there was a slight over representation in one year's category, this would be offset the following year. Care was taken to ensure that a rich number of cases that resulted in criminal charges was also proportionately factored into the potential sample mixture.

Illustration D

Consent

Prior to the actual interview process, the Ethics Committee of the Department of Law at Carleton University reviewed the research questionnaire and a synopsis of the Master's proposal. This committee approved the research. As well, the Chief of Police was advised in writing of the purpose of the research and also provided written consent (refer to Appendix Two).

Contacting Respondents

In February of 1997, introductory letters were mailed to the potential sample group explaining the purpose of the research and requesting their participation (refer to Appendix Three). Two weeks after the mail out, follow-up calls began. Of those contacted, four people declined to participate and language was a barrier in two other cases. The majority of the potential sample group did not return any of the three phone messages which were placed at various times of the day, including weekends, over a two week period.²² As a result of the telephone contacts, 26 people agreed to participate in the study although only 19 of these people were actually interviewed. Seven people could not be interviewed because of ongoing problems in scheduling a suitable time and one person simply did not show. At the request of the Native participant, his interview included a follow-up group session with other Natives victimized by hate motivated crime in Ottawa-Carleton. This brought the number of interviews to 20, although some of the interviews did involve more than one person.

As evidenced in Chart 3.9 and Chart 3.10, the actual group sampled contained a rich mixture of respondents and crime group categories. Twenty-two of the people

²² The decision to make three phone calls at different times and on weekends stemmed from my police training. If after three tries to contact a potential respondent there was no response, the case was abandoned at that point. The fact that I was a police officer seemed to make those people I was able to contact more receptive to participating in the study, which may reflect their trust in policing, something that was arguably demonstrated when they originally filed victimization reports. Not surprisingly, the older the police case, the less likely the chance of locating a willing participant.

interviewed were male, seven were female. The group ranged in age from 21 to 75 years. Respondents also represented a highly diverse mixture of socio-economic classes and four of the cases involved matters in which a criminal charge was originally laid. Although the single anti-female case identified in Chart 3.9 was originally classified by the Bias Crime Unit as "hate motivated graffiti", at the request of the respondent, this case was reclassified as misogyny for the purpose of this study.

Hate Motivation	Number of Interviews
<i>Anti-Semitic</i>	4
<i>Anti-Gay</i>	5
<i>Anti-Black</i>	6
<i>Anti-Female</i>	1
<i>Anti-Asian</i>	2
<i>Anti-Native</i>	2
Total	20

Chart 3.9

The sample interviewed was diverse and well representative of the overall reported situation in Ottawa-Carleton from 1993 to 1996. The ideal composition would have been four Jewish, four gay, nine black, two Asian and two white respondents.

Interview Locations

Formal interviews ran for the entire month of March 1997, taking place at a variety of mutually agreed upon locations. The objective here was to have a setting that was convenient and accessible and which did not place the respondent at a disadvantage. Attempts were also made to select a comfortable location that would allow for eye contact (Guba and Lincoln, 1981), tracking of body language and mirroring the participants' posture (Ivey, 1982). Locations for interviews included the Ottawa-Carleton Police Victim Crisis office²³, coffee shops, a convenience store storage area, a university bar, a Native reserve, business offices, places of worship and respondents' homes. Because some respondents either worked or lived out of town, three interviews were conducted over the telephone. Interviews typically lasted for just over one hour; however, one was only 25 minutes, while another lasted for over five hours. As mentioned earlier, there were two Native interview sessions (one being a group session that involved eight Natives), and at another interview, both the husband and wife participated. Thus, from the 20 interview sessions, 29 people were actually interviewed. Excluding phone interviews, only the sessions with Natives were not taped.²⁴ At the Native group session, it was requested that no tape recording or in-depth field notes be taken.²⁵

Methodological Framework

A phenomenological approach was selected as the research paradigm for this study because, as Oiler (1982) states, this approach can most effectively meet the goal of understanding a lived experience. One essential assumption of the phenomenological

²³ People who lived downtown typically requested having their interview conducted at the police station because it was so convenient for them. I ensured the police setting was neutral by holding the interview in the Victim Crisis Section's Interview Room. This setting had the added benefit of subtly letting participants know that special services existed to assist them if need be.

²⁴ To ensure information was accurately interpreted and to protect myself against any allegations of personal misconduct, all research interviews were taped recorded with the participants' consent.

²⁵ The reason why tape recordings and note taking was not permitted was not explored; however, the situation suggested to me their request stemmed from concerns that their comments might ultimately be used against them at some later time.

paradigm is the belief that individuals are self-interpreting. Since this study was concerned with the product of human minds inclusive of all attendant subjectivity, emotions and values (Smith, 1983), a phenomenological paradigm was well-suited. For the purpose of this research project, meaning was paramount but could only be ascertained through an understanding of the transaction between the individual and the situation. “The individual both constitutes and is constituted by the situation” (Benner, 1985: 7).

Accepting that perception is reality and truth is “a composite of realities where the world is grasped in profiles dependent upon individual perspective” (Oiler, 1982: 179) is to accept that multiple realities are inter-related and form individual patterns of truth. Such patterns, therefore, constitute the subjective reality of an experience and subsequently provide a critical framework necessary for the understanding of meaning.

In attempting to search out the patterns and truths of hate motivated crime victims who have utilized Ottawa-Carleton’s Bias Crime Unit, a hermeneutical approach was employed. According to Smith (1983), this approach allows for a better understanding of a person within the context of the situation. The hermeneutical approach is capable of accounting for individual reactions based on past experiences, cultural influences, expectations, rules and biases, and subsequently represented a logical methodological choice for this qualitative study.

One valuable field-research tool that is associated with the hermeneutical approach is the interview. Guba and Lincoln (1981) argue that when the focus of an investigation is a sensitive and potentially emotional topic, the interview is more likely to elicit “accurate” responses. Because this thesis is concerned with exploring the perceptions of the individual hate motivated crime victim, the semi-structured interview method was also appropriate because it aided in understanding the participant's world. The semi-structured

interview provided a framework within which respondents were able to express their understanding of the world in their own terms, allowing for rich, fruitful explanations, local causality and the preservation of chronological flow (Patton, 1980). Selltiz, Wrightsman and Cook (1976) believe that the less structured interview is more commonly used for an intensive study of perceptions, attitudes and motivations, and that this approach is a useful tool for investigators wishing to understand how a respondent conceptualizes a topic. This type of interview typically begins with an outline of topics which the investigator intends to cover but does not preclude a deviation from the agenda to explore emerging thoughts and feelings. Respondents, not obliged to give the “correct” answer (Dawson, 1996), had the opportunity to clarify their opinions and feelings.

For the purposes of this research, it was essential to interpret statements and facts in terms of what they mean to the participant. Answers were not taken automatically at face value, instead words and other non-verbal clues were all considered for deeper meaning. Babbi (1979) argues that the participant's answers should form the basis for subsequent questions and that the use of neutral probes designed to elicit an elaboration on an incomplete response to open-ended questions represents a good strategy to clarify meaning and mitigate researcher bias. This involves phrases like "Can you tell me more? What were you feeling? What was it about that situation that stands out most vividly for you?"

During the interview, notes in the form of topic headings and numeric scoring were made. Although potentially distracting, these notes proved invaluable for keeping track of themes and areas for clarification. Once interviews were completed and notes organized, interpretative analysis was used to draw out commonalties (and exceptions) in meaning, situations, practices and bodily experiences (Benner, 1985). It was felt that a systematic analysis of both the results as whole and the components parts was necessary to discover whether more than one interpretation of the data was possible. Smith (1983) maintains that

in order to achieve a meaningful interpretation using a hermeneutic approach, a process of constant movement between the parts and whole is necessary. Benner (1985) states that a shifting between the whole and the parts of an interview transcript may reveal new themes, issues or questions which are relevant to the process of understanding. Utilizing a systems approach to this inquiry allowed for a comparison of themes and a clearer understanding of how the parts relate.

Three interpretative strategies were employed in the systematic analysis of notes: paradigm cases, exemplars and thematic analysis. Benner (1985) advocates these strategies because they permit the depiction of the person within the situation. A paradigm case is an expression of a particularly strong ontological and epistemological view, whereas an exemplar presents a less strong but still telling view. Finally, thematic analysis aids the search for common themes and patterns. Each interview was therefore individually analyzed using each of these interpretative strategies, first on their own, then in comparison to one another and finally they were analyzed at a systems level. In isolation and in concert, these three strategies formed the analytical basis that helped uncover meaning and allowed for an understanding of the subjective reality of interview participants.

To validate the interpretative findings in this study, triangulation was used. (This approach also helps to explain my rationale for interviewing multiple-respondents about the same phenomena.) Triangulation “supports a finding by showing that independent measures of it agree with it, or at least don’t contradict it” (Miles and Huberman, 1984: 234). To guard against self-delusion, I heightened my own self-awareness through documentation logs and vetting ongoing findings through respected, independent colleagues. These colleagues provided a reality check, countering anything taken for granted, offering alternatives and ensuring results are what Guba and Lincoln (1981) describe as “dependable”.

Limitations of the Study

The subjective nature of phenomenological inquiry necessitated an awareness of the potential for researcher bias. Guba and Lincoln (1981) maintain that the best cure for biases is to be acutely aware of how they interfere with our interpretation of the subject's reality. Consequently, although this researcher's professional background can be an asset, my 13 years as a police officer also generate considerable conceptual baggage. As a patrol officer, I witnessed suffering and grief on a daily basis - how desensitized I have become to the victimization of others cannot be ignored. My duties and experience as an investigator also created a degree of expectation as to what a police response to hate victimization should entail. Even more than my police background, my "cultural" background creates an inescapable lens through which I view reality - a reality that has little practiced experience or knowledge of the shading and subtleties of some of the cultures I was exposed to. I do believe, however, that by being cognizant of the potential for bias, this problem was mitigated.

The act of having a police officer conduct semi-structured interviews with victims creates the potential for a power relationship conflict. Ethical concerns also arise from asking respondents to rekindle, however indirect, some of the trauma associated with their victimization. Furthermore, the proposed data collection technique could have placed this researcher in a difficult situation should allegations of police impropriety arise. Use of a qualitative research design also has limitations. Criticisms about subjectivity of design, researcher bias, replication, lack of procedural guidelines and the fact that the data is based upon the subjective interpretative memory of the respondent are all valid.

Because this is a local case study, findings and generalizations are most relevant to the Ottawa-Carleton Police Bias Crime Unit and likely have relevance to other

communities. Although family members and entire communities can, and are, victims of hate motivated crime, resource constraints and the design of this study precluded an examination of such victimization.

The absence of a standard for determining race, religion, ethnicity and sexual orientation was another limitation. At present, hate motivated crime victims are categorized by the Ottawa-Carleton Police Bias Crime Unit according to the outward appearance of the victim; the victim's self-identification; or in the absence of these, categorization would be based on any available clues the investigator can discern (Watts, 1997). The officers from the Bias Crime Unit acknowledge the inherent problems and subjectivity associated with this practice, but maintain it is "better than nothing". Unfortunately, there was no way to avoid transplanting these problems into this research.

Research Instrument

In the context of the research question *"Do the victims of hate motivated crime find the Ottawa-Carleton Regional Police Bias Crime Unit an effective response in addressing their victimization?"*, determining effectiveness was critical for discovering meaning and achieving an understanding of the participants' subjective reality. Effectiveness was determined from an analysis of hate motivated crime victims' attitudes, beliefs, feelings and responses about their experience with the Bias Crime Unit. According to Grove (1966) attitude is a disposition primarily grounded in effect and emotion and is expressive of an opinion rather than a belief. Belief is a firm conviction or mental acceptance as to the beneficial, genuine or good quality of something. Feeling is an emotional state of responsiveness, a frame of mind or an unreasoned opinion. Response is a reaction to stimulus. Together, these indicators permit an assessment of victim's expectations and their perceived satisfaction with the quality of service rendered from the Bias Crime Unit.

Concrete indicators to assess expectations and the quality of service provided were developed to answer this research question. These indicators went beyond asking whether clients were generally happy with the service or not. Instead, the indicators used provided important insights into what aspects of the Bias Crime Unit's service are most important to the client (expectations) and how they perceived the level of quality delivered. A visual interpretation of this approach is presented below in Illustration E. By focusing interview questions on service performance indicators and not on the actual criminal incident, the possibility of causing the respondent to relive the trauma associated with their victimization was diminished.

Illustration E

DETERMINING EFFECTIVENESS THROUGH PERCEPTUAL INDICATORS

The interview questions used were both open-ended and semi-structured in nature. Each section of the interview is composed of several related questions ordered in such a way as to gradually probe deeper into the perceptions of hate victims who have used the services of the Ottawa-Carleton Police Bias Crime Unit. By measuring their perceptions

through appropriate indicators, it was possible to determine their satisfaction with this service and consequently the effectiveness of the Ottawa-Carleton Police Bias Crime Unit. Each of the interview questions was developed with anticipated areas of response based on the literature in this area. It was felt that this background information would aid the research process by allowing themes and deviations to be readily identified and explored during the interview. What follows are the actual interview questions and the rationales for those questions.

Rationale for Research Questions

- 1 a) The Ottawa-Carleton Police Bias Crime Unit is one of only three such units in Canada and has tried to make the services it provides well known to people in this area. Sometimes people hear about it through direct involvement in an investigation, sometimes through referrals, while others become aware of the Bias Crime Unit's services through outreach initiatives, their written material or by way of mention in the press. How was it that you become aware of the Bias Crime Unit's services?**

Rationale:

Respondents may also shed some light as to whether certain linkages and communication strategies by the Bias Crime Unit have had any effect in diminishing the sense of alienation from the justice system that was revealed in the 1994 Justice Canada report, "Ethnocultural Groups and the Justice System in Canada: A Review of the Issues."

The Bias Crime Unit has prided itself on the amount of outreach work it does, attending approximately 100 formal and informal meetings annually (Watts, 1997). The answer to how the respondent became aware of the Bias Crime Unit's services should highlight this work.

- 1 b) As you are aware, I was able to contact you to do my research because you filed a police report which was investigated by the Bias Crime Unit. Could you tell me about any concerns or issues you may have had when you first approached the Bias Crime Unit?**

Rationale:

Research currently suggests there are a large number of concerns which victims of hate motivated crimes face when deciding whether to report a bias motivated crime and these concerns are believed to vary according to group affiliation. For example, among gays, the fear of secondary victimization is the main reason cited for non-reporting (Peterson, 1991). Comstock (Berril & Herek, 1992: 294) found that 67% of those who had not reported had experienced or perceived the police to be anti-gay, 14% feared abuse from the police, and 40% feared public disclosure of their sexual orientation.

In the 1994 report “Ethnocultural Groups and the Justice System in Canada: A Review of the Issues”, it was revealed immigrant victims will often eschew contact with the police because of their failure to understand the Canadian legal climate and the extent to which the Canadian justice system will respond to certain kinds of offences. A 1993 study on the needs of immigrants in British Columbia concluded that “negative experience with law-enforcement agencies in the country of origin was identified as the primary reason for not cooperating with, or seeking the protection of the Canadian justice system” (Immigrant Services Society of British Columbia: 57).

Immigrants are not alone in these feelings. Citing primarily cultural reasons, a Canadian Urban Victimization Survey (Solicitor General, 1982) found that non-reporting of victimization is especially high for Natives in Canada. As the Law Reform Commission found in “Aboriginal Peoples and Criminal Justice”,

The police are often seen by Aboriginal people as a foreign, military presence descending on communities to wreak havoc and take people away. Far from being a source of stability and security, the force is feared by them even when its services are necessary to restore a modicum of social peace in the community (cited in the Royal Commission on Aboriginal Peoples, 1996 at 58.)

Additional concerns about approaching a service like the Bias Crime Unit could be “culturally based”, language based, or brought out from fears that going to the police will result in alienation from one's group (Godin, 1994; Canadian Panel on Violence Against Women, 1992). There is also considerable evidence suggesting widespread fear of approaching the justice system, of seeking the protection of the justice system, or of cooperating with the justice system among minorities (Research and Statistics Directorate, 1994). The (1994) report, “Law Enforcement and Race Relations in Canada”, revealed the perception that there is “built-in bias” against ethnic and racial minorities in the justice system. The Stephen Lewis Task Force report in Ontario (1992) and the Comité Bellemare report in Quebec (cited in Brodeur, 1991) found evidence to support anger and mistrust of the justice system arising from police shootings of blacks in Toronto and Montreal. Also, research conducted by the Minority Advocacy Rights Council (1994) for the Department of Justice Canada suggests that representatives of minority groups - especially blacks - have knowledge or experience of unequal treatment in the Canadian criminal justice system.

The literature has identified many potential concerns or issues that a victim might feel in relation to the police. The concerns and issues identified can be lumped under a cultural or police stereotype heading. By asking this question it is possible to determine whether the existence of the Bias Crime Unit has had any effect on bridging cultural issues or diminishing negative police stereotypes.

1c) Why did you decide to report this incident to the Bias Crime Unit / police?

Rationale:

Given alarmingly high rates of under-reporting for hate motivated crimes, estimated to be in the area of 90-95 percent (Roberts, 1995; Bowling, 1994), question 1(c) affords the opportunity to discover what factors compel a hate motivated crime victim to break with tradition and file a police report, something that is absent in the current literature. This

question was purposely kept open-ended so as not to restrict responses and permit a full exploration of otherwise uncharted ground.

- 1d) When someone is about to use a service they may or may not have used before, it is normal to have some expectations about it. In the case of the Bias Crime Unit, this could involve expectations about service quality, the people who staff the Unit, the facilities, resources you will encounter, possible outcomes and the effect on you, to name but a few. Could you describe to me now any expectations you had the first time you made use of the services of the Bias Crime Unit.**

Rationale:

Understanding what expectations people have about a service will provide key insights into their motivation for using it. This information also serves as a base-line for determining whether there is a gap between victims' expectations and the actual service provided to them by the Bias Crime Unit - analogous to what Pound calls the gap between the law on the books and the law on the streets (as discussed in Nelken, 1984).

- 2a) The Bias Crime Unit serves the cities of Ottawa, Nepean, Gloucester, Vanier and the Village of Rockcliffe Park and is located within police headquarters at 474 Elgin Street, in Ottawa. The actual office is found on the first floor of the building and they share space with the larger Youth Section, with which they share a common waiting area. The Bias Crime Unit office is roughly 10' x 12' in size, it is carpeted and contains file cabinets, desks, phones, some posters and bulletin boards on the wall.**

What was your impression of housing the Bias Crime Unit within police headquarters?

Rationale:

A 1990 study by Gallup Canada revealed there was a preference by immigrants to have storefront clinics in their neighborhoods. A similar sentiment was raised in "Discovering Barriers", by Burtch and Reid (1994) and in the findings of Etherington (1994).

The Ottawa-Carleton Police have 21 community police centres in the region. Staffed by sworn officers, all can respond to crime and disorder problems. Although some are dedicated to traffic collisions and business crime, none of the centres is specifically mandated to address hate motivated crime. The purpose of this question is therefore to determine whether respondents would prefer to receive service from a traditional police building or from a community facility.

- 2b) Now I would like you to think about the appearance of the building, the office and the waiting area and remember to consider them in terms of such things as cleanliness, size, layout, decorations, functionality, etc.. What was your overall impression of these facilities as a whole?**

Rationale:

In Goldstein (1986), the critical importance of room set-up is highlighted. This sentiment is also repeated in the field of conflict resolution (see Duryea, 1992). This question was therefore included to discern whether victims are influenced by outward appearances. For instance, did they expect to find culturally sensitive posters on the building wall? Was there any correlation between the size of the Unit's office and the perceived commitment from the larger Ottawa-Carleton Police? Was the area surrounding the Bias Crime Unit a factor in the respondent's answers?

- 3a) Canada is a multicultural nation, many of its citizens speak a variety of languages. Were you served in your language of preference? (If answer is no... What impact did this have?)**

Rationale:

In "Multiculturalism, Representation and the Jury Selection Process in Canadian Criminal Cases" (1994), David Pomerant comments that the objectives of multicultural policy would be best served if involved parties were able to communicate with justice

system officials in their “best” language. Language barriers were also highlighted by lawyers as a problem in a 1993 study by Prairie Research Associates. Given the disproportionate number of hate motivated crime victims who may not communicate as well in English and the fact that this country is officially bilingual, the inability of members of the Bias Crime Unit to communicate in a language other than English may be a major issue.

- 3b) Making an official police complaint is an experience that most people aren't very familiar with and may have some questions about. These questions could be about procedures, laws, counseling services or the particulars of their case as it unfolds, to name but a few. You might even still have unanswered questions about your case. How would you rate the members of the Bias Crime Unit in terms of their ability to answer your questions fully?**
- 3c) Sometimes police ask you to fill in forms, write out statements, view suspect line ups, attend court, etc.. From start to finish, how satisfied were you with the explanations the Bias Crime Unit personnel about the procedures that involved you?**

Rationale:

Some victim groups are more likely to find the police complaint process more daunting than others. An immigrant, for instance, may be bewildered or even frightened by his or her ignorance about the law and how the legal system works in everyday life (Burtch and Reid, 1994). Making matters worse is the fact that legal information cannot be simplified below a certain point without losing some of the complexity inherent in the legal concepts (Research and Statistics Directorate, 1994). Naturally, this can be especially problematic for new and minority Canadians because of the compound effect resulting from potential language limitations and home country experiences.

Etherington (1994) and Friedland (1975), repeatedly identify the need for more culturally sensitive and accessible material in their reviews of public legal information systems. They suggest that because the police are the first point of contact with the justice system for victims of crimes, the police often represent the primary source of legal

information. It is therefore reasonable to expect members of the Bias Crime Unit to be skilled in addressing a victim's procedural questions in a culturally sensitive way.

- 3d) Sometimes the Bias Crime Unit will supply the victim with written information relevant to a person's case or about that type of crime in general. In terms of the clarity, appropriateness and usefulness of the information provided to you, how would you rate the material you received?**

Rationale:

Discovering how victims perceive the written material supplied to them, if any, provides a useful indicator towards assessing their overall satisfaction with the services of the Bias Crime Unit. Many of the same rationales already discussed above in relation to questions 3b) and c) also apply here, particularly those issues dealing with cultural awareness and the need for easily understandable material available in English, French and possibly even other communication media.

- 3e) Please consider any strategies or advice that the Bias Crime Unit personnel provided you to reduce the likelihood of you being the victim of a similar crime. How would you rate their efforts in this regard?**

Rationale:

In the Declaration of Principles section of the Police Services Act of Ontario (1990), the need for police to engage in effective crime prevention strategies is mandated. At the local level, the Ottawa-Carleton Police have committed significant resources towards the philosophy of community policing, which, according to police leaders and experts alike (Chacho and Nancoo, 1993; Rosenbaum, 1994, Police Executive Research Forum; Skolnick and Bayley, 1986), should include the presence of a strong crime prevention

element. Specific strategies include the establishment of community police centres, adopting Herman Goldstein's problem-oriented policing approach, utilizing crime prevention through environmental design (CPTED), employing strategic partnerships to communicate vital information to targeted communities, as well as a host of victim target-hardening strategies. At the core of many strategies is the belief that individuals can reasonably protect themselves from further victimization. Because hate motivated crime victims are more susceptible to repeat victimization (Symposium, 1994), it is reasonable to expect the Bias Crime Unit to tailor specific strategies towards certain groups so as to abate the chances of this occurring (Cook, 1993).

4a) The Bias Crime Unit is currently staffed by three officers, two constables and one sergeant. All three are white male officers and each has a minimum of 15 years of policing service. At times one or more officer may be assigned a case. In this section of our interview I would like to discover your perceptions about these officers.

They say you never have a second chance to make a first impression. Sometimes people are struck by the physical appearance of a person, their behaviour or what they say, to name but a few of the variables. Please characterize your first impression of these officers?

Rationale:

As the police are arguably the most visible and frequent point of contact with minority victims and offenders (Friedland, 1975), there has been considerable emphasis placed on the need for effective police recruitment of minorities (e.g., the now repealed Ontario Employment Equity legislation). Research suggests that an increased presence of minority employees in the justice system may reduce negative bias and symbolically demonstrate to observers that minorities are also part of the system (Research and Statistics Directorate, 1994; Etherington, 1994; Lewis 1992; Rosenbaum, 1994; et al.)

As the Bias Crime Unit is currently staffed by three white English speaking officers, it is anticipated this may be an issue for some respondents who would prefer the composition to be more reflective of the community being served.

- 4b) Could you describe the level of courtesy and helpfulness of the officers you dealt with in the Bias Crime Unit (as compared to other social service providers)?**

How important was it to you for these officers to be courteous and helpful?

Rationale:

Recent studies indicate that administrative bureaucracies in Canada routinely provide unequal treatment to visible minorities (Research and Statistics Directorate, 1994). Asking respondents this question will help reveal if the Bias Crime Unit is perceived to be engaging in such behaviour. Ironically, a poor showing for the Bias Crime Unit may not be indicative of a failure to be courteous and helpful. In his book “Dancing with a Ghost” (1992), Rupert Ross implies that courtesy and helpfulness may not lie on the same continuum. For him, the great cultural divide which separates the police from other cultures means that we must be prepared to accept that even a noble act may be misconstrued as insulting or worthless in the eyes of another culture.

- 4c) Please consider how much time the officers in the Bias Crime Unit spent with you both in person and over the phone. Think about if there was ever a sense of being rushed, or if they had time to deal with all your inquiries. Consider also any time you may have spent waiting for the officers, such as the time it took for them to return your calls, time spent in waiting areas, etc.. Now put this all together and please describe the accessibility of the Bias Crime Unit personnel?**

In the circumstances you were facing at the time, how important was it for you to be able to access these officers promptly?

Rationale:

Focus groups conducted on behalf of the Department of Justice Canada (Gallup Canada, 1991) found concerns about the accessibility of legal assistance for minority group members. Etherington (1994), Burtch and Reid (1994) and Currie (1994) all identified the need for a more accessible justice system. Recognizing the need to make their service as accessible as possible, the Bias Crime Unit participates in approximately 100 community meetings and gatherings annually and “will do whatever is necessary to ensure client satisfaction” (Watts, 1997). The practical issue then becomes, do the operational practices of the Bias Crime Unit make it accessible in the eyes of hate motivated crime victims who use this service?

- 4d) Although police sometimes refer victims to other agencies for counseling, they are also among the first service providers who can respond to a victim's emotional, psychological and culturally-based concerns. In terms of responding well to your emotional, psychological and culturally-based concerns throughout the investigation, how would you describe the officers of the Bias Crime Unit?**

Rationale:

This question will allow two principal issues to be explored in detail. The first concerns the need for empathy and cultural awareness among police, while the second deals with the way police handle the heightened trauma associated with a hate motivated crime.

In 1994 the Department of Justice made recommendations for sensitivity programs for all justice system personnel, developed on the basis of carefully researched areas where cultural values and practices conflict with Canadian statute and case law. Gordon and Nelson (1993) have documented the need for increased sensitivity training and the careful selection and training of justice system personnel. Etherington (1994) also comments on

the need to accommodate cultural differences in his report. Moreover, practicing lawyers have raised concerns about their ability to provide adequate services to ethnocultural minorities (Prairie Research Associates, 1993). Because of the very nature of its work, the Bias Crime Unit must maintain high standards in this regard.

As discussed earlier, when people are victimized because of race, ethnicity, or gender, they are considered more prone to experience long-lasting psychological trauma than others victimized by identical non-hate motivated crimes (Symposium, 1994). This hypothesis is based on the notion that when a person is targeted based on a characteristic a victim cannot control, there is no room left to rationalize or randomize the incident. Such random actions, coupled with the knowledge that further victimization is possible, are believed to heighten a victim's anxiety and becomes a criterion against which the Bias Crime Unit can be judged. How the Bias Crime officers respond to the increased emotional baggage and cultural issues associated with hate motivated crime victimization will provide telling insights into the overall assessment of the victim's satisfaction.

- 4e) As a public service the Bias Crime Unit is expected to treat everyone they come into contact with fairly. Please tell me why you do or why you do not feel you were treated fairly by the officers who staff the Bias Crime Unit.**

Rationale:

The concept of fairness carries a powerful symbolic value in the legal system and underscores the principles on which justice system is founded (File, 1994). However, Brodeur (1991) suggests that because of conflicts between minority communities and the police, the police may be less enthusiastic and therefore less fair in responding to certain calls. This concern is echoed in the 1994 Minority Advocacy Rights Council study which found that police have occasion to engage in an unfair, differential treatment of minorities. The Reid Report (1992), using public opinion polls, discovered there is a widespread

perception of bias in the justice system against members of ethnic minorities. As well, Etherington says that in many of the reports he reviewed “perhaps the most important shared finding is that members of ethnic and racial minorities have a strong perception that they are discriminated against by the criminal justice system” (1994). Not surprisingly, Etherington (1994) concludes that any perceived abuse of discretionary power by the police can anger communities and affect their perception of fairness in the justice system.

Among Aboriginal people, the fairness of police is routinely questioned (Satzewich and Wotherspoon, 1993; Morse and Lock, 1988). Instead of upholding justice, they are more frequently associated with being an instrumental part of what is perceived to be a “foreign, insensitive and often oppressive system” (Report of the Aboriginal Justice Inquiry of Manitoba, 1991: 6). How respondents answer this telling question will provide important understanding into their overall satisfaction with the Bias Crime Unit.

5 From first to last contact with the Bias Crime Unit, how would you rate the speed and timeliness of the services provided by them?

Rationale:

There has been very little study about the speed and timeliness of police services beyond initial contact. The small amount that does exist is anecdotal and flows from studies into random patrolling, rapid response and follow-up investigative work on crime reduction (Bayley, 1986; Goldstein, 1990). This question will therefore provide the opportunity to clarify issues, corroborate answers, explore new areas and provide insights into the overall efficiency of the Unit.

6a) Considering the amount of cutbacks and streamlining that is going on in business and government today, how important do you believe it is to have full time officers dedicated solely to investigating crimes motivated by a person's hate against another.

Rationale:

Both the Minority Advocacy Rights Council and the Research and Statistics Directorate identified that hate motivated crime is a key issue of concern constituting a serious threat to the safety and security of minority groups in Canada. In 1993 Gallup Canada found that the majority of Canadians believe that racial intolerance had increased over the previous five years and expected racial problems to escalate over the next five. According to the National Action Network on Hate Crime (1996) and University of Ottawa Professor Julian Roberts, (1995), this has already been confirmed. Consequently, it is anticipated that victims will support the existence of the Bias Crime Unit out of a perceived need to abate this growing problem. This is especially true for those who consider that in a multi-racial society such as Canada, hate represents a clear and present danger to social harmony and national unity (Cohen Commission, 1966). As discussed earlier, the need for a Bias Crime Unit becomes even more pressing in light of hate motivated crime research which suggests that a hate motivated crime is fundamentally different from a similar non-hate motivated crime because of the additional element of harm it imposes upon the individual and society.

In theory, a unit like the one in Ottawa-Carleton should help instill respect for the rule of law, confidence in the Canadian justice system, and promote harmonious relationships between minority communities and the justice system (Department of Justice Canada, 1994). Given Canada's multicultural heritage and the explicit policy of multiculturalism, Gilmour (1994) suggests that it is important to symbolically recognize the difference between typical crimes and hate-motivated crimes. The Bias Crime Unit could therefore be seen as a symbolic gesture as well as a law enforcement tool.

Responses here would be expected to cover a lot of ground with three key areas likely to be discussed: the positive symbolic value of an established Bias Crime Unit; the

need to dedicate police resources towards the identification and amelioration of the growing hate motivated crime problem; and the need for preventative measures to keep the problem in check. In addition, answers here will provide revealing insights as community leaders and police officials ponder the establishment of bias crime units in their communities.

6b) It has been some time since you received the services of the Bias Crime Unit. Could you please tell me about the amount of improvement, if any, in your particular situation that can be attributed to this Unit? Improvement could be such things as feeling safer, believing justice was done, more trust in the criminal justice system, etc..

Rationale:

In the 1994 report “Ethnocultural Groups and the Justice System in Canada: A Review of the Issues”, it was observed that the justice system is ill-equipped to deal effectively with problems with complex underlying social, cultural, and economic dimensions. Although not identified directly, hate motivated crimes seem to fit well into this category.

A governmental working group on hate propaganda (1988) found that the Criminal Code sections relating to hate motivated crime were ineffective and inefficient (as cited by the Canadian Association of Chiefs of Police, 1996). The Department of Justice (1994) identified that in cases of hate-motivated behaviours, the intent is not easy to prove, particularly in light of the rights and freedoms guaranteed in the Charter. Furthermore, a Minority Advocacy Rights Council study argued that ethnocultural groups in Canada see hate motivated crimes as including much more than those behaviours which are now considered criminal offences under the narrow hate propaganda provisions found in sections 318 - 320 of the Criminal Code of Canada. Some respondents may therefore focus on the need for improved legislation. Because the Bias Crime Unit is only one link in the criminal justice system, there is, of course, a risk that any positive results will be

marginalized at other points in this system. Thus, respondents may signal the need for more effective ways of dealing with the problem of hate motivated crime in the criminal justice context.

- 7a) What do you think could be done to improve the Bias Crime Unit?**
- 7b) What was it about the Bias Crime Unit which most impressed you?**
- 7c) What was it about the Bias Crime Unit that least impressed you?**
- 8a) Knowing what you know now, how likely are you to recommend the Bias Crime Unit to someone else?**
- 8b) If you were victimized again in a similar fashion, what is the likelihood that you would again call upon the services of the Bias Crime Unit?**
- 8c) In this interview we have covered a lot of ground, topics included how you heard about the Bias Crime Unit, its facilities, how well members communicate, its personnel, service quality and outcomes. Of these topics, could you tell me the one or ones that stand out as most important to you.**
- 8d) My last official request is for you to grade the Bias Crime Unit overall. With higher marks representing more satisfaction and lower marks signifying less satisfaction, please tell me what mark you would give the Bias Crime Unit out of one hundred.**

Rationale:

The questionnaire was developed so that for questions #7 and #8, respondents, now acclimatized to the interview process and more cognizant of their own feelings, could explore issues at the broadest possible level. Believing that no one would want to change the system more than those who lived through it, these questions provide the hate motivated crime victims the opportunity to clarify further

what did or did not work for them. Respondents also have the chance to express what can be done to improve the effectiveness and quality of service of the Bias Crime Unit as a whole.

CHAPTER IV

RESEARCH FINDINGS

General

Results from interview questions revealed certain commonalities among participating hate motivated crime victims.²⁶ These commonalities were at times based on the type of crime and/or the victim's association with a certain racial, religious or sexual group. Some of the interview questions failed to produce noteworthy results or results from which generalizations could be drawn, while other questions uncovered unexpected findings related to larger issues. Because of the length and implications of the findings related to Native respondents, a separate section dealing with their concerns is presented at the end of this chapter.

Interview Results

- 1a) **The Ottawa-Carleton Police Bias Crime Unit is one of only three such units in Canada and has tried to make the services it provides well known to people in this area. Sometimes people hear about it through direct involvement in an investigation, sometimes through referrals, while others become aware of the Bias Crime Unit's services through outreach initiatives, their written material or by way of mention in the press. How was it that you become aware of the Bias Crime Unit's services?**

Of the 20 interviews, six respondents were aware that a Bias Crime Unit existed in Ottawa-Carleton prior to their victimization. Eight people found out about the Bias Crime Unit after officers from this Unit conducted their investigation. The remainder of the sample learned of the Bias Crime Unit only during my interview with them.

These findings are revealing for a number of reasons. Of the six respondents who were aware that the Unit existed prior to being victimized, five were gay and one was

²⁶ Twenty-nine people participated in 20 interviews, therefore some of the interviews involved more than one person. Unless otherwise stated, group interviews are reported as though a single respondent made the comment.

Jewish. Statistically, 100% of gay respondents and 25% of Jewish respondents were aware of the Bias Crime Unit. All six indicated being an “active” member at some point in time in either the local gay or Jewish community. Among individuals from other targeted groups, none interviewed was aware of the Unit's existence prior to the police investigation.

The fact that members of the gay community were the most likely to be aware of the Unit could suggest several things: One is that local gay communities have well organized networks and communication linkages, while victims from other affected communities do not. Another reason may be that outreach efforts conducted by the Bias Crime Unit, such as their numerous lectures and presentations, should be customized to fit the particular needs of the communities they are trying to reach. In other words, just because certain communication strategies were effective for gay people in the Ottawa-Carleton Region, is no guarantee these strategies will work for others. Furthermore, the fact that a group can actually be composed of numerous subgroups suggests there is a great deal of diversity and that the Bias Crime Unit should be prepared to customize its message. For example, in 1993 the Solicitor General identified over 100 different tribal nations that fall under the heading “Status Indian” and the Ottawa-Carleton Police Director of Community Development estimated there are 60 gay organizations in this region.

Of the eight people who learned about the Bias Crime Unit from meeting officers from this specialized police service, the interview revealed that after the investigation only five people had even a perfunctory knowledge of the Unit's special mandate. Two of these eight indicated that had they known earlier that such a Unit existed, they would have reported other incidents which they have silently endured in the past.

One respondent suggested that even within the local criminal justice system, the Bias Crime Unit is not that well known. When he tried to file a report about receiving hate propaganda over his business fax, he had great difficulty finding the appropriate agency to take his complaint. He first contacted the Canadian Radio Television and Telecommunications Commission, then the Royal Canadian Mounted Police, but neither could furnish any suggestions. When the Ottawa-Carleton Police were called the situation was only marginally better. He said his call was “transferred from section to section, until by chance I reached the Bias Crime Unit... which was ready to help.”

Perhaps the most surprising result was the high number of respondents who were still not aware of the Unit's existence even after coming into direct contact with it. In other words, officers would investigate the victim's complaint but never adequately explain that they worked for a specialized section called the Bias Crime Unit. These investigators also failed to tell victims about the mandate of the Unit or why there was a need for such a Unit to exist. Instead, five of the 20 victims interviewed believed that it was a generic police investigator, without specialized skills or training in the field of hate motivated crime, who handled their case.²⁷ The generalization can be made, therefore, that officers from the Bias Crime Unit are routinely failing to impress upon victims that a special police investigative Unit exists solely to respond to the special problems associated with hate motivated crime. Results also show that officers staffing this Unit may be failing to recognize the important symbolic value that the very existence of a section like Ottawa-Carleton Police's Bias Crime Unit can have to a victim.

Only after the research began was it discovered that two of the 20 victims had never met or interacted with officers from the Bias Crime Unit and yet these victims cases were still classified as a hate motivated crime. Although two victims represent too small a

²⁷ There were actually six people, but one of these victims did not have their case investigated by the Bias Crime Unit.

group to draw general conclusions about, they do provide a qualified base line with some revealing counter perspectives. One of these two victims was gay and the other was black; both had been assaulted. Prior to the assault the gay man was aware of the existence of the Bias Crime Unit, while the black man was not. The reason why non-Bias Crime Unit personnel are investigating hate motivated crimes is a central issue that merits special attention and is addressed in the following section.

Non-Bias Crime Unit Investigations

Curious as to why the Bias Crime Unit files reflected cases they did not investigate, I discovered that the official statistics for this Unit includes hate motivated cases investigated by other police sections.²⁸ A careful case by case examination revealed that of the 795 hate motivated cases contained within police files, only 658 were actually assigned to members of the Bias Crime Unit for investigation. Of the 137 hate motivated cases that were handled by investigators, 62 were against persons of which 32 saw a criminal charge, 29 were against property of which 14 saw a criminal charge, 37 were threats / intimidation of which 5 saw a criminal charge. There were an additional 9 cases classified as other, with 2 resulting in charges being laid. The overall percentage of charges being laid by non-Bias Crime Unit personnel investigating hate motivated crimes is 28%. Not satisfied to simply accept that 17% of reported hate motivated crimes are not being investigated by the resident experts – the Bias Crime Unit – this matter was researched further. What was discovered suggests that the problem is systemic and therefore a significant problem to overcome.

To understand the systemic problems facing bias crime units in Canada, it is first necessary to appreciate the special situation that arises when traditional police organizational

²⁸ It is common practice to use internal police mail to forward copies of any report to other police sections that may find the case relevant for their intelligence gathering and this is how these reports found their way into the Bias Crime Unit's files.

design theory comes into conflict with a bias crime unit's special operational requirements and procedures.

Driven by increasing workload, complicated legal issues and declining resources, police everywhere have had to create specialized units to best address specific crime and disorder problems. A glance at the Ottawa-Carleton Police organization chart (see accompanying organization Chart 4.0) reveals a complex bureaucracy designed to address most crime problems through specialization. And should a new crime problem arise (e.g., false alarms), or a new crime problem is recognized - as was the case with domestic assaults in the 1980s - officials can respond by adding a new box of specialists onto a police organization chart. The resulting presence of so many specialty sections, staffed by officers and civilians specifically trained to deal with a certain type of criminal incident, has however had an unexpected effect on operations within Ottawa's Bias Crime Unit. Where one might expect to find a heavy hate motivated crime case load, this three person Unit actually conducts very few investigations, averaging less than five per month. On the other hand, officers in the Ottawa-Carleton Police Youth Section average 35 cases per officer (Hall, 1997), and a member assigned to the Break and Enter Section can expect to investigate over 100 cases monthly (Valcour, 1997). Most puzzling is the fact that despite the presence of a permanent Bias Crime Unit with ample resources, many hate motivated cases - especially the most sensational - are not being investigated by this Unit.

The explanation for why so many hate motivated crime cases are never investigated by the Bias Crime Unit is the result of an ongoing systemic fault. That fault is in attempting to apply traditional police organizational design principles to a unit with distinctly different procedural requirements. When a crime occurs, officers label the incident according to the well established criteria of level of injury or extent of property damage - not on motive or potential for harm. Because an offender's motives are so

difficult to discern, it is far easier for busy patrol officers operating under stressful conditions to simply define an incident by its crime type (for example robbery, break and enter, vandalism) than to try and determine the motivation for the crime. Not surprisingly, police supervisors and managers are also content to employ these same proven criteria for assigning cases for investigation. However, a hate motivated crime is not like any other crime problem because so many of its issues lie below the surface; traditional police methodology therefore marches out of step when it comes to investigating this type of activity. Patrol officers and supervisors, trained to identify crime based on the severity of injury or magnitude of property damage, often fail to recognize or acknowledge that in cases of hate motivated crime, the critical issues are actually motive and potential for crime.²⁹ Consequently, the Bias Crime Unit, so concerned with motivation in a policing and criminal justice environment that is not, represents an anomaly. The net effect of this is that the skills and expertise of the Bias Crime Unit are routinely not harnessed for hate motivated cases in the Ottawa-Carleton area.

Attempts to have the Bias Crime Unit investigate, or at least assist other investigators where hate motivation is identified have included interdepartmental memos and even policy directives from the chief of police (Dunlop, 1997). Yet these strategies have not worked. Parochial interests of the lead investigators, coupled with potential legal, practical and administrative issues, have made cooperative efforts involving the Bias Crime Unit the exception rather than the rule. Instead, this Unit tends to inherit the most prosaic of cases, such as graffiti - cases that can not readily be slotted into a box on the organization chart. Perhaps this also helps to explain why the hate motivation behind a crime can be so easily filtered out of the criminal justice process.

²⁹ Refer to pages 13-17 for a full discussion of Levin's model about how individual victimization can become progressively more severe, and about how entire communities can be victimized by a single hate motivated incident.

1b) As you are aware, I was able to contact you to do my research because you filed a police report which was investigated by the Bias Crime Unit. Could you tell me about any concerns or issues you may have had when you first approached the Bias Crime Unit?

Although the nature and extent varied widely, half the sample did express some concern when asked this question. Among the visible minorities interviewed, two black respondents as well as the Native respondents revealed apprehension about the integrity of the police. All five gay people expressed concerns about the police not respecting the victim's privacy, while one Jewish person was concerned because the very existence of the Bias Crime Unit implied to her that there must be an alarming number of hate motivated crimes occurring.

Of the black respondents, one had a concern that the police might trivialize his case and/or twist events around to make him into the accused - as he had experienced before. The other detailed why he did not trust what he perceived to be a corrupt Canadian criminal justice system and explained how he had even retained his own lawyer prior to filing a complaint with the police. Natives also expressed fears about being wrongly accused by the police and supported this perception with personal examples. These fears were linked to the perception that police frequently stereotype Aboriginals as "drunken Indians" even when they are victims with genuine needs. Concerns among gay respondents focused mostly on privacy issues, specifically about wanting to keep their lifestyles secret, and on fears that the police might not respect this wish, albeit unintentionally. A related concern was that the police investigators might not appreciate the complexity of their personal situation.

It is relevant to note that all but two of the concerns expressed at this point of the interview were directed at the larger institution of policing itself. The two comments that were directed at the Bias Crime Unit were from a gay man and a Jewish female. In the first case the man had concerns first that the Bias Crime Unit would actually turn out to be no

different from any other police section - merely “window dressing” for normal operations. As mentioned earlier, the second person indicated having a momentary concern for the safety of local Jews when she realized that there must be enough hate motivated crime to merit the existence of a Bias Crime Unit in the first place. This person was quick to add, however, that her concern dissipated rapidly and was replaced with the relief of knowing such a unit did exist, was on the job and was busy.

Overall this question revealed that hate motivated crime victims’ concerns do share commonalities based on group affiliation and that the police must remain vigilant against negative stereotyping. Results also show the need for officials to address damaging perceptions about the institution of policing.

1 c) Why did you decide to report this incident to the Bias Crime Unit / police?

The reasons people gave for filing a police report is an area little understood because the research focus has always been on the reasons why hate motivated crime victims fail to make a report. This research question therefore represents a watershed; the results however, followed no discernible pattern. Respondents most frequently cited a combination of two factors: that a crime had been committed and that it was their “civic duty” to make an official report.

Three respondents filed solely because of the existence of the Bias Crime Unit. Here, one gay respondent indicated that the presence of the Unit instilled in him the confidence to come forward. In the second case the gay victim wanted to create a paper trail in the event the situation worsened. He also felt confident the Unit would be uniquely able to handle his investigation. In the third and final case the victim was from a Jewish synagogue. He felt it was important for the Bias Crime Unit to be aware of any hate

motivated crime so that they could track it and help increase public awareness about this problem.

Two people filed because of their general confidence in police while two others filed because they did not want to take justice into their own hands. Here, one person's comments had ominous overtones about revenge, while the other indicated he did not want to spend his own money to litigate a civil action. Three people filed because of the recurring nature of their victimization and the fear that a further escalation would occur. These people wanted the police to rectify the situation, arresting offenders if necessary. Three other people filed knowing that the police could do little, but still did so for either insurance purposes, or because they wanted to create a paper trail in the event their situation worsened. And finally, in three cases the victim never did file a complaint, with witnesses calling the police on their behalf. Despite the unexpected attendance of police assistance, two of these three respondents were ultimately disappointed with the police handling of their situation.

Overall, the results of this question uncovered little on which a generalization can be made. Perhaps if the sample group had been larger a pattern may have emerged. This question represents a first look into an area long neglected area and perhaps more research in this area is warranted.

- 1d) When someone is about to use a service they may or may not have used before, it is normal to have some expectations about it. In the case of the Bias Crime Unit, this could involve expectations about service quality, the people who staff the Unit, the facilities, resources you will encounter, possible outcomes and the effect on you, to name but a few. Could you describe to me now any expectations you had the first time you made use of the services of the Bias Crime Unit.**

The expectations stated by the majority of respondents were revealing not because they were unreasonable, but because they were so conservative. In fact, only one person

had what might be considered an overly optimistic expectation - this was for the police to handle every aspect of his case, without him ever having to appear in court, fill in a statement, identify the accused, etc

The most common expectation (six respondents) was to have their case investigated promptly and to be treated professionally. Four different respondents indicated their expectation was for the Bias Crime Unit/police to resolve the matter through their investigation - which generally meant apprehending the offender, (although one of these respondent's religious convictions precluded him from condoning an arrest). Four other respondents were actually surprised that the Bias Crime Unit / police would investigate an incident as minor as theirs.

Out of the entire sample, only two people expected that the Bias Crime Unit would provide qualitatively different service than would be obtained from a regular police unit. One of these people was gay and he expected the Bias Crime Unit officers to take special steps to deal with his fear of “coming out”. For instance, he expected these officers to bring the police mug-shot books to his house, so that he would not have to attend the police station and risk the double-victimization that can come after someone is identified as gay. The other respondent was Jewish and he expected intelligence information about ongoing potential threats to the Jewish community, including risk management strategies from the police to abate this threat.

Perhaps the most intriguing and unexpected expectations came from Native respondents. Their collective expectations of the Bias Crime Unit, as a visible arm of the Canadian criminal justice system, were not high. The rationale for what can only be described as a “negative expectation” merits special attention. In order to put the Native

perceptions into context, a separate section at the of this chapter will address their particular situation using one of Ottawa's local Native communities as a case example.

- 2a) **The Bias Crime Unit serves the cities of Ottawa, Nepean, Gloucester, Vanier and the Village of Rockcliffe Park and is located within police headquarters at 474 Elgin Street, in Ottawa. The actual office is found on the first floor of the building and they share space with the larger Youth Section, with which they share a common waiting area. The Bias Crime Unit office is roughly 10' x 12' in size, it is carpeted and contains file cabinets, desks, phones, some posters and bulletin boards on the wall.**

What was your impression of housing the Bias Crime Unit within police headquarters?

Opinions were evenly divided and followed no discernible trend as to whether the Bias Crime Unit should be housed inside a police building, as it is currently, or within a community setting. Each side of the debate did, however, recognize the rationale of the other perspective and only a few did not have an opinion either way.

Respondents who sided in favor of housing the Bias Crime Unit within a police building felt that this setting offers a more professional and official image. Phrases like, “gives the Unit more punch” and “rings a bell” earmarked the sentiment that the Unit should stay where it is. Some commented that having such a Unit inside a shopping mall would not only cheapen the symbolic value, but also pose greater security risks and create unnecessary administrative issues.

Those who supported moving the Bias Crime Unit into the community felt that such a change in venue would increase accessibility and decrease the amount of intimidation people feel when entering a police station. Others commented on how the police station represents a barrier to them, one that distances, shields and mystifies the police from the community they serve. These respondents also believe that the symbolic value of the Bias Crime Unit would be heightened by moving it to a community setting.

As no consensus exists among victims about where to house the Bias Crime Unit, police officials may wish to explore the possibility of providing services at both their current location and from any of the numerous community police centres strategically located throughout the Ottawa-Carleton region (see enclosed community police centre map, Illustration F). These community police centres are mandated in part to bring the police closer to the communities they serve and allowing the Bias Crime Unit to provide the type of specialty services they offer through these centres makes sense.

2b) Now I would like you to think about the appearance of the building, the office and the waiting area and remember to consider them in terms of such things as cleanliness, size, layout, decorations, functionality, etc.. What was your overall impression of these facilities as a whole?

By Ottawa-Carleton Police investigative standards, the Bias Crime Unit's work area is well above the norm (it was formerly a senior officer's office). By contrast, most other investigators share a desk in large, congested, open areas. Given such extremes I had hoped this question would reveal that setting was related to service perception, but such was not the case. Only two respondents actually saw the Bias Crime Unit's office and their laconic impression of it was simply "it was fine" - "it's a building". Where I was expecting answers that made reference to nuance, this was not to be. Consequently, the original question was broadened to include their impressions of what they had seen of the entire police station. However, it was discovered that most investigations were conducted over the telephone and among those who actually attended the police station, their perceptions were contradictory. Two people related that what they saw of the building made them feel secure and comfortable, while two others stated that their visit to the police station was intimidating and uncomfortable, making them feel as though they were the accused. Overall, no general conclusions about the victim's impression of Ottawa-Carleton police facilities can be made.

3a) Canada is a multicultural nation, many of its citizens speak a variety of languages. Were you served in your language of preference? (If answer is no... What impact did this have?)

Fourteen of the respondents indicated they were served in the language of their preference, English. Of the six people who were not served in the language of their preference, all were visible minorities. Two would have preferred French speaking officers because they felt it would have facilitated better communications and believed it was only reasonable to have expected to be served in “Canada's other official language”. They believed it was unreasonable for no one from the Bias Crime Unit to speak French, or at least to have found someone who could, and related their perception that language adversely impacted on the quality of service they received. Subsequent to my interview with one black respondent, he had investigators reopen his four year old assault case on the grounds that his investigator did not speak French, nor had he attempted to find anyone who could (this investigator was not a member of the Bias Crime Unit).

Two people indicated their preference would have been to speak Punjabi, the language of their native country. A different respondent indicated her first choice would have been Chinese, believing that had the Bias Crime Unit officer been able to speak this language, a better understanding of culturally relevant terms would have taken place. The Native respondent would have also preferred his traditional dialect although this participant admitted his own fluency has become marginal from lack of use.

Unquestionably, an ability for Bias Crime Unit officers to adequately communicate with a victim is a necessity. Victims should not be placed at a systemic disadvantage because of language. Expecting Bias Crime Unit officers to be fluent in a variety of languages is an unreasonable expectation; however, it is reasonable and in keeping with police policy and Bill-23, known as the “victim's bill of rights” (enacted 1995) to expect

every officer to draw upon available translation services when necessary. Given that Bias Crime Unit officers are likely to encounter disproportionately more victims who do not speak English, they should be well versed in handling this type of situation. The fact that two victims were not able to communicate in French is completely unacceptable given the amount of readily available French-speaking officers and civilians on the Ottawa-Carleton Police who could have acted as a translator.

3b) Making an official police complaint is an experience that most people aren't very familiar with and may have some questions about. These questions could be about procedures, laws, counseling services or the particulars of their case as it unfolds, to name but a few. You might even still have unanswered questions about your case. How would you rate the members of the Bias Crime Unit in terms of their ability to answer your questions fully?

Respondents were pleased for the most part with how members of the Bias Crime Unit answered their questions. Findings here suggest that when questions are answered fully, victims are more likely to be instilled with confidence in the entire criminal justice system and not just the Bias Crime Unit. At the same time that people were generally pleased, several did comment that the procedures surrounding their case were self-explanatory. One person claimed that his television viewing habits provided him a solid foundation for understanding the Canadian criminal justice process.

To the credit of the Bias Crime Unit, several people commented that any questions they were planning to ask were seemingly anticipated by the officer they dealt with. This seemed to put the victims more at ease because it inspired confidence in the officer's ability and/or displayed that their situation was not unique. Members of the sample group were also highly impressed anytime a Bias Crime Unit officer would call them unsolicited to provide updates in their case -- although these were isolated incidents. Another person was highly impressed because a Bias Crime Unit member had guided them when the case went to trial, explaining events as they transpired and helping this victim to make informed decisions as the judicial process unfolded.

For this question the single greatest caveat identified was that the Bias Crime Unit could have provided better updates and follow-ups in relation to their investigations. This sentiment persisted even among otherwise pleased respondents and was especially pronounced anytime the victim perceived the existence of a solid investigative lead. It was also discovered that the Bias Crime Unit was the lightning rod for many criticisms that should more appropriately be directed at the Crown Attorney's Office, which evidently did a poor job in both communicating their role and in being available to answer victims' questions. One respondent indicated that when he did contact the Crown Attorney's Office (through the Bias Crime Unit) the legal advice he received and consequently acted upon turned out to be erroneous, resulting in a threatened civil action against this victim.

Apart from the issues already addressed, five respondents did identify other concerns. Although their reasons and level of dissatisfaction varied, all five were visible minorities. One person indicated that because the Bias Crime Unit investigation consisted of only a very brief telephone call, she had been caught unprepared and did not have the chance to ask the questions she would have liked to. Another respondent was disappointed that her question about whether or not hate mail sent by fax constituted a crime was never answered. Among the three most disappointed of this group, one respondent gave the Bias Crime Unit officer a "negative grade" because when the officer did call this victim, it became obvious that the officer had not bothered to review the victim's case file properly and consequently was unable to answer basic questions. Another respondent could not get an answer for the slow pace of the investigation. Native concerns were again indicative of the gulf between the Canadian and Native justice systems. At this point one Native commented about how futile it was to even engage in asking police questions, concluding instead that the white man's justice system was "just a process mill with no explanations" and nothing to offer.

Overall, results from this question underscore the need for police to address all of a victim's inquiries, or at bare minimum to redirect questions to a suitable third party with a rationale as to why this was occurring. Respondents also underscored the value of police knowing as much as possible about the criminal process and keeping a victim informed regularly about the progress of a case, even if no new developments have surfaced. As cliché as it sounds, the results suggest that it is indeed the “little things” which leave the biggest impression on victims.

3c) Sometimes police ask you to fill in forms, write out statements, view suspect line-ups, attend court, etc.. From start to finish, how satisfied were you with the explanations the Bias Crime Unit personnel provided about the procedures that involved you?

Many of the answers here simply repeated what had already been said in the previous question and as such, only new insights will be discussed. Only one person indicated that their confusion about procedures endured after police explanations were provided. Five respondents indicated some uncertainty about the various stages within the legal process and in particular those dealing with lawyers. There was a persisting fear that the victim's role as an active participant would be diminished by these professionals who would dominate the decision-making process and turn their conflict into something impersonal and segmented. This perception seems to underscore Native concerns and may partially help to explain the current popularity of alternative dispute resolution strategies which can provide victims more control over their legal cases.

3d) Sometimes the Bias Crime Unit will supply the victim with written information relevant to a person's case or about that type of crime in general. In terms of the clarity, appropriateness and usefulness of the information provided to you, how would you rate the material you received?

Only one respondent reported that he received written material from the Bias Crime Unit. Ironically, this individual felt that because he already had such an intimate knowledge of the Unit and hate motivated crime issues, this material was not necessary.

Two respondents did not want any written information because the Bias Crime Unit officer had “already done such a wonderful job of explaining the issues” that any additional written information would have been moot. Of the remaining respondents who voiced an opinion on the matter, fourteen felt that information about the mandate of the Bias Crime Unit and/or about the laws and procedures relevant to their victimization would have been useful. One respondent stated he “would have liked written material because although they [Bias Crime Unit officers] did a great job, a person can still forget the information provided”. It is not known why the Bias Crime Unit personnel do not make better use of their own bilingual pamphlet which uses plain-language to explain what a hate motivated crime is and what the Bias Crime Unit does. This pamphlet even includes answers to eight frequently asked questions (refer to Appendix Four). The fact that this pamphlet is not circulated to victims may help to explain the high number of respondents who indicated having little or no knowledge of the Bias Crime Unit’s mandate (see results to question #1).

3e) Please consider any strategies or advice that the Bias Crime Unit personnel provided you to reduce the likelihood of you being the victim of a similar crime. How would you rate their efforts in this regard?

A sole Jewish respondent indicated that only after he specifically requested information about ongoing risks to his community, including risk management suggestions, did the Bias Crime Unit deliver. He felt that such information should be more forthcoming and indicated having noticed a gradual reduction in the flow of intelligence information from the Bias Crime Unit, a situation he attributed to staff changes within this Unit. Thus it would seem that despite a dizzying repertoire of crime prevention programs and target hardening strategies in existence today (Rosenbaum, 1994; Chacko & Nancoo, 1993), personnel from the Bias Crime Unit rarely advise hate motivated crime victims about them. Instead, these officers seem to operate either as proactive educators (e.g., providing regular lectures) or reactive law enforcers (e.g., waiting for a crime to occur and

then laying criminal charges when possible), but not acting as educator and enforcer at the same time. Only when the interview touched upon how many truly ingenious ways there are to prevent crime and reduce the likelihood of repeat victimization, did some of the respondents indicate that more advice from the Bias Crime Unit would have been appropriate. Given the high levels of repeat victimization associated with hate motivated crime (see Chapter Two) it would be prudent for the Bias Crime Unit to formally incorporate a crime prevention element as part of their investigation.

It has already been established that officers from the Unit do not adequately impress upon victims that this specialty service exists and now it also appears that they do not adequately offer victims crime prevention strategies. These results suggest that either victims do not remember the police advice that was offered or that the Bias Crime Unit officers are failing to provide victims with the same information they supply to the strangers they meet at the 100 formal and informal meetings they attend annually. Why this may be so is unknown.

- 4a) The Bias Crime Unit is currently staffed by three officers, two constables and one sergeant. All three are white male officers and each has a minimum of 15 years of policing service. At times one or more officer may be assigned a case. In this section of our interview I would like to discover your perceptions about these officers.**

They say you never have a second chance to make a first impression. Sometimes people are struck by the physical appearance of a person, their behaviour or what they say, to name but a few of the variables. Please characterize your first impression of these officers?

Response to this question tended to focus upon the tint of the officer's skin or their physical size. When this question was originally developed, it was anticipated that many people would make reference to the symbolic value that people place on skin color. Although this did occur, it was not visible minorities who highlighted this issue. Visible minority respondents indicated having no personal concern whatsoever with the color of

the police officer's skin. For these people, the issue was not what they looked like, only what was going on inside the officer's head: specifically, he/she had to be competent and honest.

Only one respondent qualified that when he was victimized in 1993, he would have preferred service from either a female and/or a visible minority officer. This person had suffered abuse at the hands of his father, and found that some of his painful childhood memories were rekindled upon seeing a male Bias Crime Unit officer. Since 1993, the respondent indicated that the negative association he feels about male police officers has diminished. However, later statements made by this person in response to question #7 are contradictory.

Overall, the group consensus was that the composition of the Unit ideally should reflect the diversity of the community being served. The important caveat overshadowing this generalization is that at the individual level, such appearances did not actually matter to any³⁰ of the respondents. However, because of the perceived importance that others place in such appearances, the respondents ultimately favored a diverse staffing complement for the Bias Crime Unit. Every person interviewed felt their egalitarian views made them the exception, that they alone were not swayed by appearances, but in the end they were all exceptions. What this means to the Bias Crime Unit is that an issue which actually carries little importance to people is actually politically loaded because of perceived symbolic relevance.

4b) Could you describe the level of courtesy and helpfulness of the officers you dealt with in the Bias Crime Unit (as compared to other social service providers)?

How important was it to you for these officers to be courteous and helpful?

³⁰ The one possible exception was the person who had been abused by his father.

- 4c) Please consider how much time the officers in the Bias Crime Unit spent with you both in person and over the phone. Think about if there was ever a sense of being rushed, or if they had time to deal with all your inquiries. Consider also any time you may have spent waiting for the officers, such as the time it took for them to return your calls, time spent in waiting areas, etc.. Now put this all together and please describe the accessibility of the Bias Crime Unit personnel?

In the circumstances you were facing at the time, how important was it for you to be able to access these officers promptly?

- 4e) As a public service the Bias Crime Unit is expected to treat everyone they come into contact with fairly. Please tell me why you do or why you do not feel you were treated fairly by the officers who staff the Bias Crime Unit.

Because the answers to questions 4b, 4c, and 4e overlapped, the responses will be presented together.

The two people who were not served by the Bias Crime Unit rated the officers they did deal with poorly and the rationale they gave made for an interesting point of comparison. Their impression was that the officer was overly “cold”, “unsympathetic” or acted too much like TV's Officer Joe Friday -- “just the facts ma'am”. They were also disappointed by what was perceived to be a sloppy and/or perfunctory investigation. These respondents fell short of condemning the police because they felt they lacked a reference point or service standard against which they could compare the service they received. As one frustrated person stated “I don't know, maybe I actually got what I was supposed to”. (This response was a theme that also recurred among the larger sample group.) One person did offer a possible reason for why he may have received poor police service - that his investigator was homophobic.

Of the people who actually dealt with officers from the Bias Crime Unit, all but three were satisfied in terms of the service indicators discussed. Respondents were most impressed when officers did not trivialize their victimization, took the time to deal with

them in a professional manner and made them feel like the police genuinely cared for their well being.

The only concern this part of the interview revealed was with telephones. Seven complaints about phones were made, with most centering on the problem of “telephone-tag” and “that cursed voice-mail”. Here the perception was that although a phone was an excellent tool, it should not be used as the sole means to conduct a police investigation. People clearly preferred personal contact over a dehumanizing telephone call which was perceived to afford less individualized service and inhibit discussions about individual cases. Opposition to voice mail was so bad that one respondent stated if his original call had been answered by “that bloody voice-mail” he would have hung up and not filed a complaint. Prompted by the bitter memories associated with this part of his victimization, another respondent even volunteered to answer the Bias Crime Unit's phones three days a week because he feels “no victim should have to face an answering machine... (or)go through what I went through”. For him, not being able to contact a real life investigator created anxiety and doubt about whether to proceed with his case, and he believes that other victims must feel this way also.

The high level of concern with phones has serious implications for the institution of policing, as automated phone systems and voice mail are increasingly being relied upon. This is not to suggest that new technology should be discarded; that would be like throwing out the proverbial baby with the bath water. Instead, the evidence gathered here points to why it must be incumbent on police management to ensure every tool is used properly - for effectiveness, and not merely for efficiency or economics.

- 4d) Although police sometimes refer victims to other agencies for counseling, they are also among the first service providers who can respond to a victim's emotional, psychological and culturally-based concerns. In terms of responding well to your emotional, psychological and culturally-based concerns throughout the**

investigation, how would you describe the officers of the Bias Crime Unit?

Despite some passing comments in other parts of the interview, only the Native respondents made a specific reference to a need for culturally sensitive officers at this point of the interview. The Natives cited an incident where police searched a medicine bundle for contraband. Had these police officers more awareness of Native custom, they would have known that their actions are considered a sacrilege, because it desecrates the bundle and insults Native spiritual beliefs. (A fuller discussion of Native issues is presented at the end of this chapter.) The parallel response from gay respondents was to highlight the importance for officers to consider the unique situation many “closeted” gay victims face, such as not wanting to be identified as gay, nor wishing to have their lifestyle and sexuality questioned.

When it came to a discussion of how the Bias Crime Unit officers addressed the emotional and psychological trauma of the respondents, there were some unexpected findings. It has already been highlighted in Chapter Two that hate motivated crime victimization is often linked to increased psychological trauma because the person has been targeted as a result of characteristics which help define them as individuals. In theory, the heightened psychological response is more likely to occur even when the incident is a relatively minor hate motivated crime. Yet, after speaking to the sample group, which represented a wide variety of hate motivated incidents and victims’ groups, it was observed that their reactions to victimization were actually a highly unpredictable and subjective affair. Incidents which were the most severe (e.g., assault bodily harm) did not correlate with victims who were the most traumatized. For instance, in one case a bullet-like hole had been fired into a synagogue window and at the interview the respondent indicated her feeling that the hate motivated vandalism was not a big issue... “it’s just a building... it’s not like it’s my house”. Relatively minor hate motivated crimes were often dismissed by the victims as nothing more than an inconvenience, although one person was quite upset

about hate motivated graffiti on her fence. Four respondents were actually surprised that the Bias Crime Unit would investigate an incident as minor as theirs.

These findings are not consistent with current literature which suggests that victims of hate motivated crime are more prone to experience long lasting psychological damage than someone who is victimized by a corresponding non-hate motivated crime. This suggests that either the research sample selection process somehow screened out traumatized victims, or that the popular discourse on this subject may be guilty of oversimplifying this issue. If the latter is true, this would help to explain why as a patrol officer taking calls, I was often so surprised at how some individuals would be traumatized by certain events while others would not, and how these reactions follow no logical or discernible pattern. The conclusion I have drawn is that how a person, even one who is a target of hate motivated crime, reconciles their victimization is contingent upon more than just that person's race, religious beliefs, sexual preference or the nature of the crime. Although beyond the research question at hand, it would be worthwhile to discern what variables acting alone and in concert have the greatest likelihood of affecting a hate motivated crime victim emotionally and psychologically (for example: personal support groups, self esteem, etc.). With this information, the police and other social service agencies would be in a better position to respond to these victims' needs.

5 From first to last contact with the Bias Crime Unit, how would you rate the speed and timeliness of the services provided by them?

Perceptions about how speedy and timely the service provided by the Bias Crime Unit varied from "slow" to "very quick", with one pleased respondent referring to it as "the express lane of policing." The interviews revealed that the greatest priority for speed and timeliness was associated with the work of front-line officers who initially respond to calls for service. Investigators, like those from the Bias Crime Unit, were judged less by a watch, and more by effectiveness standards. This perception was a constant despite the

victim's level of personal injury and/or property loss, neither of which emerged as a factor which caused people to seek a more expeditious investigation. Respondents generally accepted that the justice system moved at a “glacial pace” and were prepared to wait, providing that the personal threat to them was sufficiently diminished.

Overall this question also revealed how victims tend to blur the individual roles played by Bias Crime Unit officers, emergency response officers and crown attorneys. Instead of recognizing that the criminal justice system is broken down into parts with various actors assuming specific responsibilities, the victims interviewed saw only the larger system. For the Bias Crime Unit, this means that their overall performance may be judged by factors over which they exert little control. For instance, poor case management by the court system can lead to perceptual damage to the Bias Crime Unit, and vice versa. These findings therefore underscore the value of making the criminal justice system into a bona fide system with goal congruence, complementary efforts and a holistic approach.

6a) Considering the amount of cutbacks and streamlining that is going on in business and government today, how important do you believe it is to have full time officers dedicated solely to investigating crimes motivated by a person's hate against another.

This question elicited the strongest, most consistent responses. Even Natives and the two respondents who did not receive service from the Bias Crime Unit cited the Unit's positive potential when they said it served an important function. The following is a list of other reasons the sample gave in support of the existence of the Bias Crime Unit - no single reason emerging as dominant:

- positive symbolic value of the Unit in both the eyes of victims and a deterrent to would-be offenders;
- the pressing need for a positive role model in the criminal justice system with both the tools to teach and means to discipline;

- the excellent track record of the Bias Crime Unit to date;
- the critical need to take special steps to protect targets of hate motivated crime;
- the need to ensure hate motivated crimes are not invisible;
- the frequency of hate motivated crimes is rising;
- the Bias Crime Unit is already struggling to keep pace with its workload;
- Canada is very fertile for hate mongers;
- the potential for hate motivated crimes to ignite community unrest;
- the Bias Crime Unit serves to remind people not only about the holocaust, but about how easily we can find ourselves repeating the same tragedy again.

Among the respondents, those who were Jewish or gay consistently validated their answers with the most informed rationales. This may be a function of these groups strong solidarity, communication networks, and the initiatives they have already taken to abate this problem in the past. One Jewish respondent who is responsible for managing a downtown Ottawa synagogue that is frequently vandalized by extremists stated:

It is our belief that bias crime is unique and requires a special service and special attention by the police and should not be considered within general criminal investigations. [Hate motivated crime] has its own level of danger and threat to certain identifiable groups, of which we feel we're one of...The national Jewish community wants everyone to emulate the Ottawa [Bias Crime Unit] model. Whenever we gather and this issue arises, Ottawa is pointed to as an example of where they should try to get their police services to go.

Overall, most of the answers implied that without a Bias Crime Unit, the problem of hate motivated crime would escalate in Ottawa-Carleton. This also helps to explain why, even when a victim did not rate their personal experience with the Unit as positive (see also the results for question #6b), they were still supportive of a permanent bias crime function within the Ottawa-Carleton Police.

- 6b) It has been some time since you received the services of the Bias Crime Unit. Could you please tell me about the amount of improvement, if any, in your particular situation that can be attributed to this Unit? Improvement could be such things as feeling safer, believing justice was done, more trust in the criminal justice system, etc..

The two victims not served by Bias Crime Unit officers indicated that given the absence of a thorough investigation, they now have less confidence in the police in general. One indicated that as a result of his experience with the police, he now has a heightened fear of crime. Because the sample contained only two people not served by the Bias Crime Unit, it would be difficult to make a generalization about their perceptions, although the limited information that does exist serves to support the positive value of training and the existence of a specialized Unit, especially when a comparison to other general police investigators is made.

Among the group served by the Bias Crime Unit, four people did not find the experience beneficial. Here one person indicated that because of the “non-existent investigation”, he will not call the police in the future. The second person reported that he has been left with an increased fear of crime but was unable to trace the precise cause of these feelings. The third respondent stated he had originally gone to the police because he had heard a lot of positive press about the Bias Crime Unit, but ultimately found it did not live up to its billing. This person felt he was forced to jump through too many processes which should have been altered or circumvented because of his special needs as a hate motivated crime victim - in short, he expected qualitatively different service. This person, who was gay, was disappointed because he perceived that the Bias Crime Unit handled his investigation in precisely the same manner as any other investigation section would have. He believed special care should be taken for the victims of hate motivated crime at every step of the police process and that the mere existence of the Bias Crime Unit, in and of itself, was not enough. The final respondent from this group was disappointed because of the actions of the Crown Prosecutor, who had supplied him with inaccurate information.

Six people reported a positive change. They consistently reported more confidence, increased feelings of security and trust in the police system as a whole. One of these people indicated that he now no longer feels the need to seek personal revenge. Another person indicated that she thinks the Unit helped to resolve her situation, but was unsure because no one from the Unit ever informed her of the actions they took, or whether or not a suspect was arrested. Two respondents indicated a modest improvement in their overall perception in the entire institution of policing which was attributed solely to the existence of the Unit and not the service they provided to them.

Four respondents stated that their perception of the police / Bias Crime Unit was already very high and that the excellent service rendered merely entrenched this sentiment further.

From these results a few generalizations can be made, although no discernible pattern by victim's group was observed. The most evident theme was that victims were pleased overall with the service received from the Bias Crime Unit. The generalization that police must act in a professional manner when dealing with victims was also plainly evident - a sentiment echoed in the results of question #1d. Another generalization is that if the Bias Crime Unit does not fulfill a victim's needs, the reputation of the entire justice system suffers and tends to make disenfranchised victims feel more fearful of crime. Conversely, when the Unit meets or exceeds a victim's expectations, victims tend to have more confidence, security and trust in the entire justice system (see also results from question #5). A final generalization is that although the existence of the Bias Crime Unit has important symbolic value to many victims, the Unit must still be perceived to be doing an adequate job to merit a victim's unqualified approval. Performance indicators such as the

ability to solve crimes, keeping victims informed about investigations, and answering legal questions were most frequently cited.

7a) What do you think could be done to improve the Bias Crime Unit?

7c) What was it about the Bias Crime Unit that least impressed you?

Because of instrument design, answers to question 7a and 7c, overlapped and consequently have been reported together.

Nine respondents could not think of a single thing about the Bias Crime Unit which did not impress them, but among those who could, multiple issues were identified. The single greatest area for improvement identified was the need for better publicity and enhanced communication about the existence of the Bias Crime Unit. Six people made reference to this, with two of these six indicating that to this day they still do not know what the purpose of the Unit is. One other person commented that had she known this Unit existed, she would have reported other hate motivated incidents which in the past had gone unreported because she perceived nothing would be gained by calling the police. These findings were consistent with earlier comments made by participants in response to question #1.³¹

The next most frequently cited area for improvement lay in the composition of the Unit itself. Four people indicated that the Unit should better reflect the composition of the community it serves, with the need for female representation identified as the greatest priority. The rationale was that a female, minority or “openly gay officer” would instill some victims with more confidence. The person who identified the need for an openly gay officer did acknowledge the difficulty this might present, and believed it would be unrealistic to expect a gay officer to admit their sexuality in the midst of a non-supportive

³¹ The reason why there is a small discrepancy between questions #1 and #7 is attributed to instrument design - question #1 is focused solely on the subject of communication while question #7 is more open-ended and subjective.

police culture. Until policing is more egalitarian, he hopes that gay volunteers might be allowed to join the ranks of the Bias Crime Unit and has since volunteered to work three days per week with the Ottawa-Carleton Police Bias Crime Unit.

The victim's desire for the Bias Crime Unit to better reflect the composition of the community being served is understandable given the results from question #4a where it was discovered that because of the perceived high value that others place on appearance, the composition of the Unit should change. Again, it must be emphasized that such appearances were not actually important to the individual victims interviewed. With one possible exception, respondents were not concerned about what a Bias Crime Unit officer looked like, only their ability to get the job done in a professional manner. Every respondent felt their open-mindedness about outward appearances made them the exception, but in the end they were all exceptions. Thus, the positive symbolic value that might emerge from changing the composition of the Unit appears to be the sole reason for making representative alterations to this Unit's staffing complement.

The need for additional education for not only regular police officers, but also those who staff the Bias Crime Unit was identified three times. Increased tolerance, cultural awareness and sensitivity training were the principal areas of focus. "Cultural awareness" was broadly interpreted by one respondent to include allowing police to adjust existing Canadian laws to accommodate Native cultural differences.

The need for investigative standards and for ongoing police follow-up was discussed by four respondents. The development of prescribed standards was seen as a beneficial means whereby victims could determine whether or not they got their "money's worth". Respondents perceived their own lack of police procedural knowledge and/or previous exposure to similar events as a handicap when it came to knowing what to expect

from police. Victims simply did not know what was reasonable to expect after emergency officers departed and the Bias Crime Unit investigators took over. It is reasonable to conclude that with investigative standards in place, police accountability would be enhanced as members of the public would have a benchmark against which to judge police service.

Another area where some form of police performance standard could potentially improve victim satisfaction levels with the Bias Crime Unit is in the area of telephones. The perceived over-reliance on phones caused several victims to believe that either their case was not being taken seriously, or that the investigator was not doing an adequate job. Comments suggest that personal contact between a police investigator and a victim will increase a victim's overall satisfaction with the Bias Crime Unit.

Another suggestion for improving the Bias Crime Unit was to move it into a community setting. Some respondents believed this change of venue would increase accessibility and visibility while simultaneously reducing the stigma that is associated with a traditional police building. As already discussed in question #2, the idea of whether or not to move the Unit into the community generated no consensus and the strategy of utilizing community police centres was raised.

A number of respondents touched upon the recurring theme that the Bias Crime Unit would be improved if other parts of the criminal justice system did a better job. Slow wheels of justice and problems associated with Crown officials have rendered collateral damage upon the image of the Bias Crime Unit and the entire criminal justice system. Some respondents perceived that the different parts of the criminal justice system did not work together, that police, Crown attorneys, probation, judges, and corrections operate largely independently. Overall these findings highlight the importance of team work within the criminal justice system.

Three respondents believed that the Unit would be improved if more than three police officers were assigned to this posting. Of these, two people attributed the concerns they had about the Unit to be a function of under-staffing. For instance, the lack of investigative follow-up and the inability to promptly return phone messages was attributed to the Bias Crime Unit being “swamped with so many investigations”. Another prevalent theme expressed here was that the Bias Crime Unit should be seen as the sacred cow of policing and that it had to be protected from budget cuts.³² Ironically, informal discussions with officers in the Ottawa-Carleton Police (1995-1997), suggest that the officers from the Bias Crime Unit are perceived by their peers as having an “easy job” - spending an inordinate amount of resources to investigate a small number of minor offences. And it would appear that in comparison to other sections, the numbers validate this perception. As already mentioned, this three person Unit has a small caseload, averaging less than five investigations between them per month - far less than most other police investigators. Even the Bias Crime Unit's tri-fold mandate to investigate, gather intelligence and educate about hate motivated crime issues does not seem to justify the apparent disparity of workloads between investigative sections since most specialty police sections implicitly have a similar tri-fold mandate. And while the purpose here is not to audit how busy the Bias Crime Unit is, the numbers do suggest that respondents' perceptions about the Bias Crime Unit being bogged down from cases cannot be substantiated, particularly if a comparison with other investigative sections in the Ottawa-Carleton Police is made.

One anomalous recommendation was to replace the Police Services Board, the governing body which oversees local policing, with a non-political board. It was perceived more autonomy would permit the Bias Crime Unit to function more effectively.

³² The first year, the Bias Crime Unit was a one-person operation, the second year it was increased to three officers. There have been no funding cuts to the Bias Crime Unit.

7b) What was it about the Bias Crime Unit which most impressed you?

Among those who received service from the Bias Crime Unit no discernible pattern by victim's group or crime category was observed.

Four respondents were most impressed by the fact that the Bias Crime Unit existed in the first place. The symbolic gesture of an established, full-time Unit, staffed by specially trained officers carried important meaning to these victims. In related areas, one respondent explained how the existence of the Unit now provides him a voice as a gay man and the Native respondents saw the presence of the Unit as a sign that the police were at least trying to abate racial problems and become culturally sensitive.

Eight respondents were most impressed by the work ethic of the officers who staff the Bias Crime Unit. Descriptors like “dedicated”, “honest” and “professional” were commonly used. One person here was impressed by the knowledge level of the officer he dealt with who, although not Jewish, clearly had a good understanding and high respect for Jewish tradition. Respondents were also highly impressed that their complaints were not “brushed off” or trivialized. For example, one person explained that although he himself considered the incident trivial, he was relieved to find that the Bias Crime Unit treated the matter seriously as he felt that even a minor incident could grow into something darker. Another person was impressed by the speed of the service, stating that within only a few hours of making the complaint, Bias Crime officers were hard at work.

One respondent was most impressed by the accessibility of members of the Bias Crime Unit. Another cited her reduction in fear as the single most influential variable. Interestingly, only one person reported that having her problem resolved was the thing that most impressed her.

8a) Knowing what you know now, how likely are you to recommend the Bias Crime Unit to someone else?

Overwhelmingly, respondents indicated they would recommend the Bias Crime Unit to someone else. Rationales included comments like, “because they listen”, “because of their knowledge of the issues” and because of the Unit’s “expertise”. One person stated he has already strongly endorsed the Unit to others - even for civil matters such as a landlord tenant dispute. This person believes that the more people use the services of the Bias Crime Unit, the more the service will become refined and the better they will get at tracking extremists.

Only two people indicated they would not recommend the Unit; one person was Native and he stated simply that it was not his people’s way. The other, a black man, was under the impression that because politicians had cut funding to the Unit, it had been rendered impotent and consequently he would have to take matters into his own hands. It was revealing that the two people not actually served by the Unit would also recommend it - albeit for drastically different reasons. One stated he would recommend the Bias Crime Unit only because the police have the market cornered: “The police are the only game in town”; the other person would recommend the Unit because he believes that as this service becomes more established, homophobic officers within the Ottawa-Carleton Police will eventually recognize that there is nothing to fear from gays.

8b) If you were victimized again in a similar fashion, what is the likelihood that you would again call upon the services of the Bias Crime Unit?

People who did not recommend the Bias Crime Unit to someone else would themselves not make use it again. Also, those who would recommend the Unit, would use it again with one exception. The sole exception was a gay man who cited three reasons: the Bias Crime Unit did not catch the offender; the failure of the Bias Crime Unit officers to return his phone messages (“that damn answering machine”); and finally, the fact that the

Unit is staffed by three white men at a time when it should have a more diversified representation. Despite inquiries, the reason why this man would recommend the Bias Crime Unit to someone else, in spite of his three concerns, was unclear.

8c) In this interview we have covered a lot of ground, topics included how you heard about the Bias Crime Unit, its facilities, how well members communicate, its personnel, service quality and outcomes. Of these topics, could you tell me the one or ones that stand out as most important to you.

Unfortunately, the design of this question tended to confuse many of the subjects. Those who did respond tended to simply repeat comments they had said in parts of question #7. Because of the respondents' difficulty in interpreting this question, results have not been presented.

8d) My last official request is for you to grade the Bias Crime Unit overall. With higher marks representing more satisfaction and lower marks signifying less satisfaction, please tell me what mark you would give the Bias Crime Unit out of one hundred.

Many people found it difficult to give the Bias Crime Unit a score and I was careful to remind them once again that there was no right or wrong answer to this or any question. Of the 20 interviews, 18 resulted in a quantitative mark. Natives from the group interview did not feel comfortable answering this question and the results from the two individuals not served by the Bias Crime Unit are presented separately.

The marks overall ranged from a low of 15% to a high of 100%. The average was 81%. In order to provide the reader with more comprehensive results, detailed findings for each crime category and victims' group, have been charted. The following charts illustrate results by gender (chart 5.0), results by cases that resulted in a criminal charge (chart 5.1), results by victim's group (chart 5.2), and results by crime categories (chart 5.3). Comments from the two hate motivated crime victims not served by the Bias Crime Unit are also included to provide additional perspective (chart 5.4). When viewing these charts

Male vs Female Hate Motivated Crime
Victims' Satisfaction Ratings

Chart 5.0

Satisfaction Level of Hate Motivated Crime
Victims in Cases Resulting in Charges vs No
Charges

Chart 5.1

Reported Satisfaction Level by Hate
Motivated Crime Victims' Group

Chart 5.2

Reported Satisfaction Levels by Hate
Motivated Crime Offense Categories

Chart 5.3

**Satisfaction Levels
According to
Gender, Criminal
Charge, Victims'
Group, Crime
Category and
Victims Who Were
Not Served by Bias
Crime Unit**

**Satisfaction Levels Among Hate
Motivated Crime Victims Not Served
by Bias Crime Unit**

The two victims of hate motivated crime who were not served by Bias Crime Unit were not as satisfied as those victims who were. The first victim was a black male whose assault case resulted in criminal charges. He rated the service he received at 40%. The other victim was a gay male whose assault case did not produce criminal charges. He did not provide a quantitative figure but did state about the officers he dealt with that: "They only did the bare minimum and didn't have knowledge of what should be done".

Chart 5.4

Charts 5.0-5.4

it is important to keep in mind the small sample size of the victims' groups and crime categories illustrated.³³

Charts 5.0 to 5.4 reflect a qualified snapshot of hate motivated crime victims' satisfaction levels with the Ottawa-Carleton Police Bias Crime Unit from 1993-1996. The most noteworthy results show that among victims served by the Bias Crime Unit, those who were most satisfied were people whose case resulted in the Bias Crime Unit laying a criminal charge (97% satisfaction), and people from the "Crimes Against Person" category (95% satisfaction). Those who were the least satisfied were Natives (70% satisfaction), Black people (80% satisfaction), women (78%)³⁴ and people from the "Threats / Intimidation" crime category (77% satisfaction). Attempts to correlate overall satisfaction with other variables discussed during the interview, such as knowledge of the Bias Crime Unit, the ability of police to answer questions, facilities, etc., produced inconclusive findings. Victims would report high levels of satisfaction for some effectiveness indicators and low satisfaction for others, suggesting that overall satisfaction is contingent upon many competing and subjective factors. This conclusion supports the notion that how a person reconciles their hate motivated crime victimization is contingent upon more than just their affiliation to a certain religious, racial or sexual group.

The Native Sample

During the summer of 1996, the Bias Crime Unit received second-hand information that a group of skin heads was planning an attack against some local Natives living on Victoria Island. Ottawa-Carleton Police, including a representative of the Bias Crime Unit,

³³ For instance, the Native victims category and the misogyny crime category account for just one respondent each.

³⁴ Because some interviews involved male and female respondents, only those with just females were considered in Chart 5.0. Omitting male responses resulted in a slight decrease in the overall average score.

approached these Natives to advise them of the situation and offer assistance. In the end, no attack came and police assistance was neither requested nor rendered.³⁵

As has already been discussed briefly in Chapter Three, Natives in Canada have historically been the victims of racism and intolerance - yet official police hate motivated crime statistics would suggest this is not the case. In Ottawa-Carleton, only seven incidents of hate motivated crime against Natives have been reported with five of these being reported in the first six months of 1993. With a Native/Aboriginal population of 31,000 or 3% of the Ottawa-Hull region (Statistics Canada, 1991; Indian Affairs and Northern Development, 1997), and the propensity of hate mongers to target visible targets, it would be reasonable to have expected more reported incidents. When questioned about this, the sergeant in charge of the Ottawa-Carleton Unit offered no explanation. Conversations with the sergeant in charge of the Winnipeg Police Service Bias Crime Unit revealed that despite their local Native/Aboriginal population of 45,000 representing 7% of the City of Winnipeg (Statistics Canada, 1991), there has never been a reported incident of hate motivated crime against a Native in Winnipeg. This officer also had no explanation. At the national level, the situation is much the same. A Department of Justice-funded "Survey of Hate Motivated Activity" (Justice Canada, 1994) also revealed surprisingly little evidence of hate motivated crimes against Natives in Canada.

In contrast, Kahn-Tieneta Horn (1996), a Native who witnessed the Oka crisis from behind the barricades, believes extremist activity against Aboriginals is disturbingly high in Canada. During an oral presentation she described the 1990 Native confrontations as the spark which ignited substantial hate-motivated crimes against Natives in Canada. Just as records show there was a sharp spike in anti-Arab hate motivated crimes during the Gulf

³⁵ Despite the lack of a formal complaint and the absence of an actual incident, the information was still recorded within the Bias Crime Unit's computer data base and subsequently became part of my research sample.

War (Gilmour, 1994), it is reasonable to believe Natives would have faced similar sentiments as the summer of 1990 unfolded. Sociologist Nat Hentoff (1992) states that when any group is perceived to be societal outcasts, their attackers feel that they are acting on behalf of society in punishing them for the behaviour that makes them outcasts. It is therefore reasonable to believe that some extremists might view Native defiance during 1990 as pernicious and deserving of retribution.

Given these factors it is logical that the lack of reported hate motivated crimes against Natives in Canada is not because crimes are not being perpetrated against them. Evidence already demonstrates how some crimes may be readily identifiable to people within Native communities but unknown to police.

An RCMP detachment had not received reports of sexual assault in their detachment area for several years, whereas they discovered that incidents were still occurring. An investigation into the matter led to the discovery that these incidents had been widely discussed in the community, but had not been reported to the police. The problem was so significant that one individual was reported to have committed over 40 sexual assaults. (Developing Crime Prevention Strategies in Aboriginal Communities, No. 1991-12 at 14.)

Accepting that valuable knowledge can be gained through an understanding of why Natives do not make use of the Ottawa-Carleton Bias Crime Unit, I was eager to take advantage of the unique research opportunity.

After three failed interview attempts in which no Natives agreed to participate, I decided to modify my research approach somewhat. I wore casual clothes, engaged in more nondescript conversation and brought the Natives I intended on interviewing a gift of tobacco. Although no one was yet interested in taking part in my research, the Native spiritual leader did take me aside and said, "It is considered inappropriate for anyone to speak on behalf of the group outside of circle." The term "circle" is a name given for a

meeting in which everyone can face each other as “equals” and consequently the “truth” can more easily be expressed. This spiritual leader then invited me to an upcoming circle where I could present my questions.

For attendance at circle I dressed casually (jeans / sweat top) and brought sage, tobacco, a prayer cloth and sweet grass. Under the tutelage of peers more familiar with Native custom, I became familiar with what to do with these items and how to behave. “I have come as a visitor because I have questions and seek the knowledge and wisdom of the circle” I said, and then explained the research I was doing and the fact that I was a police officer. Although I had a scripted questionnaire, it quickly became necessary to abandon it in order to explore the issues presented in the circle setting. I asked the circle if they had ever been victimized because they were Native and if so, why had they not made a report with the police. In response, the circle spoke of their values and culture, of healing instead of jails and forgiveness not vengeance. They gave poignant examples of why the white man's system did not work for them and how it had always failed them. “I would rather go to healing circle and address wrongs than send him [the offender] to jail. Then they have to see the damage they have caused,” said one warrior. Many reasons were given as to why they would not call police and these were summarized by one participant as, “Your ways are not our ways.” In the words of one warrior, “Police need a cultural and spiritual awakening... police need to see Natives as something other than drunks.” The absence of a police presence in their community was certainly not something these Natives pine for and none of the Natives had ever heard of the Bias Crime Unit, although some had met the officer in charge of the Unit.

The two interviews that were conducted with Natives have caused me to believe that the vast cultural differences which exist between Natives and non-Natives are most visible in our legal settings; they are, however, not caused by them. At virtually every stage our

justice system sees events differently and, understandably, chooses to respond to them differently. This is not surprising when one considers that laws grow from the customs, traditions and rules of a society of people. Our laws make sense because they are the product of our customs. However, the Native value system has been distilled from different customs, where “concepts of adversarialism, accusation, confrontation, guilt, argument, criticism and retribution are alien... although perhaps not totally unknown” (Report of the Aboriginal Justice Inquiry of Manitoba, 1991: 22, 37). Ours is driven by the rule of law where lines are drawn, accusations are made, people argue face-to-face, guilt is assessed and punishments are levied. In stark contrast, Aboriginal systems are based on fundamentally different structures. To many the goal of seeking harmony (not mastery) does not have to involve punishment, or passing judgment, but a commitment of the group to nurture and support each of its members.

The Native approach is often less concerned with “the crime” and more focused upon using some form of dispute resolution strategy to correct whatever dysfunction caused the incident to occur in the first place. Even what constitutes a crime can be different. Something which may constitute a problem to the police may be dismissed by Native communities as less significant. For example, in some traditional communities thefts may go unreported or unresolved for a number of years due to the low priority given to material goods. What this means to the Ottawa-Carleton Police, and police everywhere, is that an analysis of the problem of hate motivated crime against Natives must be conducted within the context of the legal, cultural and socioeconomic characteristics which influence these communities. It must also be sensitive to these communities' contemporary cultural identities, their views on the police, and their relations with non-Native communities.

Given this dichotomy, it is not surprising that services offered by the Bias Crime Unit would not elicit much enthusiasm or positive expectation among Natives, for this could well be considered an unwelcome intervention and even an affront to their spiritual beliefs. Poised as I was to explore theories of hate motivated crime with Native respondents, the unmistakable reality is that this discourse does not fit within the Native paradigm. The Bias Crime Unit is a construct designed to serve a different justice system, a system with profoundly different goals. The reality that non-offending Natives will likely never make use of police resources in a traditional way is something our justice system should address. At the level of the Bias Crime Unit, this suggests a completely different outreach and service approach is warranted. Lectures and presentations, which are the main communication vehicles the Bias Crime Unit currently employ, will have to be replaced by more effective strategies. Just as I found that casual dress, informal discussion and an awareness of cultural issues facilitated my access to Native perceptions, so too must the Bias Crime Unit be prepared to abandon those strategies which only appeal to certain groups in our community and customize new strategies to bridge the great gulf separating Natives and police.

CHAPTER V

CONCLUSIONS

In Chapter IV, interview responses to a series of comprehensive, open-ended questions made it possible to determine whether the individual victims of hate motivated crime found the Ottawa-Carleton Regional Police Bias Crime Unit an effective response in addressing their victimization. The findings from the interview process have revealed the importance of increasing awareness about the Bias Crime Unit as well as the high symbolic significance of this Unit. Logistical and performance standard issues also emerged as particularly important variables in terms of affecting victims' satisfaction levels. This chapter will examine each of these areas at the highest level, where an overall evaluation of effectiveness can be made in consideration of larger themes, patterns and the existing literature. This chapter will also explore policy implications related to the research findings and make recommendations for future research.

Awareness of the Bias Crime Unit

Some of the most interesting findings came at the beginning of the research interview. The fact that gay victims were all aware of the Bias Crime Unit before filing a police report, while other victims groups were not, was revealing. The research suggests that local gay groups share a strong collective identity and possess well developed communication lines that the Bias Crime Unit has been able to tap into. Furthermore, the various presentations/information sessions that have been conducted by members of the Bias Crime Unit appear to have caused a ripple effect; gays in the Ottawa-Carleton area are now endorsing the Bias Crime Unit to one another. The challenge for the Bias Crime Unit is to repeat this level of success with other communities targeted by hate motivated crime. This research suggests that the Jewish community is well positioned to become as familiar with the Bias Crime Unit as is the gay community. Unfortunately, other local

communities appear nowhere close to this level of awareness. Given resource limitations, strategic efforts must be made by the Bias Crime Unit to customize a message that will reach these communities -- especially the black community which is statistically the most frequently victimized by hate motivated crime.

The importance of making the Bias Crime Unit known to the communities they serve cannot be overstated. The literature has already identified the high percentage of under-reported hate motivated crimes and associated levels of repeat victimization, and this research has illustrated that once aware of the existence of the Bias Crime Unit, victims are more likely to file a police report. Therefore, increasing the level of awareness about the existence of the Bias Crime Unit represents a first step towards overcoming the problem of under-reporting. Respondents' recommendations about launching a professional marketing campaign to assist with this objective appear to have merit especially when one considers that police are trained to deal with crime problems and not to create marketing campaigns.

The fact that so many victims were still not aware of the Bias Crime Unit, even after receiving service from this Unit, was surprising. No extenuating circumstance could be identified to explain why this situation exists and the problem appears to sit squarely on the shoulders of the officers who staff this Unit. Several consequences from their routine failure to satisfactorily inform victims about the mandate of this Unit can be traced. The opportunity for word-of-mouth endorsements - similar to those which have generated widespread awareness within the gay community - fails to be capitalized upon. The high symbolic value people place in the very existence of the Bias Crime Unit is missed. Officers must continue to sell the merits of using their service even if a victim has filed a report, because it appears that the more victims know about hate motivated crime and/or the Bias Crime Unit, the more likely they are to use and recommend this service to others.

Victims who did not report incidents indicated that had they known the mandate of the Bias Crime Unit, they would have come forward. Couple this with the fact that these victims face an increased chance of repeat victimization, often increasing in severity, and it becomes clear why informing these people about the resources at their disposal must be made a priority. The finding that this could have been accomplished with existing pamphlets that the Bias Crime Unit already possesses is also surprising and again underscores the value of a professional marketing campaign.

Logistics and Performance Standards

Location of the Bias Crime Unit was symbolically important to almost all of the respondents, though in different ways. Some people felt the current police station setting lent credibility to the Bias Crime Unit, while others wanted the location moved into a more community-based setting in order to overcome the negative stigma they associate with a police station. Contrary to the findings from the literature, there was no evidence to suggest that the appearance/nuance of the actual location was consequential. Because of the importance and rationale that victims put in the location of the Bias Crime Unit, consideration to opening another satellite office in the community appears to have merit. The number of strategically located community police centres in Ottawa-Carleton could provide a logical testing ground for this initiative. The fact that these centres have always been open to receive any public complaint, including those that deal with hate motivated crimes, may be another indicator of the need for a marketing campaign to raise awareness about both the Bias Crime Unit and the mandate of community police centres.

Interview questions that dealt with speed and efficiency of the Bias Crime Unit demonstrated victims were quite satisfied overall. The research also indicated that victims tend to confuse the independent roles played by members of the criminal justice system. Therefore, victims' satisfaction with the Bias Crime Unit is at times judged by factors that

the Unit actually has no substantive control over -- such as the level of knowledge of a Crown attorney. This finding underscores the value of teamwork and a good working knowledge about the work done by the various actors in the criminal justice system. Although other parts of this system can potentially improve the image of the Bias Crime Unit, this research revealed only cases where the opposite was true. The additional finding that victims' service expectations were often vague because they simply didn't know what was or was not reasonable to expect from the Bias Crime Unit, suggests that there could be benefits from developing a performance standard against which victims could better understand the component parts of the criminal justice process and rate the quality of service they receive at each stage.

Another area that demonstrates the value of having some form of police performance standard was telephones. This research found that although the Bias Crime Unit has ample resources, it still relies a great deal on telephones and answering machines, tools that most victims felt should be used sparingly for investigative work. The tendency of Bias Crime Unit members to rely on phones/answering machines has had a detrimental effect on victims' satisfaction. Interview results illustrated how respondents would prefer to have their calls answered by a person (reserving answering machines for after-hour usage), and that as much as possible, telephones be put to use for setting up face-to-face meetings. Other parts of the research confirmed that when victims are in personal contact with a member of the Bias Crime Unit, their satisfaction level increased. Interestingly, it was also revealed that satisfaction would also increase if a member of the Bias Crime Unit was to telephone a victim unsolicited, such as to update a victim about the status of their case. This suggests two things: first, that there is room for improvement in how members of the Bias Crime Unit make use of telephones and answering machines; and second, other police sections with heavier workloads and a greater reliance on telephones/answering machines may be more seriously affecting client satisfaction.

The notion that victims of hate motivated crime find the Bias Crime Unit to be highly effective in addressing most of their victimization needs is clearly supported by the interview results. The additional findings from the admittedly small number of victims not served by the Bias Crime Unit offers further validation for the existence of this specialized service. The non-Bias Crime Unit investigators consistently failed to live up to the standards of their Bias Crime Unit counterparts, with the two victims' interviews indicating far lower levels of satisfaction. Instead of alleviating these victims' concerns, this research revealed the non-Bias Crime Unit officers entrenched and even exacerbated them.³⁶

The research results also identified that the appearance of officers who staff the Bias Crime Unit was important. As predicted by the literature, the need for officers to reflect the composition of the community it serves elicited strong feelings among respondents. What makes this research finding unique is that the rationale behind these victims' feelings was not supported by the literature. Respondents cared about officer appearance and gender only because they perceived these characteristics to be symbolically important in the minds of others, but not to themselves. Instead, each of the victims was far more concerned about the level of competence and professionalism of these officers. Ironically, every single respondent felt that their egalitarian view made them the exception, but in the end they were all exceptions. Among those individuals served by the Bias Crime Unit, perception of appearance seems to have taken on a reality of its own and produced a self-fulfilling prophecy where what is perceived to be true becomes true in its consequences. Thus, satisfaction levels were ultimately harmed because of the collective perception that the Bias Crime Unit would be enhanced if it better reflected the composition of the community it serves.

³⁶ Because of the small size of the non-Bias Crime Unit group, further research using a larger sample is recommended.

The recurring respondent recommendation to increase the number of officers assigned to the Bias Crime Unit so as to allow this Unit the resources to better achieve its mandate deserves attention. Among the membership of the Ottawa-Carleton Police the unofficial perception is that in this era of declining resources and rising workloads, the small number of offences handled by this Unit does not justify additional, or for that matter, existing resources. On this debate, it seems relevant to draw attention to the fact that members of the Bias Crime Unit do feel they have the time and resources to thoroughly investigate cases that a busier police section might not (Dunlop, 1996; Watts, 1997), and this research clearly demonstrated that victims were very satisfied when an investigating officer took the time to deal with “trivial” matters. If the Bias Crime Unit was to lose personnel, it is reasonable to expect that some of these trivial matters might no longer receive the same level of attention and consequently, victims’ satisfaction with this Unit could suffer. This raises some additional questions: would the number of hate motivated crimes investigated by the Bias Crime Unit increase if more officers were assigned to this Unit, would the level of service increase with more officers, and why do some people perceive their hate motivated victimization to be trivial?

The Bias Crime Unit operates in a policing environment built upon assigning and investigating criminal incidents based upon level of injury or magnitude of property damage, and not on motive or potential for harm. The research findings demonstrate that the institution of policing has therefore created an artificial barrier for the Bias Crime Unit, resulting in many identified hate motivated incidents being investigated by police sections other than the Bias Crime Unit. Despite the evidence that academics, government, the media, victims groups and, as this research has shown, individual victims do rate the Ottawa-Carleton Police Bias Crime Unit a success, the fact that it marches out of step with the rest of the policing system means the Bias Crime Unit will likely always have a smaller investigative workload than expected. Thus, the future of this Unit may ultimately be

threatened most by the very institution of policing itself. Even if more hate motivated crime incidents were reported, or staffing levels in the Unit were to increase, there is nothing to guarantee that these incidents (especially the most sensational) would all be investigated by the Bias Crime Unit. This also raises another matter that must be addressed before the issue of “trivial” hate motivated crimes is explored, that being the need for Ottawa-Carleton Police officials to start utilizing better evaluation tools.

As public expectations expand alongside police workloads, police officials have increasingly turned to quantitative indicators to assess and justify the existence of specialty squads like the Bias Crime Unit. Two of the favorite indicators that are commonly used in tandem are the volume of workload and type of workload. But because the Bias Crime Unit will, for the foreseeable future, continue to investigate a comparatively small number of routine cases, the ongoing viability of this Unit may be seriously questioned. The research findings suggest a need for police officials to start evaluating the Bias Crime Unit - and other sections - against both quantitative and qualitative standards. I believe that much of the current problem with evaluations is a result of police leaders using too many business approaches to assess performance. Seeing the administration of justice as too much like a managerial problem, and less a moral or ethical one, means that a victim's dissatisfaction with certain services could be viewed as tolerable simply because the proverbial books balance. Conversely, although the Bias Crime Unit is effective, police officials have no way of determining this for themselves. Because business principles do not always make for sound social policy, one must conclude there is a pressing need in policing for more qualitative performance indicators that can properly assess police effectiveness, as well as efficiency.

The fact that a number of respondents considered their victimization to be “trivial” is itself revealing. In Chapter II, the literature demonstrated why a hate motivated crime

carries a disproportionate harm in comparison to identical non-hate motivated crimes. However, it may be that at least one element of the disproportionate harm argument may be guilty of oversimplifying the highly subjective nature of victimization. Specifically, the literature makes a case that when a person is victimized because of characteristics they have little control over, such as race, sexual preference or religious convictions, the victim is more likely to suffer heightened psychological trauma and that this can occur no matter how serious the crime. The interview results, however, could find little evidence to support this part of the disproportionate harm argument. Instead of elevating matters, people more routinely dismissed property and harassment incidents as a “nuisance”. This result could support the notion that the way a person reconciles being a victim is contingent upon more than just that person's race, religious beliefs, or sexual preference being targeted. Factors such as age, personal support groups, wealth, education, the victim’s existing level of fear of crime, and their predisposition to racism are just some of the numerous potentially relevant variables the literature has taken little notice of. It could prove beneficial, therefore, to research this issue so as to better understand what combination of factors triggers and/or inhibits psychological trauma among victims of hate motivated crime.

Symbolic Value of the Bias Crime Unit

Several reasons were given for why victims of hate motivated crime decided to file a police report. The fact that the very existence of the Bias Crime Unit was repeatedly cited as a primary reason by many respondents provides some validation for this Unit. As highlighted earlier, the literature has explained why the high under-reporting levels associated with victims of hate motivated crime must be addressed, and this research finding suggests that the Bias Crime Unit represents a viable tool for overcoming this problem. Policy implications related to this suggest that by focusing on what the Bias Crime Unit and/or institution of policing is doing well (as opposed to the current preoccupation with what keeps a victim from filing a report), it may be possible to

operationalize these best practices at the institutional level -- instilling victims with the necessary confidence to report incidents that might otherwise go unnoticed.

The reasons victims cited in support of a special police response to hate motivated crime were consistent with those presented in the literature. There was strong endorsement for the continuation and even expansion of this Unit due largely to the strong symbolic value derived from this specialty service. The very existence of the Unit seems to demonstrate to victims that the police are trying hard to reach out to individuals and communities previously ignored.

Victims' concerns about filing a police report also parallel those reasons presented in the literature, even in terms of the reasons associated with a particular victim's group. For example, gays did in fact worry that their privacy and anonymity might be threatened. The interview results demonstrate that although 90-95% of hate motivated crimes go unreported or unrecognized, members of the Bias Crime Unit clearly deserve credit for having diminished many of the negative stereotypes that have otherwise plagued police and caused victims not to report incidents in the past. The exception was Native respondents.

Natives interviewed did report positive feelings related to the symbolic value of the Bias Crime Unit, however, their concerns about the larger criminal justice system overshadowed all else. Just as the literature predicted, this research found that the high level of Native under-reporting is a symptom of far more powerful cultural and historical influences. The Solicitor General (1991) has documented other attempts made by police to implement programs which would impact on community crime problems and found that they have met with little success because they were either developed without the involvement of the community or misconstrued the real nature and cause of cultural conflict. As such, the issue shifts to whether the Bias Crime Unit will ever be able to

overcome Native concerns. The findings from this research lead me to conclude that Native systems of justice and traditions are not up to us to define or control, only to try and understand and accommodate.

Policy Implications

Although the intent of this research was not to audit the Bias Crime Unit, several areas were identified nonetheless that could potentially increase victims' overall satisfaction with the Bias Crime Unit without undue effort on the part of the officers who staff this Unit. The easiest strategy to implement would be to ensure victims are aware that they are being served by police specialists trained to deal with hate motivated crime. This simple step would allow victims to recognize the symbolic value of the Unit, a factor that has been determined to be of great significance. Making sure victims receive service in their preferred language is another non-constraining procedure that can be accomplished using existing police resources. Discussing crime prevention strategies with victims is a third means by which to increase victims' satisfaction and simultaneously reduce the likelihood of repeat victimization which, if left unchecked, has the potential to increase in violence. Another convenient strategy to increase victims' satisfaction levels would be for the Bias Crime Unit officers to regularly advise victims about the disposition of their case. Even if there are no new developments, victims indicated higher levels of approval any time ongoing contact with the Bias Crime Unit was maintained. Other policy recommendations such as the development of performance standards and initiating a marketing campaign to increase awareness of the Bias Crime Unit would require more effort and cost, but would likely achieve significant positive results. Overall, it can be stated that although victims' satisfaction levels are already high, there is evidence to support the notion these levels could improve markedly with only minor police effort.

Conclusion

People disagree about what hate motivated crime is, what causes it, and the extent of this problem. Also, any research into specific police responses to address the problem of hate motivated crime, in particular, the effectiveness of bias crime units, has been neglected. This research represents a step towards rectifying this situation. This research has clearly demonstrated that the Bias Crime Unit represents a fundamental change to how police have traditionally dealt with hate motivated crimes, and that this strategy has been a success in the minds of the victims interviewed. Comprehensive interviews with the victims of hate motivated crimes have made it possible to determine that these individuals do find the Bias Crime Unit to be an effective response to their victimization. The Bias Crime Unit's high overall score of 81 percent satisfaction warrants them being called effective at many levels.

The Bias Crime Unit can be considered effective because it has overcome many negative stereotypes that have traditionally plagued police and kept victims from reporting hate motivated crimes. As a result of this Unit's work, many victims now attach a strong symbolic value to this Unit. And because of this symbolic value and other performance indicators - such as significantly outperforming non-Bias Crime Unit investigators - the positive effect of this Unit has resonated far across the criminal justice system and into at least the gay and Jewish communities. Indeed, the Bias Crime Unit could be considered a "disproportionate remedy" in addressing many of the disproportionate harm problems associated with hate motivated crime.

Although this research has demonstrated that the already high satisfaction levels could easily be improved upon, there is a caveat. The very institution of policing itself has unknowingly created a ceiling on what is possible. The police tradition of assessing crimes in accordance with levels of damage or extent of injury does not give enough consideration

to motive or potential for harm. The effect of this is that the Bias Crime Unit will have to endure an unnecessarily small, generally unappreciated, and “non-sensational” workload. Also, because the Bias Crime Unit is evaluated too much by traditional crude quantitative measures and not enough by more relevant qualitative indicators, police officials have no tools to determine how this Unit has demonstrated its true effectiveness and value. Thus, the creation of the Bias Crime Unit in 1993 as a response to hate motivated activity was a visionary concept, but it remains to be seen if policing itself will ever allow this concept’s potential to be fully harnessed. It seems fitting, therefore, to end with a Yiddish proverb that epitomizes much of the current dilemma facing the Bias Crime Unit: “Never a prophet in one’s own land.”

REFERENCES

- Aronowitz, A. "Germany's Xenophobic Violence: Criminal Justice and Social Responses." in M. Hamm (ed.) *Hate Crime: International Perspectives on Causes and Control*. Anderson Publishing: Cincinnati, OH. 1994.
- B'nai Brith Canada. 1993 Audit of Anti-Semitic Incidents. Downsview, Ontario. 1993.
- B'nai Brith Canada. Nazi War Criminals & Hate Activity in Canada. Toronto. July 7, 1994.
- Babbi, E. *The Practice of Social Research*. Belmont, California: Wadsworth Publishing Company. 1985.
- Barret, Stanley R. *Is God a Racist? The Right-wing in Canada*. University of Toronto Press: Toronto, 1987.
- Bayley, David H. "Community Policing: A Report from the Devil's Advocate." in Jack R. Greene and Stephen D. Mastrofski, *Community Policing: Rhetoric or Reality*. New York: Praeger. 1988.
- Benner, P. Quality of life: A phenomenological perspective on explanation, prediction and understanding in nursing science. *Advances in Nursing Science*, 8(1). 1985.
- Benson, G. F. *Developing Crime Prevention Strategies in Aboriginal Communities*. No. 1991-12: Ministry of the Solicitor General of Canada, 1991.
- Bercuson D. & D. Wertheimer. *A Trust Betrayed, The Keegstra Affair*. Doubleday Canada Ltd.: Toronto. 1985.
- Berk, Richard A. "Forward." in M. Hamm (ed.) *Hate Crime: International Perspectives on Causes and Control*. Anderson Publishing: Cincinnati, OH. 1994.
- Berk, Richard A. "Thinking About Hate-motivated Crimes." *Journal of Interpersonal Violence* 5. 1990.
- Berk, Richard A., Elizabeth A. Boyd & Karl M. Hamner. "Thinking More Clearly About Hate-Motivated Crimes." in Gregory M. Herek, & Kevin T. Berril (eds.) *Hate Crimes: Confronting Violence Against Lesbians and Gay Men*. Sage Publications: Newbury Park. 1992.
- Berman, R. Binary Hate, Issue 15, 1995 Vol. 1.
- Berman, R. Fighting Hate with Computers! *ARRN Uplink*, Vol. 1 Issue 1. March 1995.
- Berril & Herek, 1992: 294. in *Symposium on Hate Crime*. Toronto: Metropolitan Police and Ontario Solicitor General. 1994.
- Berrill, K.T. "Anti-Gay Violence and Victimization in the United States: An Overview." *Journal of Interpersonal Violence*, 5, No. 3. 1990.
- Berzins, Andre. (Chief Crown Prosecutor) *Comments to Ottawa Press*. 1994.

- Bias Crime: American Law Enforcement and Legal Responses. Office of International Criminal Justice, The University of Illinois at Chicago: Chicago. 1993.
- Bill C-23, enacted 1995.
- Bill C-41, An Act to Amend the Criminal Code of Canada. 1996.
- Bissoondath, Neil. *Selling Illusions: the Cult of Multiculturalism in Canada*. Penguin Books: Canada, 1994.
- Bowling, B. and Saulsbury, W. "A Multi-agency Approach to Racial Harassment." Research Bulletin/Home Office Research and Statistics Department. 1992.
- Bowling, Benjamin. "Racial Harassment and the Process of Victimization." *British Journal of Criminology*, 33. 1993.
- Bowling, Benjamin. "Racial Harassment in East London." in M. Hamm (ed.) *Hate Crime: International Perspectives on Causes and Control*. Anderson Publishing: Cincinnati, OH. 1994.
- British Columbia Attorney General & Justice Canada: 1994.
- Brodeur, Jean-Paul. Access to Justice and Equality of Treatment. 1991. in Etherington, B. *Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e)*. Ottawa: Department of Justice Canada. 1994.
- Bronskill J., *Canadian Press* 28 - *Winnipeg Free Press*: March 1995.
- Burtch, Brian & Kelly Reid. *Discovering Barriers to Legal Education: First Generation Immigrants in Greater Vancouver*. Ottawa: Department of Justice (WD1994-3e/3f). 1994.
- Burtch, Brian & Kelly Reid. *Focus Groups on Public Legal Information: Needs and Barriers to Access*. in Etherington, B. *Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e)*. Ottawa: Department of Justice Canada. 1994.
- CACP Annual Conference, Ottawa. 1996.
- Calgary Herald Sunday Magazine. January 7, 1990.
- Canada Survey of Hate-Motivated Activity. The Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System under the direction of representatives from British Columbia Attorney General & Justice Canada. September, 1994.
- Canada, Department of Justice Canada. *National Symposium on Women, Law and the Administration of Justice*. 1991: Vancouver B.C., vol. 2, "Recommendations for the Symposium, Ottawa: Ministry of Supply and Services Canada. 1992.
- Canada, Statistics Canada. *Census 91, Immigration and Citizenship: the Nation*. Ottawa: Statistics Canada. 1992.

- Canada. Report of the Sub-Committee on the Recodification of the General Part of the Criminal Code of the Standing Committee on Justice and the Solicitor General. "First Principles: Recodifying the General Part of the Criminal Code of Canada. Ottawa: Queen's Printer. 1993.
- Canadian Association of Chiefs of Police Multicultural Liaison Committee. "Hate Crimes in Canada: In Your Back Yard." Solicitor General Canada. 1996.
- Canadian Centre for Justice Statistics. Juristat: Public Perceptions of Crime. Vol. 15. No. 1, Statistics Canada: Ottawa. January 1995.
- Canadian Centre for Police Relations. RCMP: Ottawa. Personal interviews with J.V. Stein. 1996.
- Canadian Press Curb Internet Hate, Anti-Racism Group Says, Ottawa Citizen. June 15, 1995.
- Canadian Sentencing Commission. Sentencing Reform: A Canadian Approach. Ottawa: Supply and Services Canada. 1987.
- Cannon M., The Invisible Empire: Racism in Canada. Random House of Canada. 1995.
- Carroll, Jim. (Ottawa-Carleton Police Superintendent) Personal interviews. 1995.
- Carswell Criminal Code. 1994.
- Center For Democratic Renewal. When Hate Groups Come to Town: A Handbook of Community Responses, Center For Democratic Renewal. 1992.
- Centre for Democratic Renewal. When Hate Groups Come to Town. Atlanta. 1992.
- Chacko, J. & S.E. Nanoo (eds.). Community Policing in Canada. Canadian Scholars' Press, Inc. Toronto. 1993.
- Chandler, David. Violence, Fear, and Communication. The Variable Impact of Domestic Violence on Mediation. Vol. 7, #4, Summer, 1990.
- Christie, Nils. Crime Control as Industry, Routledge: Oslo. 1993.
- Cohen, Stan. Folk Devils and Moral Panics. MacGibbon and Kee: London. 1980.
- Cohen, Tannis. Race Relations and the Law. Canadian Jewish Congress. 1988.
- Community Development, Brief to House of Commons, Ottawa-Carleton Regional Police Service: February, 1995.
- Comstock, G.D. "Victims of anti-gay/lesbian violence." Journal of Interpersonal Violence. 1989.
- Cook, J.P. Collection and Analysis of Hate Crime Activities. in Kelly, Bias Crime American Law Enforcement and Legal Responses, 1993.
- Cooper, M. The Growing Danger of Hate Groups. Editorial Research Reports. 1989.

- Corelli, Rae. "A tolerant nation's hidden shame." *Maclean's*. August 14, 1995.
- Corrections Canada, Aboriginal Peoples Collection, [Series] Solicitor General Canada. 1992.
- Crelinsten, Ronald, D. Terrorism, Counter-Terrorism and Democracy: The Assessment of National Security Threats." *Terrorism and Political Violence*. 1989a.
- Currie, A. & George Kiefl. *Ethnocultural Groups and the Justice System in Canada: A Review of the Issues*. Ottawa: Department of Justice (WD1994-5e/5f).
- Cybulski, Tom. (Ottawa-Carleton Police Data Supervisor) Personal interviews. 1997.
- David & Pierre, Nightmare still haunts victim of gay-bashing. *Calgary Herald Sunday Magazine*. January 7, 1990.
- Davidson, Ian. (Ottawa-Carleton Police Inspector) Personal interviews. 1996.
- Dawson, Brettel. Lecture at Carleton University on research methodology. 1996.
- Department of the Attorney General. Report of the Aboriginal Justice Inquiry of Manitoba: (vol.1). Department of the Attorney General (Manitoba), Aboriginal Justice Inquiry: Winnipeg. 1991.
- Department of the Attorney General. Report of the Aboriginal Justice Inquiry of Manitoba: the deaths of Helen Osborne and John Joseph Harper (vol.2). Department of the Attorney General (Manitoba), Aboriginal Justice Inquiry: Winnipeg. 1991.
- Doria, Dino. (Metropolitan Toronto Police Detective) Personal telephone interview. 1997.
- Dubé, Yves. *Policing Options Available to First Nations in Canada*. No. 1995-06: Solicitor General Canada. 1995.
- Dunlop, D. Personal interviews, Ottawa-Carleton Police. 1995-1997.
- Durkheim, Emile. *Suicide*. Free Press: New York. 1952.
- Duryea, Michelle Le Baron. *Conflict and Culture: A Literature Review and Bibliography*. UVic Institute for Dispute Resolution. 1992.
- Elman, Bruce. "The Promotion of Hatred and the Canadian Charter of Rights and Freedoms: A Review of *Keegstra v. The Queen*." *Canadian Public Policy*. 1989.
- Ericson, Richard V., Patricia Baranek & Janet B.L. Chan. *Visualizing Deviance: A Study of News Organizations*. University of Toronto Press: Toronto. 1987.
- Etherington, B. Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e). Ottawa: Department of Justice Canada. 1994.
- Evaluation and Audit Branch. Office of the Comptroller General, Canada. February 24, 1992.

- File, Patricia (Minority Advocacy & Rights Council). *Gaps in Obtaining Justice: A Study of Justice Issues of Importance to Ethnocultural and Visible Minority Community Organizations*. Ottawa: Department of Justice (TR1994-2e). 1994.
- Foster, Cecil. *Distorted Mirror: Canada's Racist Face*. Harpercollins: Toronto. 1991.
- Friedland, M.L. *Access to the Law*. Toronto: Carswell/Methuen. 1975.
- Gallup Canada, Inc. *Focus Groups on Legal Education and Information Needs*. Ottawa: Department of Justice (WD1991-1a/1b). 1991.
- Gallup Canada, Inc., *Focus Groups*. Ottawa: Department of Justice Canada, 1990
- Gannon, Mo. "Sticks and Stones." *Ottawa Sun*. June 14, 1993.
- Garafalo, James & Susan E. Martin. "The Law Enforcement Response to Bias-Motivated Crimes." in Robert J. Kelly (ed.) *Bias Crime: American Law Enforcement and Legal Responses*. Office of International Criminal Justice, The University of Illinois at Chicago: Chicago. 1993.
- Giese, Rachel. "Hating the Hate-Crimes Bill." *This Magazine*. 1995.
- Gilmour, Glenn. *Hate-motivated Violence*. (Working Document WD1994-6e). Department of Justice Canada: Ottawa. 1993.
- Godin, Joanne. *More Than a Crime: A Report on the Lack of Public Legal Information Materials for Immigrant Women who are Subject to Wife Assault*. Ottawa: Department of Justice (WD1994-2e/2f). 1994.
- Goldstein, Herman. *Problem-Oriented Policing*. McGraw-Hill, Inc.: University of Wisconsin-Madison. 1990.
- Goldstein. 1986, in Chandler, David B. *Power, Gender, Culture and Violence: Special Topic in Conflict Resolution*. Carleton University Press. Summer, 1997.
- Gordon, Robert., & Jacquelyn Nelson. *Census '93: The Report of the 1993 Census of Provincial Correctional Centres in British Columbia: A Preliminary Study*. Ottawa: Department of Justice. 1994.
- Gray, Herb. *Televised comments by Solicitor General Herb*. March 27, 1995.
- Grove, P. (ed.) *Webster's Third New International Dictionary of the English Language, Unabridged*. Springfield, Massachusetts: G. and C. Merriam Company. 1966.
- Guba, E., and Lincoln, Y. *Effective Evaluation: Improving the Usefulness of Evaluation Results Though Responsive and Naturalistic Approaches*. San Francisco: Jossey-Bass Company. 1981.
- Hall, Shamus. (Ottawa-Carleton Police Staff Sergeant) *Personal interviews*. 1997.
- Hamilton John F. & Bruce R. Shilton. *Police Services Act*. (enacted June 18, 1990): Carswell, Ontario. 1993.

- Hamm, Mark S. "A Modified Social Control Theory of Terrorism: An Empirical and Ethnographic Assessment of American Neo-Nazi Skinheads." Anderson Publishing: Cincinnati. OH. 1994a.
- Hamm, Mark S. "Conceptualizing Hate Crime in a Global Context." Anderson Publishing: Cincinnati. OH. 1994b.
- Hamm, Mark S. *American Skinheads: The Criminology and Control of Hate Crime*. Praeger: Westport, Connecticut. 1993.
- Hamm, Mark S. *Hate Crime: International Perspectives on Causes and Control*. Anderson Publishing, Cincinnati: 1994.
- Hannan, P. How Widespread is Hate crime? *Hamilton Spectator Spectrum / National*. May 15, 1993.
- Hentoff, Nat. Global television broadcast on racism. 1992.
- Herek, Gregory M. & Kevin T. Berril (eds.) "Primary and Secondary Victimization in Anti-Gay Hate Crimes: Official Responses and Public Policy." Sage Publications: Newbury Park. 1992b.
- Herek, Gregory M. & Kevin T. Berril (eds.). "Hate Crimes: Confronting Violence Against Lesbian and Gay Men." Sage Publications: Newbury Park. 1992a.
- Horn, Kahn-Tieneta. Presentation at Carleton University Law 51.507. 1996.
- House of Commons. *Equality Now: Report of the Special Committee on Visible Minorities in Canadian Society*. Queen's Printer: Ottawa. 1984.
- Hyman, A. Jews in Cyberspace. *Images*, Issue 15. 1995.
- Immigrant Services Society of B.C. *Settlement in the 1990s: An Overview of the Needs of new Immigrants in the Lower Fraser Valley*. Vancouver: 1993.
- Indian Affairs and Northern Development, Personal telephone interview. 1997.
- Ingram P., Ending Discrimination in Society Would be Best Deterrent, *Ottawa Citizen*. August 27, 1995.
- Ivey, A. *Intentional Interviewing and Counseling*. Monterey, California: Brooks-Cole Publishing Co. 1982.
- Janovich, Derek. Unpublished paper. 1997.
- Justice Canada, *Survey of Hate-Motivation Activity*. Ottawa. 1994.
- Kaplan, Jeffrey. "Right-wing Violence in North America." *Terrorism and Political Violence*. 1995.
- Karmen, Andrew. *Crime Victims: An Introduction to Victimology*. Brooks/Cole Publishing Company. 1990.

- Kelly, Robert J. , Jess Maghan, and Woodrow Tennat. "Hate Crimes: Victimizing the Stigmatized." in Robert J. Kelly (ed.) *Bias Crime: American Law Enforcement and Legal Responses*. Office of International Criminal Justice, The University of Illinois at Chicago: Chicago. 1993.
- Kelly, Robert J. *Bias Crime: American Law Enforcement and Legal Responses*. Office of International Criminal Justice, The University of Illinois at Chicago: Chicago. 1993.
- Kinsella, Warren. *Web of Hate: Inside Canada's Far Right Network*. Harper/Collins Publishers Ltd.: Toronto. 1994.
- Klanwatch, *The Ku Klux Klan: A History of Racism and Violence*. Montgomery, AL: Southern Poverty Law Centre. 1991.
- Kleck, Gary. *Point Blank: Guns and Violence in America*. New York: 1991.
- Lajeunesse, Thérèse. *Community Holistic Circle Healing Hollow Water First Nation*. APC 6 CA (1993), *Aboriginal Peoples Collection: Solicitor General Canada*. 1993.
- Law Courts Education Society of B.C. *Comparative Justice Systems Project: A Study of Problems and Issues Concerning Immigrants Adjusting to the Canadian Legal System*. 1993. in Etherington, B. *Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e)*. Ottawa: Department of Justice Canada. 1994.
- Law Enforcement and Race Relations in Canada. 1994. in Etherington, B. *Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e)*. Ottawa: Department of Justice Canada. 1994.
- Law Reform Commission of Canada. *Aboriginal Peoples and Criminal Justice*. Report 34. Ottawa: Law Reform Commission of Canada. 1991.
- Law Reform Commission of Canada. *Hate Propaganda*. Working Paper 50. Law Reform Commission of Canada: Ottawa. 1986.
- League for Human Rights of B'nai Brith Canada. *1992 Audit of Anti-Semitic Incidents*. Downsview, Ontario: B'nai Brith Canada. 1993.
- League for Human Rights of B'nai Brith Canada. *1995 Audit of Anti-Semitic Incidents*. League for Human Rights of B'nai Brith: Downsview, Ontario. 1996.
- Leighton, Barry. "Visions of Community Policing: Rhetoric and Reality in Canada." *Canadian Journal of Criminology*, vol. 33. no. 3-4. 1991.
- Levin, Brian. "Bias Crimes: A Theoretical and Practical Overview." *Stanford Law and Policy Review*. 1993.
- Levin, Brian. *Hate Crime Pyramid*. (Illustration) 1992. in *Symposium on Hate Crime*. Toronto: Metropolitan Police and Ontario Solicitor General. 1994.
- Levin, J. and J. McDevitt. *Hate Crimes: The Rising Tide of Bigotry and bloodshed*. New York: Plenum Press, 1993.

- Lewis, P. High-tech tidal wave. *Ottawa Citizen*. Nov. 6, 1995.
- Lewis, Stephen. *Report on Race Relations in Ontario*. Toronto: S. Lewis. 1992.
- Library of Parliament Research Branch. Parliament Hill: Ottawa. 1989.
- Linden. Solicitor General and Correctional Services of Ontario. NGLTF Policy Institute, 1993.
- Ludwig, Israel. *Race Relations and the Law*. 1985.
- Lungen, P. B'nai Brith Canada. *CJN Staff Reporter*. May 9, 1995.
- Lungen, P. *Canadian Jewish News: CJN Staff Reporter*. March 9, 1995.
- Marovitz, William A. "Hate or Bias Crime Legislation." in Robert J. Kelly (ed.) *Bias Crime: American Law Enforcement and Legal Responses*. Office of International Criminal Justice, The University of Illinois at Chicago: Chicago. 1993.
- McClintock, M. "Gays seek hate crime law." *The Ottawa Sunday Sun*, p.10. May 16, 1993.
- McDonald, Marci. "The Enemy Within." *Maclean's*. May 8, 1995.
- McVay, K. Lecture on hate on the Internet. Hull, Quebec. October 24, 1995.
- Mehta, Vijay. *Policing Services For Aboriginal Peoples*. No. 1993-21: Canada Research Institute. February 1993.
- Metzger, Thomas. *White Aryan Resistance*. 1995.
- Miles, M. & A. Huberman. *Qualitative Data Analysis*. Beverly Hills: Sage Publications, 1984.
- Miller, J. The murky world of hate. *Ottawa Citizen*. June 26, 1993.
- Ministry of the Solicitor General and Correctional Services. *Guidelines on Hate Crimes and Hate Propaganda*. Standards and New Programs Branch of the Solicitor General and Correctional Services of Ontario. 1993.
- Mock, K. *Focus on Human Rights: Canadian Social Studies*. Vol. 30, No. 1. 1995.
- Mock, Karen. "From Multiculturalism to Anti-Racism to Equity: Sharing Power or Grabbing Power?": *League for Human Rights of B'nai Brith: Downsview*. 1992.
- Morse and Lock, 1988 in Ostrom, V. "Problems of Cognition as a Challenge to Policy Analysis and Democratic Societies." *Journal of Theoretical Politics*, 2. 1990.
- National Action Network on Hate Crime. Ottawa: RCMP. 1996.
- Nelken, D. "Law in action or living law? Back to the beginning in sociology of law." *Lecturer in Law, University of Edinburgh Legal Studies*. 1984.

- News Release, 92-201. "Four Indicted by Federal Government for Civil Rights Violations in King Case." United States Department of Justice. August 5, 1992.
- Normandeau, A. & B. Leighton. "A Vision of the Future of Policing in Canada: Police Challenge 2000." Ottawa: Police and Security Branch. Ministry of the Solicitor General Canada, 1990.
- Oettmeier, T. and Wycoff, M.A. Personnel Performance Evaluations in the Community Policing Context, U.S. Department of Justice and the Community Policing Consortium, July 1997.
- Oiler, C. The Phenomenological Approach in Research 31(3). 1982.
- Ontario Ministry of Education, Comments to Ottawa press. 1993.
- Ontario Solicitor General Policing Standards Guideline 0219.01. January 19, 1994.
- Ostrom, V. "Problems of Cognition as a Challenge to Policy Analysis and Democratic Societies." Journal of Theoretical Politics, 2. 1990.
- Ottawa Police. Ottawa Police Bias Crime Unit. Submission to Webber Seavey. May, 1994.
- Ottawa-Carleton Police Bias Crime Unit Student Lecture Series. 1994-1995.
- Ottawa-Carleton Regional Police Bias Crime and Liaison Committee. "Brief to House of Commons" Ottawa-Carleton Police. February, 1995.
- Ottawa-Carleton Regional Police Service Bias Crime Unit Presentation Material (15 slides). Ottawa-Carleton Police. September 25, 1996.
- Ottawa-Carleton Regional Police Service Bias Crime Unit. "Case Summary: 1 January 1993 to 31 July 1996." Ottawa-Carleton Police. September, 1996.
- Pantell, L. A Pathfinder on Bias Crimes and the Fights Against Hate Groups." Legal References Quarterly, 11. 1981.
- Patel, Khiru. Dealing With Interracial Conflict: Policy Alternatives. Montreal: The Institute for Research on Public Policy. 1980.
- Patton, M. Qualitative Evaluation Methods. Beverly Hills: Sage Publications. 1980.
- Petersen, Cynthia. "A Queer Response to Bashing: Legislating Against Hate." Queens Law Journal. 1991.
- Petterson, W. "Awareness Training for Police: Bias-motivated Crimes." in N. Taylor (ed.) Bias Crime: The Law Enforcement Response. Chicago: Office of International Criminal Justice. 1991.
- Pomerant, David. Multiculturalism, Representation and the Jury Selection Process in Canadian Criminal Cases. Ottawa: Department of Justice (WD1994-7e/7f). 1994.
- Prairie Research Associates, Duty Counsel Systems: Summary Report. Ottawa: Department of Justice Canada, 1993.

- Race Relations and Policing Unit, Policing in a Multiracial Society. Ministry of the Solicitor General and Correctional Services, Ontario, June 1995.
- Raymont, Peter. Hearts of Hate. CTV documentary. 1994.
- RCMP Public Affairs Directorate for Aboriginal and Community Policing Directorate. "Native Spirituality Guide." Ministry of Supply and Services Canada. 1993.
- Reid Report. 1992. in Burtch, Brian & Kelly Reid. Discovering Barriers to Legal Education: First Generation Immigrants in Greater Vancouver. Ottawa: Department of Justice (WD1994-3e/3f). 1994.
- Research and Statistics Directorate, 1994. in Etherington, B. Review of Multiculturalism and Justice Issues: A Framework for Addressing Reform (Working Document WD1994-8e). Ottawa: Department of Justice Canada. 1994.
- Ridgeway, James. Blood in the Face: The Ku Klux Klan, Aryan Nations, Nazi Skinheads, and the Rise of a New White Culture. Thunder's Mouth Press: New York. 1990.
- Roberts, Julian V. Disproportionate Harm: Hate Crime in Canada - An Analysis of Recent Statistics. Department of Justice: Ottawa. 1995.
- Rosen, Philip. Hate Propaganda. Library of Parliament, Research Branch: Ottawa. 1994.
- Rosenbaum, Dennis. P. The Challenge of Community Policing: Testing the Promises. Sage Publications: California. 1994
- Rosenthal, P. "The Criminality of Racial Harassment." Canadian Human Rights Yearbook, 6. 1989-1990.
- Ross, J.I. "Research Note: Contemporary Radical Right-Wing Violence in Canada: A Quantitative Analysis." Terrorism and Political Violence, 4, No.3. Autumn, 1992.
- Ross, Jeffrey. "Hate Crime in Canada: Growing Pains with New Legislation." in M. Hamm (ed.) Hate Crime: International Perspectives on Causes and Control. Anderson Publishing: Cincinnati, OH. 1994.
- Ross, Rupert. Dancing With A Ghost. Reed Books Canada: Markham, Ontario. 1992.
- Rossi, Peter & J. Wright & A. Anderson. Handbook of Survey Research. New York: Academic Press. 1993.
- Royal Commission on Aboriginal Peoples. Bridging the Cultural Divide. Ottawa: Communications Group Publishing. 1996.
- Sanderson, P. "Investigation of Religious Bias-motivated Crimes." in N. Taylor (ed.) Bias Crime: The Law Enforcement Response. Chicago: Office of International Criminal Justice, 1991.
- Satzewich V., & T. Wotherspoon. First Nations: Race, Class, and Gender Relations. Toronto: Nelson Canada. 1993.
- Selltiz, C., Wrightsman, L. & Cook, S. Research Methods in Social Relations. Toronto: Holt, Rinehart and Winston. 1976.

- Sher, J. "The Propaganda of Hatred." Canadian Forum, December, 1984.
- Skolnick, Jerome H. & David H. Bayley. The New Blue Line. New York: The Free Press. 1986.
- Smith, J. Quantitative versus Qualitative Research: An Attempt to Clarify the Issue. Educational Researcher, 12(1). 1983.
- Solicitor General Canada, Developing Crime Prevention Strategies in Aboriginal Communities. No. 1991-12.
- Solicitor General. "Final Report: Task Force on Aboriginal Peoples in Federal Corrections." Solicitor General Canada. 1988.
- Solicitor General. Canadian Urban Victimization Survey. Solicitor General: Ottawa 1982.
- Solicitor General. Policing Standards Manual for the Province of Ontario. Ministry of the Solicitor General Policing Services Division: Toronto. March 1992.
- Special Parliamentary Committee on Hate Propaganda. The Report of the Committee. Ottawa: Queen's Printer. Chair: M Cohen. 1966.
- Statistics Canada. "Canadian Crime Statistics: 1994" Juristat Service Bulletin, vol. 15 no. 12. 1995.
- Statistics Canada. "Trends in Criminal Victimization: 1988-1993." Juristat, Canadian Centre for Justice Statistics: Vol. 14 No.13. June, 1994.
- Statistics Canada. Census. 1991.
- Statistics Canada. Letter from John Jackson, Chief, Policing Services Program to (Canadian) Chief of Police. Justice Information Council Solicitor General. July 29, 1992.
- Symposium on Hate Crime. Toronto: Metropolitan Police and Ontario Solicitor General. 1994.
- The League for Human Rights of B'nai Brith Canada. "Anti-Semitism on Campus." no date.
- Toronto Star. "Racial Bigotry Growing, Majority Tell Poll." The Toronto Star (Toronto). August 12, 1993, A-21.
- Tufo R., Winter R., Dintino J. Bias Incident Investigation Standards - Policy and Procedures for New Jersey Law Enforcement, State of New Jersey: September 7, 1991.
- Valcour, Lance. (Ottawa-Carleton Police Staff Sergeant) Personal interviews. 1997.
- Violence Crime Linkage Analysis System [VICLAS]. Police Executive Research Foundation: Washington D.C. 1997.
- Watts, Bruce. (Ottawa-Carleton Police Sergeant) Personal interviews. 1997.

- Weimann, Gabriel and Conrad Winn. *Hate on Trial: The Zundel Affair, The Media, and Public Opinion in Canada*. Mosaic Press, Oakville. 1986.
- Westwick, Vince (Ottawa-Carleton Police Legal Counsel) Personal interviews. 1995.
- Winks, R. "The Canadian Negro: A Historical Assessment - Part I." *The Journal of Negro History*. 1980.
- Wolfe, 1981. in Gilmour, Glenn. *Hate-motivated Violence*. (Working Document WD1994-6e). Department of Justice Canada: Ottawa. 1993.
- Wycoff, Mary Ann. *Community Policing Strategies*. Washington, D.C.: Police Foundation. 1994.

APPENDIX ONE

318. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) In this section, "genocide" means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,

(a) killing members of the group; or

(b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

(3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

(4) In this section, "identifiable group" means any section of the public distinguished by colour, race, religion or ethnic origin.

319. (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

(2) Every one who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

(3) No person shall be convicted of an offence under subsection(2)

(a) if he establishes that the statements communicated were true;

(b) if, in good faith, he expressed or attempted to establish by argument an opinion on a religious subject;

(c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or

(d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.

(4) Where a person is convicted of an offence under section 318 or subsection (1) or (2) of this section, anything by means of or in relation to which the offence was committed, on such conviction, may, in addition to any other punishment imposed, be ordered by the presiding magistrate or judge

to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney General may direct.

Exemption from seizure of communication facilities

(5) Subsections 199(6) and (7) apply with such modifications as the circumstances require to section 318 or subsection (1) or (2) of this section.

(6) No proceeding for an offence under subsection (2) shall be instituted without the consent of the Attorney General.

(7) In this section, "communicating" includes communicating by telephone, broadcasting or other audible or visible means; "identifiable group" has the same meaning as in section 318; "public place" includes any place to which the public have access as of right or by invitation, express or implied; "statements" includes words spoken or written or recorded electronically or electro-magnetically or otherwise, and gestures, signs or other visible representations.

320. (1) A judge who is satisfied by information on oath that there are reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in premises within the jurisdiction of the court, is hate propaganda shall issue a warrant under his hand authorizing seizure of the copies.

- (2) Within seven days of the issue of a warrant under subsection (1), the judge shall issue a summons to the occupier of the premises requiring him to appear before the court and show cause why the matter seized should not be forfeited to Her Majesty.
- (3) The owner and the author of the matter seized under subsection (1) and alleged to be hate propaganda may appear and be represented in the proceedings in order to oppose the making of an order for the forfeiture of the matter.
- (4) If the court is satisfied that the publication referred to in subsection (1) is hate propaganda, it shall make an order declaring the matter forfeited to Her Majesty in right of the province in which the proceedings take place, for disposal as the Attorney General may direct.
- (5) If the court is not satisfied that the publication referred to in subsection (1) is hate propaganda, it shall order that the matter be restored to the person from whom it was seized forthwith after the time for final appeal has expired.
- (6) An appeal lies from an order made under subsection (4) or (5) by any person who appeared in the proceedings
 - (a) on any ground of appeal that involves a question of law alone,
 - (b) on any ground of appeal that involves a question of fact alone, or
 - (c) on any ground of appeal that involves a question of mixed law and fact, as if it were an appeal against conviction or against a judgment or verdict of acquittal, as the case may be, on a question of law alone under Part XXI, and sections 673 to 696 apply with such modifications as the circumstances require.
- (7) No proceeding under this section shall be instituted without the consent of the Attorney General.

Criminal Code, R.S.C. 1985

APPENDIX TWO

Ottawa-Carleton
Regional Police Service
Service de police régional
d'Ottawa-Carleton

MEMORANDUM

DATE: January 8, 1997

TO: Brian J. Ford, Chief of Police

FROM: Patrick McCaffery

SUBJECT: Master's Thesis Research Approval

As you know I am working towards my Master's degree at Carleton University. My thesis topic is entitled "A Perceptual Study of Victim Responses to the Intervention of the Ottawa-Carleton Regional Police Bias Crime Unit". The specific question I mean to answer is: Do the victims of hate crime find the Ottawa-Carleton Police Bias Crime Unit an effective response in addressing their victimization? To answer this question I intend to conduct a series of 20 voluntary interviews with people who have used the services of the Bias Crime Unit and am seeking your approval to contact these people.

As evidenced in the enclosed draft consent form and proposal, the interview questions have been designed to determine a respondents' perceptions and beliefs about the service they received from the Bias Crime Unit. All respondents will remain anonymous, their participation is voluntary and no interview questions will focus on the criminal events surrounding their victimization.

I trust you will agree that this organization and the victims of hate crime can benefit from the results of this research. Your consent for me to conduct this study will be indicated by your signature in the space below.

Thank you,

P. McCaffery

Name	Brian J. Ford, Chief of Police
Signature
Date	Jan 15, 97

APPENDIX THREE

Dear Volunteer,

I am a Masters student at Carleton University and a police officer with the Ottawa-Carleton Regional Police Service. I am writing you because I am conducting research into the satisfaction level of people who received service from the Ottawa-Carleton Police Bias Crime Unit (formerly the Ottawa Police Bias Crime Unit) as part of my Masters thesis. My objective is to increase the knowledge about how people respond to certain types of police response strategies and to ultimately help create a more responsive policing system. By sharing your experiences with me, you would be contributing towards this worthwhile and practical objective.

This study will involve an interview with you in order to determine your perceptions and beliefs about the service you received from the Bias Crime Unit. No interview questions will focus on the criminal events surrounding your victimization, however you should be aware that by agreeing to take part in this research, you may suffer psychological stress. The time required for this interview will be approximately one to one and a half hours. Your consent to participate in this study is voluntary and you may withdraw at any time if you so desire.

The interview will be tape recorded with your permission in order to facilitate the analysis of the information gathered during the interview. All information will be kept strictly confidential. The reporting of the findings of this study will be done on a group basis. Anonymity within the group will be assured and your identity will remain coded even if the results of this research are published. I would also be happy to provide you with a copy of this study, upon its completion.

I will be contacting you by telephone approximately two weeks from now to confirm your participation and to set up an interview location and date. You are free to contact either myself at my business number 236-1222 ext. 5556, or my thesis supervisor, Dr. Ron Saunders at 520-2600 ext. 8134, should you have any questions, comments or concerns at any point.

Your consent to participate in this investigation is greatly appreciated and will be indicated by your signature in the space below.

Thank you.

Patrick McCaffery

Name

Address

Signature

Date

Please bring this form with you to the interview.

**Ottawa-Carleton
Regional Police Service**
**Service de police régional
d'Ottawa-Carleton**

Bias Crime Unit: Helping to make Ottawa-Carleton a hate-free region

What is a bias crime?
Incidents motivated by hate, bias or prejudice are bias crimes. Incidents can range from name calling to physical violence. Some examples in Ottawa-Carleton:

- throwing a man to his death off a bridge because a group of men thought he was gay,
- repeatedly harassing a Black woman and her family in an apartment building;
- vandalizing grave markers at Ottawa's Jewish cemetery and painting Nazi swastikas on Jewish-owned businesses

**For more information,
please call the Bias Crime Unit
at 236-1222, ext. 5345**

Working together for a safer community

When should I call the Bias Crime Unit?

If you feel threatened or have been harassed or hurt, or your property has been vandalized by someone whom you feel attacks you because of prejudice, call 236-1222 extension 5345 to reach the Bias Crime Unit.

In an emergency, please call 911.

Is the Bias Crime Unit open 24-hours?

No, call 911 in an emergency. If you need help immediately, you should deal with a patrol officer on duty. Officers will be trained to respond sensitively and knowledgeably to bias incidents.

Do I have to go to the police station?

No, you can call. Depending on the situation, a report may be taken on the phone, at the police station or at a place of your choice. You can also write a letter.

What happens when I talk to the police?

You will be asked to tell what happened so that the Bias Crime Unit police officer can help. If suspects can be found and the incident is criminal, police can lay charges. Other times it may involve the officer talking to the individuals involved.

Can I trust the police?

Police attitudes towards minority communities are changing. The police are trying to better understand the needs of our diverse communities. The Ottawa-Carleton Police will act when someone has been harassed or assaulted because of hate or bias.

Can my report be kept secret, or will everyone know what happened to me?

It depends. If you report an incident and request no follow-up, your name will be known only to officers in the Unit. If charges are laid, however, your name could become public. Decide what is best for you.

Do I have to call and use my name?

No, you can report what happened for use as a statistic. You can even have a friend call for you.

Why should I even bother to call?

Your information is vital. It helps the police and communities identify hate incidents and locate potentially dangerous areas.

The Ottawa-Carleton Police takes seriously violence that is perpetrated against any individual or group because of ethnicity, gender, race,

sexual orientation, disability or religion.

The Bias Crime Unit is open for business.

—Brian Ford, Chief of Police

Ottawa-Carleton is a dynamic and highly diverse community. The establishment of a Bias Crime Unit is tantamount to creating a community that is free of persecution, hatred and violence.

—National Capital Alliance on Race Relations

Hate crimes are crimes against human dignity, one of the basic elements on which democracy is built. The cost of hate crime in individual and societal terms is tremendous. We're all its victims. And we must all be part of its solution.

—Pina Brigh Canada

Lesbians, gays and bisexuals welcome the Bias Crime Unit initiative. After many years of violence against our community being ignored, we now have an effective tool to deal with hate crimes.

—Pink Triangle Society

Part of living independently is the freedom to take risks. People with disabilities can now feel safer doing so knowing that the Bias Crime Unit will assist in reducing the risks and dangers caused by society's fear or ignorance.

—Ottawa-Carleton Independent Living Centre

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