



House of Commons  
CANADA

# **Canadian Parliamentary Coalition to Combat Antisemitism**

**Tuesday, December 8, 2009**

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## Parliamentary Publications

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•(0805)

[English]

**The Chair (Mr. Mario Silva (Davenport, Lib.)):** I'd like to call this meeting to order.

Good morning, everyone. This is the eighth hearing of the Canadian Parliamentary Coalition to Combat Anti-Semitism.

Today will be broken up into two parts. In the first part, we'll be hearing from Public Safety Canada officials Kristina Namiesniowski—if I've pronounced your name incorrectly, I'm so sorry—assistant deputy minister, strategic policy branch; and Charlene Larose, director of citizen engagement in the communities at risk security infrastructure program.

We also have Doron Horowitz, director of community security for UJA Federation of Greater Toronto.

We will begin with Kristina. Good morning. You have ten minutes, followed by questions and answers for the members.

**Ms. Kristina Namiesniowski (Assistant Deputy Minister, Department of Public Safety):** Thank you, Mr. Chair.

Good morning, ladies and gentlemen. It's absolutely a pleasure for us to be here, although I must say it's a little bit early in the morning.

We welcome the opportunity to talk to you about the program that we administer within the Department of Public Safety, which you referred to in relation to Charlene's title, the communities at risk, minor security infrastructure program. As you noted, Charlene is the director responsible for that program, and that program sits within the organization for which I have overall responsibility.

As some of you may know, this pilot program was launched in 2007 as a direct result of a number of communities expressing their concern about their vulnerability to hate-motivated crime. It's a program that has at its very core—

**The Chair:** I apologize, but apparently there is a problem with recording, so we're just going to see what's happened. All our meetings are recorded, and there are transcripts. We have the translators here, which is positive, but we're just trying to get the recording to make sure it's all corrected.

You'll have to start all over again, if that's okay.

**Ms. Kristina Namiesniowski:** Again, thank you for the invitation to be here this morning.

I'm Kristina Namiesniowski, the assistant deputy minister of the strategic policy branch at the Department of Public Safety. I have with me my colleague, Charlene Larose, who is the director of

citizen engagement. She is also the individual who is directly responsible for the administration of the communities at risk minor security infrastructure program. Our purpose today is to talk about that program.

As some of you may know, this is a pilot program that was launched in 2007 as a direct result of a number of communities expressing their concern about their vulnerability to hate-motivated crime. It's a program that has at its very core the objective of deterring hate-motivated crime, including crime stemming from anti-Semitism.

A number of communities, as well as individuals, are victimized by hate crime every year. The types of crime usually involve acts of vandalism and property damage, but can also include firebombings and violent attacks against individuals.

Unfortunately, there are many examples of this type of crime. As you know, we've had the detonation of an explosive device outside a Montreal area Jewish community centre during Passover celebrations in 2007; the desecration of an Algonquin First Nation community cultural centre by spray-painted swastikas and “white power”, near Maniwaki, Quebec; and the firebombing of the Talmud Torah school library in Montreal. More recently, we've had two separate arson attacks over the past six months against the same Buddhist temple in Toronto, which are being investigated as possible hate-motivated crime.

The most recent information from Statistics Canada, published in 2008, shows a slight decrease in the number of reported hate crimes from 2006 to 2007. However, we do keep in mind that many hate crimes are not reported or not recorded as hate crime in terms of the data collected by police. We also recognize that there's often a pattern of hate crime following national or international events.

Twenty-four percent of reported hate crimes are motivated by religion. Of these, 62% are against the Jewish community. We recognize the importance of the safety of all Canadian communities, particularly those communities victimized by hate-motivated crime. Hate crime against a community institution targets the entire community and creates a sense of fear and insecurity among community members.

No funding was available for security infrastructure at the municipal, provincial, or federal level for communities facing the threat of hate crimes, which is the reason the security infrastructure program was created. Funding under the program is available to Canadian not-for-profit organizations linked to a community victimized by hate-motivated crime. Three types of community organizations are eligible to receive funding under the program: community centres, places of worship, and educational institutions. From our perspective, these are institutions that are at the very heart of a community.

The security infrastructure program funding can be used by organizations to undertake a security assessment to purchase and install security hardware and equipment, such as alarm systems, closed-circuit television systems, digital video recorders, lighting, fences, gates, security film for windows, and landscaping; to undertake construction related to project activities; and to engage in training directly related to the new security infrastructure.

The program is based on a cost share; it requires an investment by the community, which can be matched by the government. Approved projects may receive up to 50% of total project costs, with a maximum funding contribution from the program of \$100,000 per project. To date, the majority of projects approved for funding have received between \$15,000 to \$25,000, though some have received the maximum funding while others have been extremely modest. It very much depends on the types of proposals we receive.

The pilot program was originally planned as a two-year program with \$3 million. During the first two intakes of the pilot program, we received close to 250 applications and funded 55 projects worth a total value of over \$1.5 million.

In the first two years of the program, we also had two application intakes. The first application intake yielded 117 applications, and 101 of these came from the Jewish community. In the second application, we received 130 applications and 89 came from the Jewish community. As a result of the high application rate, 83% of the funding given out in the first application went to the Jewish community, with 85% of the funding going to the same community in the second application intake.

●(0810)

A one-year extension to the program was granted in March 2009 to allow for a third intake and to ensure that recipients approved in the second application intake had time to complete their projects.

The final round of applications yielded 123 applications. Of these, 44 were from the Jewish community.

As a result of the growing maturity of the program and outreach efforts, this last project intake saw more applications from a larger number of communities and from different cities across the country. The results from the third application intake are forthcoming, and the projects approved in the first two rounds are almost completed.

We're nearing the end of the pilot program—March 31, 2010—and are currently evaluating the program and reviewing options. At this point, I can't speak to what the government's decision may be with respect to the future of the program, other than to say that I think the program is definitely well received by the government. I think they see it as making a positive impact in communities.

Once again, thank you for the opportunity to come here this morning. We'll be very pleased to take, and to attempt to answer, any questions you might have.

I can tell you that between the first, second, and third application intakes, we worked quite hard to try to reach out to various communities across the country to ensure that they had a better understanding of the program. As the program has matured, we've had better success in terms of people being able to meet the program's terms and conditions and to respond to the government's requirements in terms of the types of detail we need in the applications that would then allow us to provide a positive response to the projects that are proposed.

Again, we'll be happy to answer any questions that you might have.

**The Chair:** Thank you.

You still have a few minutes. Is Ms. Larose also making a presentation?

She's just here to answer questions, if necessary?

**Ms. Kristina Namiesniowski:** Yes.

**The Chair:** Okay.

Now we move on to Doron Horowitz.

**Mr. Doron Horowitz (Director, Community Security, United Jewish Appeal Federation of Greater Toronto):** Thank you, Kristina Namiesniowski.

Thank you for inviting me here today. In the course of your work, you've heard from professors, advocacy organizations, law enforcement, and others. I hope to bring a different view in terms of operational capacity and what it means on the ground, both the security infrastructure pilot program and also the current threat or the potential threat that we may face or have faced in the past and in the future.

My name is Doron Horowitz. I'm the community security director for the Jewish Federation. I'm a former member of the Israel defence forces, with specialized training in counter-terrorism. I've worked internationally in both Europe and the United States, and before joining the UJA Federation I was a senior partner for a crisis management company called Global Impact, which I co-founded in 1999.

Since 2005 I've been the director of community security for the UJA Federation of Greater Toronto. As you will recall, in 2004 there were many incidents, which Kristina also alluded to, that prompted a comprehensive study in terms of what was necessary for the Jewish community. One of the conclusions drawn was that the community needed a resource, a point person, a professional to be a resource to the Jewish community. I was appointed to that position in 2005.

I am responsible for the development and implementation of security initiatives for the Jewish day schools, UJA Federation campuses, and synagogues, and I serve as an overall resource to the community organizations on security matters ranging from emergency management, anti-Semitism, terrorism, and counter-terrorism. I'm also responsible for liaison with local, federal, and other security agencies, including sharing of information, analysis, and best practices, whether it's CSIS, the OPP, the Toronto Police Service, or York Regional Police.

My background and expertise specializes in risk and threat analysis, security strategy and program development, policy and procedure protocols, crisis management, and implementation. In addition, I do lecturing, training on topics of security, and I'm also a senior advisor to an organization called SCN, which is Secure Community Network, out of New York on the protection of Jewish communities in North America.

A security professional cannot allow an emotion such as fear to impact on the analysis or assessment of any given threat situation. The emotional component has to be removed, although in emergency management, trauma and emotions obviously play a significant role. In terms of the security assessment, it cannot be fear or anxiety driven. Removing fear from the equation allows me or a professional to provide security solutions that are based on logic, which is really the best means to combat fear and chaos.

Recommendations and understanding of any threat or potential threat must be made based on accurate and timely information, policies, and procedures made as a result of a thorough understanding of the threat and potential consequences. A threat analysis of any adversary is based on two guiding principles: one is motivation and will; the second is capability in terms of operational capacity. In the past, adversaries or groups with hostile intentions have proven to have both of those principles to the max.

I want to speak for a second about the current threat. There are many threats circulating around the globe, but there is specifically one that may impact the Jewish community and Canadian society as a whole, and that is the threat that may be emanating from Iran and its activating of terrorist cells, specifically Hezbollah, which has a proven track record in carrying out attacks against the Jewish community, most notably the 1994 bombing in Buenos Aires of the Jewish community centre, which saw close to 100 people killed.

● (0815)

Both have intention and capacity. If diplomacy fails and the military option becomes more viable in reality, the assessment is that the likelihood that Iran will retaliate is high. Its military capacity to impact Israel is one component. Another consideration would be Hezbollah opening up another front in the north in Lebanon against Israel. However, even if it fails to do so, from the perception of the adversary, targets abroad are highly vulnerable with a high success rate. As well, there are the "lone wolves", those with a radical and extreme ideology who can facilitate and assist individuals wishing to cause harm. We have seen too many examples in North America, even in the last year, and the incidence is increasing. Most notable, of course, is the Fort Hood incident and tragedy, in which the individual might not have been affiliated with a terrorist organization

but was following an ideology that allowed him to express his anger and to carry out an attack, which was quite ruthless.

There are three principles to the security objective in the development of any security program. The first is prevention, which is done through the purchasing of technology and the training of manpower. SIP, the security infrastructure program, served very well in helping to implement that principle. The second is neutralization, which involves having the tools available to manage an incident before it develops. The third is deterrence, also known as attacking the motivation of a hostile party.

I need to fulfill those three objectives in order to have an effective security plan within my community. I can do that only through the support of law enforcement, which I do receive, and of course the government, most particularly the SIP, which has assisted us in facilitating a reasonable level of security through security technology.

I've mentioned that I work closely with law enforcement. In 2009, during Operation Cast Lead in Israel, in the Gaza Strip, we saw very hostile demonstrations in Jewish institutions and the Israeli government and against the Canadian government, which again demonstrated the adversary's will and desire to come together and show its intention. I did receive a lot of support from law enforcement. I want to take this opportunity to thank both the Toronto Police Service and York Regional Police Services.

The threat increased the level of anxiety and safety for all Jewish institutions across the city and also in Canada, nationwide. We know the issues that may impact our vulnerable communities. I want to remind everyone that having a safe Jewish community is having a safe Canadian community, and that all communities need to be active partners with law enforcement and the government in making sure that we have a safe and secure environment.

Last year in January there was an incident at York University, which we all remember, in which Jewish students at Hillel, at the student lounge, were literally intimidated, were under threat and had to be escorted by police. Even the local York security services were unable to prevent a threat from developing into a more severe situation. To me, the fact that any student, Jew or non-Jew, walks in fear on a campus in Canada, even from an operational perspective, is completely unacceptable and has to be addressed immediately.

I could probably go on and on, but I'll spare you that. I just want to thank you for the opportunity to present a current assessment, and I look forward to addressing any questions or concerns that you may have.

This concludes my opening remarks.

● (0820)

**The Chair:** Thank you very much for your presentations.

We'll start with Dr. Bennett.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thanks very much.

Mr. Horowitz, could you tell us the criteria you had in terms of an evidence-based practice that finished with deterrence? What were the three things—

**Mr. Doron Horowitz:** The three principles?

**Hon. Carolyn Bennett:** Yes.

**Mr. Doron Horowitz:** The first principle is prevention, which is achieved through training. It's split between technology and manpower. Technology means areas such as those SIP has assisted us in—access control systems, cameras, gates, anything that can secure the physical facility. Another aspect is the training of manpower in terms of emergency management, evacuation, emergency procedures, training and education, and so forth.

The second principle is neutralization, or the actual management of an incident—the tools available, both technology and manpower response and so forth. This includes the involvement of law enforcement and emergency first responders.

The third principle, of course, needs to serve the ultimate, which is deterrence. Deterrence needs to.... Well, it's exactly what it means: I need to deter or attack the motivation of an adversary.

To give you an example, yesterday a man in Chicago was charged with a link to the terrorist bombings in Mumbai. The fact of the matter is that in terms of the modus operandi of the adversary, they conduct surveillance. So if I am able to put cameras on a building, for example, that serves one of the principles in creating a deterrence factor: it serves counter-surveillance.

●(0825)

**Hon. Carolyn Bennett:** Obviously you have tremendous expertise.

I must say that when I was minister, we took a delegation to Israel to actually try to learn about all of the expertise on the ground in terms of emergency preparedness and response. That's something that is lived every day in Israel.

In terms of the schools that don't happen to be under the umbrella of UJA, and places of worship or other potential targets, obviously when you were in the private sector you were able to go and help those people.

To the representatives from Public Safety Canada, I'd like to know, with regard to the kind of criteria Mr. Horowitz has described, if that's part of the process by which you determine what you fund and what you don't fund. I mean, sometimes you could fund something that doesn't actually work. It just makes people feel better that they've done something. We know well that in public policy it can be, "We have to do something. This is something. Let's do that." It's not actually evidence-based.

What is there in your program that allows you to disseminate to your applicants the kind of expertise that Mr. Horowitz has? What percentage of the applicants are being funded? And what is your understanding of even the people who don't know enough to apply?

As well, what's the unmet need of your program at the moment? Here I'm referring to funding, to the sharing of expertise, to celebrating best practices, to being able to have someone with the expertise of Mr. Horowitz go in and help people make their applications better.

**Ms. Kristina Namiesniowski:** Let me try to answer the question, and then I'll probably turn it over to Charlene, in terms of some of the technical aspects of the program.

The basic objective of the program is to try to deter hate-motivated crime against communities that have been victimized in one fashion or another.

When we started the program, we actually had a criterion where there had to have been an incident at the site in question. We've since amended the program to mean that the community is targeted in some fashion. So at the particular place that is looking to enhance its security, it does not have to have had an incident. But we want to be in a position where we can deter that type of incident against that particular site. So what we ask for, in terms of the application process, is that there's been an incident of hate-motivated crime against the community in general. We're actually providing funding to communities that are victimized in one way or another.

What does that mean in practical terms? It means that we get applications from various organizations from across the country, and when they apply, they have to meet the terms and conditions of the program. We've done work, reaching out to communities, to make sure they understand what the government's expectations are in terms of the application process.

As I was trying to indicate in the presentation, the first time we did an application intake, we didn't get as many applications as we thought we might have, and of the applications that we got, there was the smallest number that were funded in the first intake. It was a learning process. So between the first and the second application intakes, we went out and met with different community organizations to make sure they understood the nature of the program, what it was they needed to do to apply to the program, and the kinds of assistance that could be provided through the program. One of the things that can be funded through the program is that kind of security assessment at their particular site, so what kinds of measures can be put in place to actually protect that particular institution. That's one of the things. The kind of expertise that is offered by our colleague here is one of the things that we can potentially fund through the program.

●(0830)

**Hon. Carolyn Bennett:** How would you find the expertise, or do they have to find it themselves?

**Ms. Kristina Namiesniowski:** We don't have a bank of individuals that we would refer people to, but we certainly encourage different community organizations to talk amongst themselves, because there are a number of communities that actually have this kind of expertise.

**Hon. Carolyn Bennett:** It sounds as if just the equipment itself doesn't work, that you actually have to have the manpower, the training, and, certainly what I learned in Israel, the practice. You actually have to practice, practice, practice. You educate and then you practice. If you don't practice, nobody knows what they're doing.

It's like in Canada we think it's too cold to have a fire drill; we think we'd know what to do.

I guess I would hope that some of the criteria for being funded would be the education of the three criteria: prevention, neutralization, deterrence. You would see that, and you would have a roster of people who are approved, who actually have the appropriate expertise, and some criteria around the training aspect. Just getting some cameras—I mean, sometimes a camera is not even plugged in, in some places; just having people think that cameras work.... If you're going to do this properly, there needs to be this, and there needs to also be, I would imagine, an integration on the ground with the local police, which Doron has described he has with the clients he is helping.

I guess I want to know, how do you know that what you're doing works, and should we be doing more? How do we get the expertise out there for all these communities? Some might want to fund them themselves if they actually know what exactly to do, based on some hard data.

**Ms. Kristina Namiesniowski:** Maybe I can say a couple of things and then turn it over to Charlene.

One of the things that we certainly don't do is fund the installation of cameras that wouldn't be turned on.

Through the application process we have various steps that we consider as we assess applications, and we have something that we call a project review committee, on which sits a level of expertise from the police. So we have a representative from the RCMP to ensure that the types of projects that are being proposed are actually good projects and will have the kind of impact that we're hoping they will have in terms of being deterrents.

In terms of other eligible costs, part of it includes also ensuring that people are able to use whatever kind of technology the program is funding. We certainly understand how it is not that helpful to install technology and then have nobody in the institution who can actually use it effectively.

**Hon. Carolyn Bennett:** If there is some person making minimum wage who is looking at it and doesn't really have any training on the response, what if something happens? I guess that would be my concern in the same way as going through the border at Tel Aviv airport is a very different experience from going through in Chicago, where there is some minimum wage person who doesn't even care, who wasn't at some time in the army, who doesn't know exactly what to do, and who hasn't had the psychological training.

**Mr. Doron Horowitz:** The points you bring up are excellent points and are relevant. The most important thing, I believe, is to create a security standard. That was absent before. It was absent in the Jewish community. It is absent in many communities in Canada. The way to create a standard is to achieve an effective and reasonable level of security or an environment under which an institution—synagogue, school, community centre—can operate. It is not to overreact and not to underreact. Any security plan that is developed must be flexible and just based on the threat. The Jewish community has been under threat only in the last few thousand years, so it's kind of a new concept.

What is important is how to achieve that standard. The SIP is beginning to address that standard. There are many methods that need to be put in place. We need a standardized method for reporting anti-Semitism. We need to create more and more cooperation with

law enforcement. I need to do joint exercises with them, and I have done that with Toronto Police Service and York Regional Police. We can share floor plans of institutions and hopefully even have them do exercises and drills in our schools—when the children are not there, of course; otherwise I'll have a whole bunch of Jewish mothers coming after me. I've already been to war once or twice.

The fact of the matter is that, you are right, technology serves a principle, but it's not the overall objective. You are right. The person who is viewing the monitor needs to be trained. At the end of the day, it is the human component, the human technology that will mitigate, manage, and recover from any incident. The technology complements and supports that, but there needs to be synergy in terms of the policies in place, the standardizing of reporting of anti-Semitism throughout Canada, consistency, training, and education. I encourage everyone here, or whoever is responsible, to get the SIP program up on its feet a lot more so that we can become an active partner. I don't want to wait for the cavalry to come to save us. The Jewish community, which I hope I am representing today in terms of security and safety, wants to be an active partner and to take the responsibility for protecting our community and any other community. I hope we can be a model for the Muslim community or the native population if they come under fire. We should be a model for all other communities on what it means to protect and take responsibility for protecting your own community.

If a mosque approached me—and you can put this on the record—for help and asked what they could do, I would assist them. Helping my neighbours will help me in the end. It's a good policy.

• (0835)

**The Chair:** Thank you very much.

Mr. Sweet.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you, Mr. Chair.

Yesterday we had the Canadian Jewish Congress here and I asked a question, and, Mr. Horowitz, you just came close to giving me an answer. I was talking about cataloguing the instances of anti-Semitism. Did I catch that right—that you're actually engaged, at least in the greater Toronto area where you're responsible, in a standardized process for cataloguing anti-Semitic events?

**Mr. Doron Horowitz:** That is correct. I work very closely with Canadian Jewish Congress, with Len Rudner in particular, and Bernie Farber, as you know. We do our best to encourage the communities nationwide to report acts of anti-Semitism. I've also travelled all the way to Vancouver to conduct assessments there and to assist them in developing a method of reporting anti-Semitism or potential threats. It is not just anti-Semitism, however anti-Semitism may be defined today. It is anti-Israelism, anti-Zionism—anything that is hostile towards a group or a people. I have been in Calgary, where we have seen incidents since Operation Cast Lead, and most recently there was some vandalism in a synagogue. It's been in Montreal and even Ottawa.

Yes, we are attempting to do that, but we are also limited in our resources and capability. With assistance we could increase that ability to standardize and report acts of anti-Semitism.

**Mr. David Sweet:** Since 2005 you've been in the greater Toronto area. Are there other security directors like yourself in other areas, or is the greater Toronto area unique in that regard as far as the Jewish community in Canada is concerned?

**Mr. Doron Horowitz:** I'd like to think that my position is unique. There is a position in Montreal. I believe that's in transition right now.

Toronto has the largest Jewish community, one of the largest and most powerful Jewish communities, actually, in the world, and number four or five in North America.

There are other security or community security directors in the States. I would say in total there are maybe four or five of us in North America.

**Mr. David Sweet:** How common is that, Madam Namiesniowski? Have you liaised with other communities that actually have a necessity for a security director to organize all their security and manage threats?

• (0840)

**Ms. Kristina Namiesniowski:** I can't say that every single community within Canada has somebody similar to our colleague. What I can say is that in relation to working on the rollout of this program, we've tried to get in to communities and talk to them directly about the kinds of issues they're facing and certainly encourage them to deal directly with local law enforcement as well, because I think there has to be a relationship between the organizations and the local police services. They are really the ones that have a sense of what's happening there on the ground and the kind of threat that the different organizations are facing. I think they have a much better sense of that than somebody like the two of us who are sitting here in Ottawa. So we very much encourage that direct linkage.

As part of our program development work, we're also in the process of evaluating the program to try to determine if there are areas that could potentially be strengthened, both in terms of the kinds of criteria that we've established for the program, as well as the kind of impact it's having in the community. I think the kinds of comments that are being raised here this morning are useful for us also to consider in that context.

**Mr. David Sweet:** Thank you.

I'd just like to say, Mr. Chair, that one of the things that I'll remember when we're summing up our observations and doing a final report and recommendations is Mr. Horowitz's presence here. The fact that the Jewish community requires a security director of this sophistication and magnitude is a statement in and of itself.

**The Chair:** Thank you.

Ms. Murray.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Thank you, Mr. Chair.

Thank you for coming to present to us today.

I want to continue with the line of questions that have to do with accountability, standardization, and methodology for understanding. I think that's at the core of what we're doing here as an inquiry. We

started by thinking about, in a time of rising anti-Semitism in other parts of the world, how do we figure out what's happening in Canada? Where are incidents increasing? How are we assessing that? What's behind it, and how can we prevent it?

When you talk about methodology for cataloguing, for standardizing, and for reporting, do you have something that you can leave with the committee that says, here is our methodology, here is how we define anti-Semitism, here is how we define a hate crime, and it's a one out of ten? Can you paint a picture of how you do that so that it's an objective standard for comparing year over year, for example?

**Mr. Doron Horowitz:** Are you asking me to define anti-Semitism?

**Ms. Joyce Murray:** No, no. I'm asking you to give me an idea of your methodology, your criteria, for how you are capturing data so that it is standard for reporting from a synagogue in Vancouver and a community centre in Montreal. They're not just going to write something, a written interpretation.

**Mr. Doron Horowitz:** I understand.

**Ms. Joyce Murray:** What is the...?

**Mr. Doron Horowitz:** The method we developed is a reporting method based on reacting to an incident and being able to document it and record it; providing guidelines on how to respond, meaning how to call 911 and how to call and reach out to the hate crimes unit of your local division; and creating a relationship in terms of providing awareness to law enforcement of what anti-Semitism is, what they should be looking for during the high holidays, and to be possibly more present in synagogues.

But to get back to the method, we rely heavily on the cooperation of different communities to report an incident, based on, I guess, a checklist that we've provided. For example, the most common one, of course, is the spray-painting of not-so-pleasant graffiti on a synagogue wall.

The method and the guidelines we provide are, of course, to document the time and date of the incident, to take a picture of it, and hopefully to see, in being able to record through the cameras, who conducted and carried out the incident, which is where SIP has been very helpful. So—

• (0845)

**Ms. Joyce Murray:** I'm going to interrupt you for a second, because you're getting at the question I'm asking, but I'm asking less about how you help organizations manage an incident—

**Mr. Doron Horowitz:** So we rely on them returning and filling out the criteria we provided them and then sending us that. Then we store that data.

**Ms. Joyce Murray:** For example, if someone feels intimidated walking into their place of worship, that's a different level of incident than broken windows or a threat of firebombing.

**Mr. Doron Horowitz:** That's right. We provide a checklist for whether it's a suspicious person, an incident, or an act of vandalism. We broke down the different incidents to give a proper description. We'll record that.

We also have to determine whether or not it was an act of anti-Semitism. A perfect example of that is a shooting at a synagogue in L.A. about a month ago. Immediately it was treated as a hate crime and a possible terrorist attack. We found out later that it was just a criminal act.

So as a professional—and not all communities have access to fund a security professional—I have to analyze, determine, and then conclude whether this is in fact an anti-Semitic act and not a personal issue.

**Ms. Joyce Murray:** Are you able to year over year...? From 2005, for example, do you have charts that show trend lines for numbers in Canada of incidents at level 1, level 2, or level 3 in terms of seriousness? Do you have any data like this that you've charted and can share with the committee?

**Mr. Doron Horowitz:** I don't have data with me, but for the Canadian Jewish Congress, that is their primary mandate.

Is that correct, more or less?

**A voice:** It's part of it.

**Mr. Doron Horowitz:** It's one of the mandates of the Canadian Jewish Congress.

**Ms. Joyce Murray:** So you work with them on establishing how they would count incidents and...?

**Mr. Doron Horowitz:** They had an established method. They have recorded incidents. I work very closely with the Canadian Jewish Congress in assisting and facilitating response reporting. They collect that data and, absolutely, they have those statistics.

**Ms. Joyce Murray:** You were saying that there are four or five security experts of your stature around North America. Do you share ideas on how to catalogue and how to create the data for understanding where things are going?

**Mr. Doron Horowitz:** Yes. Again, that comes back to establishing that standard, which still requires resources and assistance. But through an organization called SCN, which is an acronym for Secure Community Network, run by Paul Goldenberg.... It is an emergency notification, but also a resource to all Jewish communities for reporting anti-Semitic incidents. We have meetings in which we share best practices and develop standards for reporting incidents, for responding, and of course most importantly, for preventing them initially.

**Ms. Joyce Murray:** The last question, and I know I'm taking a bit more than my share of time.... It's regrettable that the community needs you, Mr. Horowitz.

**Mr. Doron Horowitz:** As long as my wife doesn't say that, it's fine.

**Ms. Joyce Murray:** It is regrettable. It's also fortunate that they have you.

**Mr. Doron Horowitz:** All of Canadian society works very, very hard to create a very high standard of life, and those values need to be protected. It's important. It's part of life.

**Ms. Joyce Murray:** To understand how you define prevention versus deterrence, because I heard Kristina talking about deterrence in a way that I thought you were talking about prevention, can you give me an example of what, in your methodology, when you talk about prevention, neutralization, and deterrence, is an example of prevention and an example of deterrence?

**Mr. Doron Horowitz:** Okay.

Prevention would be having emergency procedures in place, exercises and drills, protocols, standing operational procedures, and training for security personnel and the staff at the institution, be it a synagogue, a Jewish day school, or a community centre, and having cameras and technology in place that are able to record and directly link to a deterrence factor. If I have, for example, a building that has been able to install security cameras and an access control system—there's a whole range of areas, but just as an example—an individual, he or she, based on the modus operandi of an adversary, will conduct surveillance. If he or she arrives at a building, either by foot or in a vehicle or by other means, and observes a building that has taken security measures seriously and has hardened its target—meaning taken appropriate measures to secure the facility—they may be deterred in attacking or doing something to the building and will then move to a more vulnerable spot. The adversary also conducts an assessment, like myself. It's a very sophisticated and articulate enemy that does its homework and decides and determines what is a high level of success if they attack a building, an individual, or spray-paint or vandalize. They want to carry out something with a high level of success. If a building is hardened in terms of technology, if the building has taken preventative measures, they will think twice. I'm attacking the motivation of the adversary.

Does that answer your question?

● (0850)

**Ms. Joyce Murray:** Yes, I think I understand.

Thank you.

**Mr. Doron Horowitz:** It's a process.

**The Chair:** Thank you very much.

Ms. Brown.

**Ms. Lois Brown (Newmarket—Aurora, CPC):** Thank you, Mr. Chair.

I apologize. I have to leave very shortly because I have a foreign affairs committee that I must be at.

Mr. Horowitz, I want to direct my question to you, if I may. I represent the riding of Newmarket—Aurora, which is a York region riding. I'm sure you're aware of it. It's a very rapidly changing community in its demographics.

We have a growing synagogue in our area, Or Hadash. Or Hadash is meeting currently in a rented facility in an industrial area. Could you walk the committee through the process that you would undertake to give them a risk assessment? Part of that question is, does a unit of that nature make your work any more difficult since the facility does not belong to the Jewish community? It's part of a larger block of buildings. Does that make your work more difficult? Can you just walk us through that process?

**Mr. Doron Horowitz:** Sure.

I think any facility that houses worshippers—a synagogue in this case, correct? It's a synagogue?

• (0855)

**Ms. Lois Brown:** Yes.

**Mr. Doron Horowitz:** First and foremost, you need to strike a balance. To secure a nuclear facility or an embassy or an airport is easy. It's basically no access; it's shut down and you're not coming in.

Synagogues, schools, and community centres are a whole different story. You need to create a healthy balance between inviting and allowing people in and providing a safe and secure environment that people would want to come to. You don't want to deter congregation members because the community doesn't grow as a result.

So you conduct, first and foremost, a physical assessment of the location, identifying access points, identifying or understanding the area in which the place is located, in terms of crime stats, maybe natural disasters.... We had a major disaster of a natural propane explosion, which had the same effect as a terrorist attack. That in itself has to be taken into consideration. In emergency management you have either man-made, which is intentional, or natural disasters. So those come under emergency management.

You conduct a physical assessment. You identify potential dangers or regular procedures that need to be in place for housing a group. If it's a temporary facility, in order to be cost effective you would focus more on the training of methodologies in emergency procedures: a lockdown procedure, or secure and hold it, as it's now called in TDSB; evacuation procedures; fire procedures and so forth; and 911. If you get a bomb threat, it's how to respond, how to give a description, and so forth.

If it were to go to a permanent building, you would then conduct a physical assessment of the building and make recommendations in terms of having, say, one access point to the building. That mitigates threats and it limits access by other people into various different parts of the building. I know we can control one access point, one point of entry for all individuals to come in, and that staff or security or even police can be at the entrance to identify individuals, whether it's a bag check, identifying a member, or whatever.

So I would say that a physical assessment complemented by training of staff and personnel can establish a fundamental base for securing a facility.

I can give a three-hour lecture, but I don't want to put anyone to sleep here.

**Ms. Lois Brown:** My follow-up question to that is, would my constituents from Or Hadash be aware that your services are available, and if not, how can we get them in touch with you?

**Mr. Doron Horowitz:** I'll give you a card. I will not turn a person down. We're a non-profit organization. I find that my responsibility extends far beyond my mandate at times, and that's fine.

**Ms. Lois Brown:** Thank you.

**The Chair:** Thank you very much.

Dr. Fry.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you.

I'm sorry I was late. My question may be quite redundant.

Having done all of this, and having looked at how you collected data with various people and with the CJC, have you noticed an increase in anti-Semitic incidents, and if so, what kind? Do you find this is happening in one region more than another in Canada, or do you find that it's happening in rural areas as opposed to urban areas? Where and how many and what type, and is there an escalation?

**Mr. Doron Horowitz:** That's a very relevant question. I would say that the general answer and response to that would be this. Last year at York University—unprecedented—a group of Jewish students in the Hillel, which is a student body for York University, were literally barricaded in their student lounge by a very hostile and aggressive group of individuals, whether Palestinians or Muslims or other students; they were not allowing Jewish students to leave their location. That has never occurred before.

**Hon. Hedy Fry:** So you're seeing an escalation of the type....

**Mr. Doron Horowitz:** I've seen an escalation in terms of how the adversary, or the potential adversary or groups, are able to gather, organize, and execute. I've seen an increase in motivation and will concerning the rhetoric, the language, the aggressiveness, and the hostility on campus. I've also participated—I will clarify “participated”. I attended an anti-Israel protest on Bloor Street outside the Israeli embassy. By the way, the Miles Nadal Jewish Community Centre is maybe 500 feet—less than a mile—from that location. In the Jewish community centre, which is half a block away, there is a day care centre. It is a community centre that serves and caters to the general public and runs a whole bunch of other programs that you would expect from a community centre. It is not just for the Jewish community, and it's a major icon in that area. Thank God the police, based on the relationship that I have with them and their commitment to providing us with safety and security, were there in full force. I want to thank them for doing that. There were thousands of demonstrators. I attended that rally. There were swastikas and posters of Israeli leaders and Jewish leaders as Nazis.

• (0900)

**Hon. Hedy Fry:** Those are well-known incidents. The public knows. That was covered by the media. Do you see an increase in local incidents, in areas where it's mostly local and the local media may cover it but we never get to see it at a national level? Is there an increase in the number of those incidents?

**Mr. Doron Horowitz:** Yes, just in the last couple of months we have seen that in Calgary, in Barrie, in Ottawa, and in Hamilton. Just yesterday, I discovered that in my own building. We bring students from all over the GTA into our building for Holocaust education. We have a Holocaust museum. It's possible that one of those students entered one of the bathroom stalls. It was reported to me, and I witnessed this and took a picture of it, which I don't have with me. On the bathroom stall—I guess I'm not allowed to swear here, right?—it said F—the Jews. In the five years I have been in my building, that hasn't been there.

To answer your question, there is an increase in anti-Semitic acts. There is an increase in intention. There is an increase in hostility. We are responding to what is imposed on us, not creating it.

**Hon. Hedy Fry:** I have one final question.

Is this from identifiable groups? Have you known the perpetrators? Are they well known? Can you see if it is merely students, who are quite identifiable, or do you see a rise in the neo-Nazi type of movement that was very prevalent around 1998? There was a spike in that kind of activity in schools, and they were recruiting young people in schools. The thing was you could wear black boots and if you had white laces it meant that you were a neo-Nazi and you could identify each other. Are you seeing that kind of group, or is this purely among students and in faculties? Are you seeing this mostly in other anti-Jewish groups that are known? Are you seeing this in some of the sort of fringe groups, like the neo-Nazi-movement and so on?

**Mr. Doron Horowitz:** The neo-Nazi movement is growing. The threat of home-grown terrorism is growing. We are seeing it both in university campuses and on websites. There is very aggressive and hostile language being used, which has not been seen before. I would say also that terrorist organizations have been known to use proxy organizations to carry out incidents. The IRA did it, with Hezbollah and other terrorist organizations. It is a known modus operandi for other terrorist organizations to use proxy organizations to carry out incidents.

**Hon. Hedy Fry:** Thank you very much.

**The Chair:** Thank you very much. I don't think there are any further questions, so we'll end this part a little bit early. We'll have a five-minute break, and then we'll come back.

I want to thank the witness for being here. We very much appreciate your efforts.

We'll reconvene again in about five minutes. Thank you, everybody.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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- (0915)

**The Chair:** Order, please.

I want to welcome those people I have listed here. If I don't have somebody listed here, they can present themselves as part of the group when they're speaking.

I have Detective Sergeant Monica Christian, Detective Dan Dunlop and Dr. Abbee Corb, Ottawa Police Hate Crime Unit;

Commissioner Julian Fantino, Ontario Provincial Police; Chief Bill Blair, from my city of Toronto. Welcome. We have also Deputy Chief Murray Stooke, Calgary Police Service.

Thank you very much, and welcome. We'll start with Detective Sergeant Monica Christian, followed by Dan Dunlop and Dr. Abbee Corb.

**Detective Dan Dunlop (Hate Crime Unit, Ottawa Police Service):** Maybe we could reverse that, if that's okay.

**The Chair:** We'll reverse that. So Detective Dan Dunlop, welcome.

**Det Dan Dunlop:** Good morning, Chair and honourable members.

First of all, I'd like to send regards from our chief, Vern White. He's currently in the sunny climes of Australia. He was able to avoid all the snow and sleet today.

I wish to thank you for the opportunity to speak today from a policing perspective on a very profound issue.

In 1996 I had the pleasure of appearing on Parliament Hill before the late Honourable Sheila Finestone, then deputy chair of the Standing Senate Committee on Human Rights, with respect to Bill C-33 and amendments to the human rights code at that time. I'd like to state that we have, since then, seen some progress—albeit at a snail's pace—in the right direction on the issues of hate crimes and anti-Semitism.

In 1992, with the creation of the Ottawa police hate crimes unit, it was the clarity of vision of our community partners at that time that helped us bring an initiative to a reality. Partners such as Ian Kagedan, Bernie Farber, and David Pepper helped Ottawa police break new ground and recognize the need for an appropriate response to affected communities.

Anti-Semitism, as in all crimes, if not appropriately responded to can have a devastating effect not only on the targeted community but on society as a whole. In 1966 the Cohen commission, responsible for the framework of our present hate laws with the Canadian Criminal Code, stated that “in times of social stress, such 'hate' could mushroom into a real and monstrous threat to our way of life” and “constitute 'a clear and present danger' to the functioning of a democratic society”.

I would suggest to you that those words are very prophetic in relation to today. With the world a much smaller place because of technology, and with hate crime events such as 9/11, we've certainly changed the way we look at hate crimes and the issue of intolerance.

A single criminal act, often the higher-threshold incident of anti-Semitism, can be a tragedy of a lifetime for the victim, and forever define and alter the character of a community. These crimes are inherently complicated, misunderstood, and often unrecognized. They move through the justice system much too slowly, if at all.

One glaring observation here is that hate crimes are vastly underreported. Statistics Canada recently indicated that one in ten hate crimes are actually reported.

When we as the policing community first began to examine hate crimes, it became evident that the very nature of the crime itself, regardless of its criminal classification, required a special response. When I talk about criminal classifications, I'm referring to the priority scale, to how things are responded to—mischief, damage to property or what have you, up to and including murder.

When a swastika is painted on a wall, not only the bricks and mortar are affected; society and the targeted community as a whole are as well. However, until recently, an incident such as this could easily have been classified as a graffiti incident, or mischief, or damage to property, warranting not much more than a telephone call or a report to the police agency. But an act like this is not about the bricks and mortar. It's about the deep-seated message of hatred that the act invokes.

This is why the police must understand and respond appropriately. This act may be deemed minor by classification, but it requires a major response by police and the community. It is quite often those minor crimes and incidents that invoke the psychological victimization, and the fear of revictimization, should the police and justice system not respond accordingly.

I recall a number of years ago an investigation we had with respect to a tailor shop on Dalhousie Street, basically a stone's throw from where we sit today. That particular morning, an elderly proprietor opened the door to his tailor shop, only to notice a red and white bumper-like sticker affixed to his shop door. That message read, "Hitler was right". It went on to give a telephone number and information on a white supremacist group out of the United States.

The application of the Criminal Code in this incident placed this act as mischief. The chances of the offender being located or even charged were pretty much slim to nil.

What was very profound—certainly it had a ripple effect through our community—was the fact that the proprietor of this shop bore the marks on his arms of a Holocaust camp survivor. There was disbelief that in the nation's capital of Canada, some 50 years later, such an act could occur. It confounded not only the shop owner but saddened the community as a whole. How could there be any question that this incident would require a specialized response from the police and from the community as a whole?

Various police agencies have various ways in which to respond to hate crime. Much debate can ensue on which is the most effective way of dealing with the issue. What is required, however, is an understanding of the issue from the top down.

Current ongoing education for front line officers, supervisors, and executives is paramount to effectively combatting hatred and the issue of anti-Semitism. A dynamic hate crime response is only as good as that first responder.

Having a strong protocol in place, similar to those found in domestic assault investigations, sends a very powerful message to victims, offenders, and observers that this matter is taken very seriously. These protocols assist in identifying key stakeholders and providing assistance to the victim and the victim community.

● (0920)

This protocol is crucial in understanding that hate crime victims suffer disproportionate harm. Those first responders and investigators dealing with this type of victimization must deal with additional barriers, conflicts, systemic issues, and often misunderstanding of the tenets around hate crime victimization. Without such knowledge, incidents can easily spiral out of control and cause more damage as a result. This is why education and an interactive framework with the community is so imperative.

Before I pass off my five minutes to Sergeant Christian, I'd like to share a passage with you from 2007 from Senator Edward Kennedy on the issue of hate crimes and the hate crime bill that was discussed in the United States. He indicated that:

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

With that, I'd like to pass it over to Sergeant Christian.

**Detective Sergeant Monica Christian (Hate Crime Unit, Ottawa Police Service):** Good morning.

Thank you, Sergeant Dunlop, for the historical part from the Ottawa Police Service.

I'm Sergeant Monica Christian, currently with the Ottawa police hate crime unit.

Hate crime affects not only the victim and his or her community, but it affects me personally on so many levels. I am not only a police officer; I am a mother and I live in our community. What affects the community at large also affects me.

The Ottawa Police Service sees anti-Semitism incidents as a global issue. Anti-Semitism is a very real problem affecting all of our communities. We vigilantly work with our Jewish community and lay leaders as well as other police services when dealing with vehemently anti-Semitic issues.

We are seeing a changing face to the conventional acts of anti-Semitism. Swastikas are still being spray-painted on walls and the desecration of cemeteries still occurs, but the hate itself has now grown and festered and manifests itself in different ways. We now see the Internet as the modern-day venue for the spreading of hate rhetoric. New online venues like Facebook and Twitter are becoming more problematic. Like other police services in Canada, we have also seen an increase in complaints during global Israeli Apartheid Week emanating from area universities in the form of anti-Zionism campaigns and anti-Israel campaigns.

Anti-Semitism is racism, and racism under any guise is deplorable. Anti-Semitic, racist, and hateful comments are offensive to the vast majority of Canadians, but it must be said that this type of behaviour is not necessarily illegal. Specifically, I'm referring to the term "hate crime" itself. The phrase is fraught with dilemmas and difficulties. Bias incidents are often interpreted as hate crimes. Perpetrators of these hateful acts claim they don't necessarily hate their victims, nor do they feel any type of recognizable bias for the victims.

Sections 318 through 320 of the Canadian Criminal Code deal with hate crimes. The problem with this legislation is that it is very cumbersome and it impedes police officers from using on-the-spot judgment. A police officer can arrest somebody for a homicide or an assault but cannot proceed with charges against an individual accused of anti-Semitic hate crimes without the consent of the Attorney General or the crown attorney. The law is narrowly written, and the crown has to prove an accused was motivated by hate in order to secure a conviction.

The establishment of hate crime units like ours at the Ottawa Police Service provided the avenue for the criminal justice system in Canada to officially recognize this growing criminal and social problem as a category of crime. Although the hate propaganda provisions in the code have existed since 1970, amendments in 1996 and again after September 11 include sentencing enhancement principles under section 718, so it now does include stronger laws against hate crime propaganda and damage to religious property.

Increased community education and awareness of hate and hate-related criminal offences is essential in order to reduce hate crimes and to increase reporting of anti-Semitic and hate-related crimes. The community and members of the judiciary must speak out against intolerance, racism, and hate crime. Communities at large become injured and offended when hate crimes corrode mutual respect and civility, and they undermine an individual's sense of comfort and belonging.

New Canadians and our student population should be offered further education on the multicultural fabric that comprises Canadian society. This education may diminish the dependence on stereotyping and could lead to a decrease in miscommunication between members of cultural groups. Community leaders, victim groups, and justice agencies need to encourage the reporting of crimes. The differences between incidents of hate-related events and hate crimes should be clarified for the benefit of the community. Ideally everyone should be aware of the legal parameters within which police officers must operate. For example, an incident in which a person is subjected to offensive speech is not necessarily a criminal offence, yet it still deeply affects the victim.

Barriers to reporting should be examined and eliminated where possible. The Ottawa Police Service encourages all victims to report all types of hate-related incidents to the police, even if these do not constitute a criminal offence. Statistics have shown that only one in ten hate and anti-Semitic crimes are reported. Victims of crimes, particularly hate-related crimes, must feel safe from retaliation and stigmatization.

The Ottawa Police Service provides support and direction to the victims of these heinous crimes. Our website provides information,

our victim service unit is available to help, and our police officers are trained to recognize hate crimes and motivated-by-bias crimes.

• (0925)

Hate crime investigators have been involved with the creation of five training videos over the last five years through their membership in HCEIT, the municipal hate crime team involving 13 other municipal police forces and Dr. Abbee Corb. Each of these educational products is geared to specific target groups, such as community and front line police officers.

Ottawa Police Service members are empathetic to the problems facing the Jewish community, both locally and abroad. We are familiar with the motivators and indicators of anti-Semitic crime. We are also familiar with the various specialized agency and community groups and religious institutions within the Jewish community, and we have built favourable relationships with groups such as the Canadian Jewish Congress and COMPAC, the Community and Police Action Committee.

Police officers are generally the first people to respond at the scene of any crime. As such, our actions significantly affect the outcome of the investigation, as well as the community response to the incident. The Ottawa Police Service feels that enhanced training, knowledge, and education for police and the community is of the utmost importance.

Thank you for your time. It has been an honour to represent the Ottawa Police Service here today.

• (0930)

**The Chair:** Thank you. I'm not sure if Dr. Abbee Corb...?

**Dr. Abbee Corb (Hate Crime Unit, Ottawa Police Service):** I'm only here for the Q and A.

**The Chair:** Thank you.

We'll now go to Commissioner Julian Fantino.

**Commissioner Julian Fantino (Ontario Provincial Police):** Thank you, Mr. Chair and members.

I appreciate the opportunity to be before you to address an issue of significant consequence, not only for law enforcement, but certainly for society generally.

In Ontario there is an ongoing pattern of hate crime. Given its nature, it has a devastating impact on communities. While the statistics do not break down the occurrences into specific groups, we know that anti-Semitism comprises a large majority of the hate crimes. This continues to be an ongoing concern for the Jewish community, and for all of us, actually, given the historical persecution and continuing faith-based threats centred on the Jewish people.

Incidents of anti-Semitism throughout the province take on various forms, the most common form being mischief to property, which obviously includes religious properties and other Jewish entities, and also the more serious offences of advocating or promoting a genocide and the wilful promotion of hatred.

Most mischief occurrences are caused by youths who unfortunately do not fully understand the consequences of their actions. We heard earlier about the incident at York University.

Certainly, as was mentioned—and I don't want to prolong this—investigating hate crime today has become extremely challenging and labour intensive for investigators. That is also due to the widespread use of the Internet as a tool of mass communication.

Let me just go forward quickly. In today's climate and with world events such as wars in the Middle East, recent attacks against Israel, and the escalation of tensions between Judaic and Muslim communities, it is a vital role for the police, as well as justice officials and all partners, to enter into this preventive forum and to work alongside each other to ensure that acts of hatred and anti-Semitism do not increase and hopefully will be eliminated.

Comparatively, Ontario hasn't had the significant violent, disgusting, disturbing, and very destructive incidents of anti-Semitic hate-based attacks that other parts of the world have suffered, but that is no comfort to us here. We take great pride in our communities and our commitment to do everything we can to ensure that these cowardly acts do not occur in Ontario or in our country, and we will continue to uphold this commitment in the future.

You may be aware, Mr. Chair and members, that a lot of these issues have been addressed by the province through the Hate Crimes Community Working Group. There is an outline in their final report addressing hate crime in Ontario. These issues and more are addressed within their 96 recommendations. I don't know if you have a copy. If you don't, I have one that I can share with the committee.

In any event, I won't go into it. There are other issues that we need to address. There is the whole issue of identifying hate motivation in the commission of crime. To that end, we have various points of view.

We heard earlier about the need to approach a crown attorney or the Attorney General in order to receive permission to proceed with some of these cases.

It may well also be true that any criminal offence could become a hate crime. Certainly, there's a list of those who appear to be obvious: offences of personal violence such as murder, manslaughter, assault and sexual offences, threatening death or bodily harm, criminal harassment, defamatory libel, and property offences such as theft, mischief, and arson. Because any of these offences can be a hate crime, the categorization of the offence as a hate crime is one that is made as a matter of judgment. Hate crimes do not always occur with a recognizable warning. Certainly, if a swastika is placed on a tombstone in a Jewish cemetery, this is very likely to be a hate-motivated crime. The fact that a tombstone in a Jewish cemetery is knocked down does not necessarily indicate in and of itself that we're dealing with a hate crime. It is very important that attention be paid to whether or not the crime is being investigated or prosecuted as a hate crime.

If an offence is motivated by hate, it is in the public interest that it be identified as such, prosecuted as a hate crime, and, if there is a conviction, that the perpetrator be sentenced for committing a hate crime as well. In most cases the police will have identified the crime as a hate crime, but it is also possible that in a case where no hate crime is obvious and there is no hate unit or investigative expertise within a police agency, that crime may not be recognized as being a hate crime. Therein lies the need for all of us, including crown attorneys and prosecutors, obviously, to be up to speed.

There are some factors that have been identified as providing clues or identification that the crime in question is a hate crime. Crown counsel, police, and all should be aware of these factors and take notice of their presence in cases that have not readily been recognized as hate crimes. These factors include statements made by the offender during the commission of the crime, such as a racial slur; the absence of any apparent motive for the offence; the use in the commission of the offence of any symbols, comments, or gestures that are commonly associated with the hate-motivated crime towards a victim or a group, such as swastikas; and on it goes. Some of these are obvious as well. There is also the question of whether there is any significance to the timing of the offence, for example, a holiday or a date of historical significance to either the victim or the offended group. There is also the question of the perception of witnesses to the offence, the perception of the victim community, the presence of historical animosity. As well there are a bunch of other items in here. Suffice it to say that what is in fact lacking, certainly in Canada, is a uniform way of identifying and reporting these particular types of occurrences.

There's one recommendation I would like to highlight for the committee to consider. I would like to suggest to members of the inquiry that one impediment to police services dealing promptly and effectively with anti-Semitic occurrences and crimes is the absence of common recognition vis-à-vis measurements and reporting standards and criteria with respect to these incidents from service to service, community to community. I urge this inquiry to recommend the establishment of national standards for police services across the country so that we have a common understanding of what constitutes an anti-Semitic crime, together with consistent across-the-board mechanisms for data reporting and statistical analysis.

Further, Mr. Chair, you may be interested in a couple of articles that appeared through the research and reporting of the International Association of Chiefs of Police. One says that law enforcement must take a lead on hate crime. Another is "Hate crime: a Canadian perspective", which I can leave with you as well for your benefit, as reading material.

Thank you very much.

● (0935)

**The Chair:** Thank you very much, Commissioner Fantino.

We now go to Chief Bill Blair.

**Chief William Blair (Toronto Police Services):** Thank you very much, Mr. Silva.

I'm very pleased to have the opportunity to come before you today to speak to an issue of great importance to the people of my city, particularly to the Jewish community in my city.

I would like to, of course, echo and support the comments made by my colleagues. But I'd also like to take the opportunity to give you a brief overview of the state of hate—in particular, the state of anti-Semitism—as reported to us and as recorded and documented in our 2008 annual statistical report on hate/bias crime in the city of Toronto.

We believe it's very important that proper records be kept and that a measurement be maintained of the state of hate. I caveat this report with concerns about the chronic under-reporting of hate/bias crime. There are many reasons why people may be reluctant to report their victimization in hate/bias crime, but we have been working very hard in the city of Toronto to provide greater understanding through public education, working with our community partners to help people understand the insidious nature of this crime and the efforts that together we are making to reduce that crime.

To give you an idea of the state of hate in Toronto, last year there were 153 hate/bias occurrences reported to the police. I do not suggest for a moment that those were the total incidents of hate/bias in my city. Those crimes are of course chronically under-reported to us.

At any rate, that number represents a 17.7% increase from the previous year, although it is below the 16-year average of 202 occurrences, as measured by us over the past 16 years.

Sadly, although the Jewish community in Toronto represents only 4% of our population, 30% of all hate/bias crimes reported to the Toronto Police Service are targeted against the Jewish community. The most commonly reported of the hate/bias crimes is the crime of mischief, representing 75% of the total crimes reported to us as hate/bias.

We are additionally concerned about the location of such occurrences. We have seen a very significant increase in the number of occurrences on university campuses in the city of Toronto. During 2008, during the conflict that existed between Israel and Palestine in Gaza, we saw a very significant increase in demonstrations and political activity on the campuses. It resulted in a total of 24 occurrences at York University campus, with 26 altogether in all of our university campuses where hate crimes were reported to the service.

Of the 153 occurrences that were reported to the Toronto Police Service, two crimes against the Jewish community fell into the category of hate propaganda as defined under the Criminal Code. One occurrence was for public incitement of hate and one was for the wilful promotion of hate. The other 44 occurrences included four for harassment, 37 for the crime of mischief, and three for threatening.

Unfortunately, there were no arrests made in the city of Toronto last year under the hate propaganda legislation of this country. However, a number of Criminal Code offences were laid with respect to these offences.

One of the questions we are most frequently asked, and are challenged to answer by our diverse communities in the city of Toronto, is the rationale for saying that such crimes that appear on their face to be motivated by hate may not immediately be classified as hate crimes. It's an important issue to our communities, and it's a question that we are frequently called upon to answer. I want to speak to that briefly this morning.

Prior to determining that any crime that has been committed is hate-motivated, or involves hate and bias, the following criteria are used to determine if the incident is to be classified as a hate/bias crime: the motive, or apparent absence of a motive, in the offence; the perception of the victim and the community about the crime; the display of offensive symbols associated with hate groups, such as graffiti, symbols, and hate literature; the date and time of the occurrence corresponding to a date of significance to the victim or the suspect, either historical or religious; and finally, a very comprehensive review of the circumstances surrounding the incident, including the group involved in the attack, the manner and means of the attack, similar incidents in the same area or against the same victims, and statements, comments, or gestures used by the suspects.

Generally, no single factor is sufficient to make a determination of what constitutes a hate/bias crime. It is often the result of a cumulative collection of information that supports just that finding.

● (0940)

It is very important to the credibility of our justice system and its long-term ability to provide assistance and support to the victims of hate/bias crime. Suspected hate/bias crimes are investigated thoroughly, and the term "hate/bias" is applied with great care and only after a comprehensive investigation.

This is an issue that needs to be communicated more effectively on the part of the police and the criminal justice system to the victim communities, and particularly to the Jewish community in Toronto, because I know it is a source of constant concern. The Toronto Police Service, like our colleagues throughout the province of Ontario, is working very hard to bring a greater level of education and understanding onto our university campuses, to various other victim and support groups, and to our diverse communities, to ensure there's a comprehensive understanding of the insidious nature of hate.

The fact is, we all recognize that when a crime is motivated by hate, the entire community is a victim of such crime. The consequences for the individuals who are so victimized can be devastating, not simply because of the maliciousness of the act, but because of its motivation. When such crimes occur, we have to recognize that it is the victimization not only of the targeted community, but of all of us. We are all affected by this.

In the city of Toronto, and throughout Canada, we are very proud to live in one of the most diverse societies anywhere. People come from all over the world to live in peace and harmony. They speak every language, they know every culture, and they practise every faith.

We are proud of the fact that we live together, but some individuals are indeed motivated by hate. By effectively addressing that hate, we can make our society truly one of social justice as well as safety.

The concern that this committee expresses by its existence, and the concern and commitment of all police services in Ontario and across Canada to ensure that we address the issue of hate crime, to reduce that victimization through public education and through enforcement of our laws, is a very important initiative. I thank you for the opportunity to come before you today on behalf of my officers.

● (0945)

**The Chair:** Thank you very much, Chief Blair.

We'll now go to Deputy Chief Murray Stooke.

**Deputy Chief Murray Stooke (Calgary Police Service):** Once again, my thanks for the invitation to appear before you today and to make some comments.

I'd like to echo the comments made by my colleagues here, but also describe for you how we organize ourselves in Calgary in terms of how we respond to these kinds of crimes.

Calgary has a cultural resources unit, in which we have full-time portfolio officers assigned to a number of portfolios within the city of Calgary. This includes the Jewish community, the Muslim community, the African community, the Caribbean community, the aboriginal community, the Middle Eastern community, and so on.

Within that cultural resources unit, in addition to those portfolio officers, we have a full-time officer who specializes in hate and bias crime. That officer is our point person for reviewing all hate crime incidents and making sure they're categorized correctly, as well as, in certain cases, providing investigative experience for the members who are assigned to investigate the incident.

Our hate crime position includes tracking hate crimes or incidents to ensure proper reporting is completed, developing and delivering training for all of our personnel, collecting and analyzing the reported hate crimes incidents, liaising with other cultural resources portfolio holders and our outside agencies, as well as serving our communities, which I've mentioned already. Based on our experience here in the last couple of years, we're moving towards an increasingly investigative role for this person. As we've learned, a particular amount of expertise is required on a case-by-case basis, so we're moving to specialize in this regard.

In addition to our hate crimes portfolio, we also have an intelligence officer who specializes full time in the gathering of intelligence in respect of hate crimes, and we have an officer who specializes in education. Calgary has a program, which we make accessible to Calgary area schools, called "Hate—Don't Buy In". The "Don't Buy In" project is aimed at teaching youth about the realities of hate, bias, and discrimination. "Don't Buy In" is designed to empower students in junior and senior high school with the knowledge they need to address hate/bias-related incidents and to protect themselves from becoming targets.

The presentations include information around hate/bias crimes or incidents, active witness skill training, a resource tool kit, role plays

and scenarios, and a fun *Jeopardy!*-style game called "Diversity Challenge". This program is sponsored by the police service, the Calgary Foundation, Alberta Community Development, Human Rights, the Citizenship and Multiculturalism Education Fund, and the Government of Canada's national crime prevention strategy.

In addition to these initiatives, we also encourage Calgarians, through our educational programming, our messaging to the media, and our work within the communities, to report a hate/bias crime. In a number of cases in 2003, 2005, and again this year, we have gone public to encourage the public to report hate/bias crime, to get that message into the schools and also onto the Internet so that we can try to get our reporting levels up.

Reporting, of course, is the first step in prevention. Once we get to having to investigate a hate crime incident, we've already lost a tremendous opportunity. We're now dealing with a problem that is best prevented. So reporting is the first step there.

Demographically, we know that a lot of persons who are the targets of hate crime are actually young people or young adults, as are, in a number of cases, the suspects. We believe that educational programming is important. We also note that in the U.K. they have done a number of things along prevention lines, including trying to increase community confidence in the criminal justice system through reporting and improving responses to hate crime with respect to the Internet.

To close, I'll just talk a little bit about the statistics for Calgary. We have had relatively high levels per capita of hate/bias incidents. In 2005 and 2006, there were around 106 to 110 incidents each year. We dropped in 2007 and 2008 to 83 incidents and 57 incidents, respectively, and in 2009 we're going to end up with around 80-odd incidents. Out of those, anti-Semitism-related matters have gone from a low of about 2% in 2005 and have increased somewhat to 6.4%, 7.2%, 8.8% last year, and this year, probably our highest year, to about 12.2%.

● (0950)

In 2009, overall reported hate/bias crimes are showing a slightly downward trend. However, the reported crimes involving anti-Semitism are up slightly. Forty-six per cent of hate/bias crimes involve assault, 33% involve mischief, and 14% involve threats. Seventy-three per cent of our hate/bias crimes involve religion, for example, anti-Semitism, and the largest category of these are mischief-related. The majority of violent hate/bias crimes are racially motivated.

Those are my remarks. Thank you very much.

**The Chair:** Thank you very much.

We'll now start with questions. We'll go to Ms. Hoepfner first.

**Ms. Candice Hoepfner (Portage—Lisgar, CPC):** Thank you very much, Mr. Chair, and I want to thank the witnesses for being here.

I also want to thank you very much for the work that each one of you do. I think the work you do is invaluable, obviously, to our country and to each of the cities and provinces you represent, so thank you.

I want to ask the detectives, with the increase of hate crime at the universities, and specifically anti-Semitic hatred, are you finding you're going into high schools more? Is there an increase at the high school level? Can you comment on whether it looks initially like bullying or just typical kids' behaviour?

**Det Sgt Monica Christian:** I wouldn't say we're going into the high schools any more than we would normally be with the school resource officers. Perhaps the hate crime unit is called on more when the motivations are identified more readily now. It's something that perhaps in the past has just been categorized as bullying and has been dealt with at the school level with the school resource officer.

Now we do find that, sometimes reflecting issues in the rest of the world, let's say—and that comes back to families in Ottawa—there is a push in schools between various communities, and we get called in to speak to kids.

**Det Dan Dunlop:** I would just add a comment regarding a current incident.

I'll be speaking tomorrow at a local intermediate school here, to grades 7 and 8. There was kind of an international "phenom" that went around a couple of weeks ago called "kick a ginger day". This was quite problematic, again with the technology, through Twitter and Facebook, and what have you. CNN actually reported on one particular school here in Ottawa.

The kick a ginger day is basically the targeting or bullying of individuals who have red hair within the school. This became somewhat of an activity that was folly for some, and others were actually taking it a little bit more seriously. As a result of that, school suspensions would have occurred. Whether or not every incident of that has been reported to the police, I don't know. Schools often want to deal with their issues in-house, and something as profound as the targeting or bullying of an individual based on characteristics of that individual, be it the tint of their skin, the colour of their hair, the colour of their eyes, or what have you, is very problematic. We'll be going in tomorrow to speak about that with the student body itself, because the administration at that particular school took a very proactive approach to it.

• (0955)

**Ms. Candice Hoepfner:** Then it would be up to the teachers? They would be the ones identifying whether this is a hate crime, and whether it is specifically anti-Semitic?

I'm just thinking about the sources. I'm thinking about kids growing up. In the province I'm from, Manitoba, we have a really good system for young offenders. There's a sharing circle, and after an offence happens—maybe it's a threat or bullying—they get together. They empathize with each other, and there's an understanding, which I think can make such an impact on kids and can affect them as they grow older.

So I'm concerned. Are we just depending on schools to determine this? Are they educated enough in the schools? Maybe this comes back to a national standard of what is a hate crime and what is an anti-Semitic hate crime, so it's not just at the law enforcement level but it goes right down into our educational system.

**Det Dan Dunlop:** Certainly bullying would be seen at the lower threshold with respect to the hate crime continuum, if you will, as to

where things start. It's the like-minded expression against individuals, which goes from inactive thoughts and feelings that gradually get escalated up to crossing that criminal threshold of assault.

Quite often you don't hear the words "bullying" and "hate crime" in the same sentence, but quite often that is the genesis of that particular activity. If it's not dealt with, particularly from a victim's standpoint.... What I've experienced in my past is that when you're dealing with victimization, there is this invisible knapsack, as I like to call it, that a lot of victims will carry with them, which will actually, all of a sudden, be emptied out at a certain point. You may think, well, the incident just occurred, it's not that dynamic, yet they've been carrying around issues that have not been appropriately addressed by either the school administration or the police or their parents or what have you.

**Ms. Candice Hoepfner:** Dr. Corb.

**Dr. Abbee Corb:** If I may add to that, the Ottawa Police are part of a 13-force municipal team called the Hate Crimes/Extremism Investigative Team. One of the initiatives we took on was to educate not only our member services and other police services, but teachers and community members.

We feel that this is of the utmost importance if you're going to be dealing with anti-Semitism and hate. For the community, we put this together, which is also used in the schools for upper-grade children. We also put together a cartoon that teaches small children about hate in general. Because it's such a sensitive topic, we took into consideration the various age levels and we made it accessible to small children. I have a daughter who is 10 now, but was 5 at the time, and she calls this the stupid chair video, because it's about a boy kicking a chair and saying "stupid chair" repeatedly.

We also put it together as a PSA for broadcast to the general community. It's been out there. It's a far-reaching initiative that is one of the initiatives that Ottawa police and the other 12 services put together to reach out to the community.

**Ms. Candice Hoepfner:** That's great. Thank you.

I have one more very quick question: is there a provincial standard right now for measuring and identifying hate crimes?

I agree with you that it would be very helpful to have a national one. Is there any province that has a provincial one right now?

**Chief William Blair:** Yes. There's a Hate Crimes/Extremism Investigative Team in the province of Ontario. I believe that nine different police services participate.

The standards by which the Toronto Police Service measure hate crime are broken down by various categories such as race, religion, etc. That's standardized across all the services participating in that team. We reported out statistically to our board, and publicly; I believe those statistics are captured by that particular provincial group in Ontario, and only in Ontario, to the best of my knowledge.

**Dr. Abbee Corb:** Yes, they are, because I'm the girl who does that.

**Chief William Blair:** That's good. There you go.

**Voices:** Oh, oh!

**Chief William Blair:** We have the girl who does that. It doesn't get any better than that.

**Dr. Abbee Corb:** We have 13 services now, but we do have a centralized database. Thankfully, Toronto contributes a great deal.

**Ms. Candice Hoepfner:** Thanks very much.

**The Chair:** Commissioner Fantino.

**Commr Julian Fantino:** Just to follow up, back in July of this year, the Ontario Ministry of the Attorney General put out a directive to all of their crown attorneys to assist them in identifying what may be a hate crime but was not recognized as such: an offence going forward with other ingredients that would make it look like a hate crime or an offence that could possibly be a hate crime.

The directive speaks to hate crimes as:

...offences that involve the intentional selection of a victim based on the offender's prejudice towards a "group" characteristic of the victim such as race, ethnic background, religion, gender, physical or mental disability, or sexual orientation.

It says that hate crimes are "very serious offences" and it goes on to speak to that. There's a whole area on it. Quite a number of issues have been identified as guidance, if you will, particularly to assist crown attorneys to prosecute these cases for what they really are, as opposed to what may not be identified.

● (1000)

**Ms. Candice Hoepfner:** Thank you.

**The Chair:** Dr. Bennett.

**Hon. Carolyn Bennett:** Thanks very much.

I'd like to follow up on Ms. Hoepfner's line around capturing the data. Is there a formal way that this then gets taken up to the national level in terms of CSIS, the RCMP, or Public Safety Canada?

**Dr. Abbee Corb:** I can only speak to the 13 police services that I serve under HCEIT. All of our intelligence reports are disseminated to CISO, Criminal Intelligence Service Ontario.

**Hon. Carolyn Bennett:** Is that reported up any further?

**Chief William Blair:** Yes, it is. The information is reported through to Criminal Intelligence Service Canada, but because it is not collected in a standardized way across the country, there is no way to compare the situation in Ontario, for example, with those in other provinces. But the information is available on a national level through Criminal Intelligence Service Canada.

**Hon. Carolyn Bennett:** So we're going back to the need for some sort of national standard for what's reported and how it's reported. Would this be a recommendation that you would like to see in our report?

**Det Dan Dunlop:** Well, on the back of that particular recommendation, the Canadian Centre for Justice Statistics, which is a division of Statistics Canada, did a survey in 2004. On a national level, it was able to come to grips with one standardized definition of what constitutes a hate crime. With that in place, they implemented into the uniform crime reporting system cohesive criteria as to what constitutes a hate crime, factoring into that.

**Hon. Carolyn Bennett:** We've heard at this committee that there's a difference between sometimes ignorance—i.e., people have just never met, and therefore it's easy for them to hate, Jews, gays, francophones, whatever—and an orchestrated campaign against a

certain group. I think I'd like to know more about how you make that determination and where you go forward.

As Chief Blair knows, in my riding in the last election there were brake lines cut, and the same aluminum paint was used on 29 houses. It looked very similar to what then happened in Gerard Kennedy's riding, what had happened briefly in Martha Hall Findlay's riding, and what had happened in Guelph. They were the same language, the same whatever.

I took from that small personal education that you will always look to see if there's a pattern—i.e., it's not a bunch of kids on their way home doing this but something more central, a cell of something that you need to follow in a different way. In my job, we say that germs don't respect borders. I think this disease of hatred doesn't respect borders either. As the previous panel explained it, we aren't immune here to Hezbollah or Iran or any of these things that could be starting to infiltrate and begin this ugly process.

How do you make the differentiation? When do the flags go up that other jurisdictions have to also be concerned, that there's a pattern?

In an annual report, you wouldn't actually be... It's a bit late to find out in an annual report that it looks like an orchestrated approach.

● (1005)

**Chief William Blair:** If I may, Dr. Bennett, it's very important to differentiate between hate-related and particularly anti-Semitic incidents that take place. They are not counted, unfortunately, by the police in our hate crimes unit. There are other organizations... I know that B'nai Brith does a fairly comprehensive audit, but even at that it's a chronically under-reported occurrence.

The things that are recorded by our hate crimes unit are crimes related to hate. Quite frankly, I will admit that we tend to be somewhat discerning to ensure that we don't classify everything as that. Even though hate may be implicit in the act, we look for evidence of motivation.

I know this is a constant source of discussion among ourselves and with all of our friends in our diverse communities, and particularly with the Jewish community. There is a great deal of concern about incidents that they believe are motivated by hate. And they may be quite right, but in the absence of evidence to support that conclusion, the police tend to be somewhat reluctant to report it in that way.

The incidents that are reported in our statistical report, which is, in my opinion, quite comprehensive, show only a small snapshot of the true situation. Making something a more explicitly hate-motivated crime depends on whether we're able to determine the motivation through the circumstances that I described earlier.

I looked with some interest at the EUMC definition of anti-Semitism to see what value there might be for us in our determinations. There were limitations there too, because only the first category would constitute a criminal offence. There are things that are very offensive but that don't cross the threshold into criminality.

**Det Dan Dunlop:** I echo Chief Blair's comments.

As well, quite often when we look at hate crimes from an investigative standpoint, we categorize from the outset. First of all, each hate crime has to be looked at individually. There's no blanket statement saying that this is a hate crime. You have to look at all the characteristics and dynamics of each investigation.

Certainly a good place to start is to have an understanding of and an education in the typology that offenders may fall into within certain categories. When we look at a hate crime, we want to find out what kind of typology the offender characteristics indicate. There are the thrill-seeking offenders, which may be teenagers knocking over gravestones—that youthful folly that can be an excuse for some but certainly is the bedrock for hate crime activity later on. There are also the reactive offenders, the retaliatory offenders, and the mission offenders. When we talk about mission offenders, we're talking about 1%—the Marc Lépins and the ones involved in the horrific acts of 9/11.

So if you can start by categorizing the typology of the offender, then that will give you a good start in dealing with the response to the offence; you know exactly where you stand.

**Hon. Carolyn Bennett:** So in the crossing over to a crime as opposed to a hate-related activity—

**Det Sgt Monica Christian:** It's going to be a crime or it's not.

**Hon. Carolyn Bennett:** In terms of patterns, if you were able to capture the hate-related activity and see that there was increasing activity before it crossed over to crime, how would we capture that so we would know there was a lot of activity and there was going to be trouble if we didn't deal with it?

**Det Dan Dunlop:** We look at a continuum with respect to that, because often you'll have prejudice, which rolls into hate, which rolls into violence, and the threshold for police involvement is that violence level when you finally cross the criminal threshold. It's not that an incident is not important or doesn't warrant looking at or investigating or monitoring and tracking, but when you actually get to that threshold where it actually falls into a criminal act and the police can actually do something to get levers on the individuals involved, that threshold is sometimes quite high.

That's just what we're dealing with, with respect to the response to this. So you have to understand, again, that an incident, as profound and as dynamic as it may be, may not necessarily be a criminal act.

**Hon. Carolyn Bennett:** In the WHO definition of violence, verbal attacks are considered violence. So if you think of those kids going to school in Northern Ireland, walking past people taunting them every day, and if you let that go on every day, you have this sneaking suspicion that violence will break out, that people won't put up with that every day, even though, technically, up until that point it wasn't a crime, right?

Our committee has the opportunity to decide on a direction we would like to go in, in terms of preventing of this. What kinds of recommendations would you want in our report, such that you would get the resources you need to do a better job on the prevention side?

• (1010)

**The Chair:** Chief Blair has been raising his hand.

Would you like to make a comment?

**Chief William Blair:** One the things that police services are doing in Ontario is to continuously monitor various websites of organizations and individuals who we know are involved in hate/bias activity. That information is shared, through our various intelligence units, with other police services in Ontario and across Canada.

We also monitor various community situations, sometimes in partnership. I think partnership is a very important aspect of this. For example, we work with Doron Horowitz and the UJA in Toronto and a number of other Jewish organizations in Toronto who monitor various activities. When they see the incidence of hate-based activity beginning to increase, that gets some attention.

We try to be proactive. For example, when we saw some difficulties arising at a university campus in the Toronto area last year on this, we tried to be proactive. We went and met with 30 of the administrators of that university. We explained to them our concerns about the hate-based activity that appeared to be on the rise in that situation.

We attempted to intervene through our presence at various demonstrations, to prevent what we believed to be a high likelihood of criminal activity—violence—breaking out as a result of the hate-based activity that was taking place there. There are some challenges in that, quite frankly, in that on more than one occasion the police were asked by the school administrators to leave the campus. They didn't want us present there. They have that right—it's a private institution—but we were very concerned, and the community was sharing with us their concerns. That information is shared across all police services and with the community through intelligence sharing.

**Commr Julian Fantino:** Mr. Chairman, if I may give you an abstract, one of the cases is that of a 23-year-old individual. The Ontario Provincial Police Hate Crime/Extremism Unit recently investigated what we consider to be a very serious case involving what we believe to be a very obvious hate crime: wilful promotion of hatred against the Jewish community. This particular case did get quite a bit of publicity as well. In any event, this individual began posting blogs on various websites relating to his hatred of Jews and the Zionist conspiracy against Muslims, and, more recently, the legitimacy of killing Canadian soldiers as an effective method to end the war in Afghanistan or Canadian military involvement in the war. You may have heard about it.

As a result of this investigation and the subsequent review by the Attorney General's office, the case did not receive consent for a charge of wilful promotion of hatred against the Jewish community. Contrary to section 319 of the Criminal Code, the Attorney General's reasoning, as quoted in a *National Post* article, "Case prompts Ontario to change probes of hate crimes"... What happened here, basically, is the case lingered and lingered and lingered. I think there was reluctance on the part of a number of people to pull the trigger on what this particular case was all about and how it merited going to the courts. Eventually there was a directive issued that these cases need to have a different type of attention given to them in order to expedite decisions and put these cases before the courts and so forth. I think it just goes to show, as we're all addressing here, the difficulty in meeting that threshold. Not only do we have to carry out a pristine investigation on the matter, but we then have to deliver all of that to a crown attorney, so you have another check and balance in place, and on it goes.

There are very few offences in the Criminal Code whereby the police have to go to a crown attorney to seek permission to prosecute a case, and I think that's another area that we need to be liberated from. If we're intelligent and accountable enough to proceed with the most serious crimes in the Criminal Code on our own, based on our beliefs and our investigation and the facts of the case, such as murder, for instance, why is it that we have to go to a crown attorney to get an opinion as to whether or not we can lay this charge?

What we need is a clear definition. As I mentioned earlier, Doctor, the criteria have to be there where we can all talk about the same issues. I believe Mr. Justice Dickson attempted to do that in some of his rulings way back when. But we need a set criterion in place where we can then apply our investigative skills, our common sense, and our knowledge and expertise, and not have to go and seek an opinion about whether it is or isn't or where do we go from here.

That would be another recommendation for the committee to consider, and I would recommend that.

•(1015)

**The Chair:** Thank you.

We have to move to the next question, but maybe Deputy Chief Stooke can just...

**D/Chief Murray Stooke:** Very briefly, just on the issue of reporting, I think the place to bring that common standard together is through the uniform crime reporting requirements for Statistics Canada.

In each of our jurisdictions we have reporting systems that allow us to do link analysis between the offences that are occurring, so we can stand back, run through the database, have it bring forward all of the light crimes that are committed to see whether or not there's a common thread that runs between them, and run that through our intelligence system.

I have just a very brief comment about the state of the law. We don't have a UCR code for anti-Semitism in terms of hate crime. The code is just generally for a religious-motivated crime, and it's not broken down into various types. So that might be one area to look at.

Secondly, perhaps legislatively an option we could explore is to place a list of hate symbols within the Criminal Code that are

presumed to be part of a hate crime, and then place a reverse onus on the accused to prove that this was not a hate crime, rather than the position we are in now of having to prove that because there was a swastika in the desecration of the religious monument, that's hate motivated—as opposed to being in the position of having that symbol there and having the accused prove at that point that it was not.

**The Chair:** Thank you very much.

Mr. Van Kesteren.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Thank you, Chair.

Thank you, everybody, for coming.

Superintendent Fantino, the last time we saw each other was at my son's graduation in January.

•(1020)

**Commr Julian Fantino:** It was.

**Mr. Dave Van Kesteren:** It's good to see you again.

I'm listening with interest. On the one hand, what you're telling us seems to be a solution. But last week I brought up the fact that within my community of Chatham—Kent—Essex we don't have a large Jewish population. Subsequently, we don't see these things that we read about in the papers.

But there are prejudices, as there are in any community. I remember as a kid in high school we had a large black population. There has always been an underlying racism. It's getting better, but I remember as a kid that we had some problems there.

You probably wouldn't get away with a lot of things that kids get away with nowadays, because quite frankly if you did something you'd get your ears boxed. Teachers and principals at that time, if they meshed this thing out, would come and ask what happened: "Well, he called me a derogatory name, so I hit him." Oftentimes that was it; you learned your lesson.

I'm wondering if what we are asking for or what we are suggesting is one of these cases of "be careful what you ask for, you might just get it", when we start to try to define every part of society and try to correct a wrong.

I'm reminded of an interesting story. It's a story in Esther. If you want to talk about anti-Semitism, there was some bad anti-Semitism going on there. As a matter of fact, they were trying to wipe out the whole population. There was a decree by the king. Some mischievous individual who was driving this thing had the king put his royal stamp on it, so the king couldn't take that away, but he made a very wise ruling. He said, "Well, what I'm going to do is I'm going to let you guys arm yourselves."

I'm not suggesting that we arm segments of the population, but I'm wondering if we haven't, in so many of our actions when we try to define everything, created a situation where.... Do you see that in your police work, that when you try to figure out what's happened, oftentimes the perpetrator is getting away and the person who reacted is being sucked into something when he really shouldn't be? Do you understand what I'm saying?

Deputy Chief Stooke, you're looking like you know what I'm saying. Am I onto something there?

I'll leave it up to you. I have another question after that as well.

**Commr Julian Fantino:** How to do a list of issues. In dealing with a criminal law and what standards are in place, we need to have criteria by which we can take cases to the courts. The courts need to have that criteria as well by which they can interpret these things. It isn't just the casual remark, if you will, as offensive as that may be.

**Mr. Dave Van Kesteren:** Isn't that where it starts, though? I'm not talking about where it has escalated, but oftentimes where it starts is that we've overreacted to some of this stuff when we should have just let the thing work itself out.

**Commr Julian Fantino:** We haven't even talked about the responsibility of society generally to do what it needs to do—parents, community, educators, and on it goes—to deal with these issues long before the police have to be involved. There is some of that consideration that needs to be in place. There needs to be better education, community involvement, and all those kinds of issues, including the education system, but very often the default is to the police. When we are called to act, we need to have the rules of engagement, if you will, by which we can justify our actions and be validated in our activities. Otherwise we get into this business of debate and dispute and criticism and all of those kinds of issues where the police are often criticized for even fulfilling the mandate as it has been given to us.

We need to have some standards by which we can operate—all of us.

**D/Chief Murray Stooke:** I think that may partly be why Parliament has required us to seek the permission of the Attorney General before bringing criminal charges in these matters, so that there is the second thought in terms of what we're doing, what we're criminalizing.

I do think—having consulted as well with our crown in Alberta—the regime is not necessarily a bad one. The crowns support it. They feel they can prosecute with what they're given in the Criminal Code.

There are really four substantive, specific offences for hate crime: advocating genocide, public incitement of hatred, hate propaganda, and mischief to religious property. Outside of that, any other crime can be a crime motivated by hate.

Take mischief, for example, a very common hate crime. We investigate the matter as mischief to property, but looking at the circumstances, if it's a crime motivated by hate, we provide that information to the crown. They make application to the judge to increase sentencing in respect of this particular individual because it's a crime motivated by hate. That's how the general law handles this issue.

**Mr. Dave Van Kesteren:** Go ahead, yes—the Ottawa police.

**Det Sgt Monica Christian:** What I would like to say is that generally, though, we have had more success as a police service by dealing with the incidents as criminal offences and asking for enhanced penalty under section 718. The crowns seem to be more comfortable with that. And that seems to be the way things are going, certainly in the Ottawa area.

As far as dealing with hate crimes, with the motivation part, it goes first as a criminal offence—for instance, an assault—and then, with the motivating factors brought into that at the end, the crown is more likely, or appears to be more likely, to ask for enhanced sentencing.

The courts are quite supportive of that, too, so....

**Det Dan Dunlop:** Just speaking on the recommendations, I think there's a need, personally, having looked at this for a number of years....

With the complexities and the fluid nature of hate crimes and the police response to it, you may have a small community that is somewhat homogenous or that does not have the same issues that Toronto or Ottawa or Montreal may have. I think it would be very beneficial to have the formation of a national hopper, or a secretariat, or some type of resource entity that all police agencies and communities alike could actually tap into to assist in the investigation aspect of it, if need be, or the community response to that; it could be multi-faceted.

That is one thing we don't have at the national level. And that's why you're here, to look at the formation of something like that; it could benefit everybody across the spectrum.

• (1025)

**Mr. Dave Van Kesteren:** I'll switch gears just quickly.

Chief Blair, last week we had representation from some of the universities. In one specific case of anti-Semitism—you're probably aware of it—there was some pretty severe stuff, from what we heard.

I want to understand what your relationship is to the university. Are you allowed to go on campus and investigate and lay charges?

**Chief William Blair:** First of all, we have an excellent relationship with the campus security at that particular institution. We work very closely with all of the campus security people. Notwithstanding that strong relationship with their security services, we have no trespass authority. That has to be conferred by the institution, or through a letter authorizing us to act as agents on behalf of the university. Many other universities do this, but the one in particular that had that experience does not.

There are no such directed patrols by us on university grounds. In fact, notwithstanding that we have significantly updated, over the past few years, the current administration on the conflict that exists, we have been unable, unfortunately, to be a strong presence. In fact, the administration of the university has prevented this from happening. They have on more than one occasion asked us to leave, notwithstanding the fact that demonstrations were taking place and there was a potential for violence there.

**Mr. Dave Van Kesteren:** Isn't that a bigger problem than, say, identifying all forms of hate? Isn't it a problem that you're restricted from doing what you're—

**Chief William Blair:** This is private property and a private institution. This is a relatively isolated set of circumstances. For example, in 2007 there was only one occurrence at that university campus. The following year I believe there were 19. That was in relation to a number of things that were happening on campus that are particular to that institution. It was a conflict between the student administration and other groups on the campus that manifested itself...it divided the group very much along political, ideological, and religious lines, which resulted in some of this conflict.

It is a situation where we have gone into that university now and we've spent some time in training about 30 of the administrators of that university on issues of hate/bias, on issues of the law, and we've provided them with what expertise we have available to us to reduce the likelihood of those incidents.

I can tell you that in 2009, although I don't have the statistics with me, there was a significant decrease in the number of incidents on that campus. So I think it had some positive effect.

There was a very difficult conflict situation that arose in 2008 on that campus. It was a difficult thing to deal with. The university, in their defence, has to walk a very fine line between freedom of speech on campus. There were a number of different student groups that were in conflict over this issue, and I think the school administration was in a difficult position with respect to that. I don't think our relationship with them enhanced that situation, unfortunately, until well after the fact. I think it was the incidents that you referred to. It was pretty scary stuff, very offensive stuff, that finally I think convinced the administration to work more closely with us and our hate crime experts on reducing that.

**Mr. Dave Van Kesteren:** I'm confused, though. I understand your hands are tied, but if that had happened in downtown Toronto, there would have been some charges. Am I correct?

**Chief William Blair:** Yes.

**Mr. Dave Van Kesteren:** So it's almost like the situation we have, Superintendent Fantino, in Caledonia, where there seem to be two sets of laws there.

**Chief William Blair:** Don't get me wrong, there is no place of sanctuary for enforcement of the criminal law. But our ability to gather evidence and to successfully prosecute those...we're somewhat limited by the limitations we found in being there and getting information on that campus with respect to those offences.

**Mr. Dave Van Kesteren:** We're not the same as the States, and oftentimes we get confused when people talk about what is inadmissible in a court of law. I think things are different in Canada.

Say there was somebody there with a camera and they were videotaping this, would you—

**Chief William Blair:** If we have evidence and it's lawfully admissible, we'll use it, and we'll prosecute every crime for which we have evidence.

The situation on campus...there were clear cases of mischief, and we unfortunately did not have the evidence to lay the charges there. That was potentially a very volatile situation, so we were trying to manage it, for one, to prosecute any criminality that took place, and also to try to calm the situation down, to separate the potential combatants and cool that situation. It was potentially quite volatile at

that university, and frankly that effort has worked. Through some good negotiations and some goodwill on both sides, we've been able to have everybody step back from the conflict. That was also our intent.

• (1030)

**Mr. Dave Van Kesteren:** Don't get me wrong, I'm not being critical. I know the frustrations that you have as police officers.

I guess the next question would be, if it happened again, would you...? Have you laid the riot law down? Have you said, listen, if you pull this stunt—

**Chief William Blair:** I think it's very clearly understood that we'll prosecute criminality, and there's a clear threshold there. Probably that clear understanding is part of what has contributed to calming that situation. I think people have a better understanding of where the lines are and what the rules are. That's an important function of the police, to help people understand what would constitute an offence and the consequences for breaking those laws. I think that effort prevents further conflict and the potential for violence there.

**Mr. Dave Van Kesteren:** Superintendent, did you want to add something?

**Commr Julian Fantino:** Just for the record, on Caledonia, there are no criminal offences that have been committed in Caledonia that either haven't resulted in charges, arrest warrants, or ongoing criminal investigations. That's just for the record.

Thank you.

**Mr. Dave Van Kesteren:** I appreciate that. I'm in your court. I guess what I was trying to point out is that you have a lot of frustrations as police officers. Some of it stemmed back from what maybe I was saying in my opening statements, that we've created a situation where it's very difficult for the police to lay charges.

I mentioned that my youngest son is an OPP officer. I have two sons in Chatham—Kent as well. That's what they tell me. It's very frustrating for them. They see wrong done at times and it's just very difficult for them to lay charges.

What I understand from you, sir, is that that sort of thing isn't going to happen again, because you pretty much have read them the riot act.

**Chief William Blair:** I think the law is clearly understood. I think that's important. There's no guarantee that there can't be a reoccurrence of this. When people have a better understanding of the law and the consequences of breaking it, they're less likely to do so. That's also one of our functions, to prevent further acts or an escalation in that conflict that existed. The potential for violence was quite significant. I believe this has been significantly reduced as a result of the efforts that have taken place.

If there's evidence of criminality, we'll lay the charge, except in those crimes that are hate propaganda and types of major crime for which we have to go to the Attorney General. The crown attorney applies sober second reflection to the evidence. Their test is not whether there are reasonable and probable grounds on which to lay a charge, which is the police test. The test that is applied by the crown is a reasonable prospect of conviction. Those are very different things, and they're both important concepts. A decision by the police as to whether an offence has taken place is then reviewed by the crown to determine if there's a reasonable prospect of conviction. As a result, I can tell you that in 2008, notwithstanding some of the incidents we saw, no decision was made by the Attorney General to prosecute any of those activities under the hate propaganda sections of the Criminal Code.

**The Chair:** Thank you very much.

Dr. Fry.

**Hon. Hedy Fry:** Thank you.

I must say that Dave hit on something that astounded me. I didn't know that you did not have authority in a university setting because it's private property. That really astounds me. I understand the need to allow for the balance between freedom of speech and...but when there are situations that have the potential for being violent or for creating riots, is there not such a thing as a warrant or something that could let you go in and assume authority in those areas?

**Chief William Blair:** Let me be very clear here.

We have authority to enforce the criminal laws and to keep the peace virtually everywhere. If there's a crime being committed, we can certainly go on to the campus. What I was referring to is an authority that is conferred by the university on the police to act as their agents for the purposes of enforcing trespass regulations and other offences, which would have helped us deal more effectively with that situation. For example, when there is a demonstration taking place, with no obvious activity of criminality, that is private property. But if a crime is committed and someone is victimized or hurt or injured or there's damage to property, as long as there's an individual there, we certainly have the right to go on to that property and to effect our purpose. We're not restricted in any way in that regard. What I was referring to is the authority conferred by the university on the police by virtue of it being the owner of the property.

• (1035)

**Hon. Hedy Fry:** I understand that. It is just astounding that you have to wait until violence occurs, until a crime is perpetrated, before you can prevent something like that from happening.

I want to ask you a question. Especially, Chief Stooke, you have a very interesting program going on. You have school awareness. I think we have to go to the root of it all. Again, we always talk about freedom of speech, but in my experience in reading and in the statistical evidence, it shows that bullies as kids become bullies as adults, and they escalate to violent adults, people who cannot control anger and who are angry at everyone. The idea of bullying is very important. The idea that bullying in schools has now escalated to cyber bullying, where you cannot hide from that bullying.... In other words, sometimes you leave the school ground, you go home, you are safe, and nobody can bully you there. In the old days, people

shoved you and pushed you and took your school lunch money, etc., but today it follows you home. It is there, and when you are 90 years old and you live in another country, it is still there.

For me the most insidious and disconcerting mode of spreading hate is on the Internet. I wonder if you have any recommendations about what we can do.

We were in London in February for this anti-Semitism conference. The police in the United Kingdom now have huge, sweeping authority on Internet crime, and they have been able to really put a lot of pressure to bear on revealing names, etc., and on actually convicting people for Internet crime. This is the one that concerns me the most.

Starting with the schools, I would like to know if everyone believes that it must begin with a public awareness or education program—the ability to stop name calling. Sometimes we all say, oh, that's just a kid, and isn't it great, I can say what I want. My mother used to tell me when I was a little girl that sticks and stones can break your bones, but words can never harm you. But what always astounded me when I went to the Holocaust museum in Washington, D.C., was that the Holocaust began 12 years earlier or more with words, simple words uttered, a simple moving forward, creating a sense of mistrust and shunning of people who were different. It all began so subtly, and then it escalated slowly, until eventually the group was demonized, and then it was okay to get rid of them, because they were terrible, they were awful, they were subhuman or inhuman, and it's them or us.

Somewhere along the way, if we are going to look at the issue of hate, anti-Semitism or any other kind of hatred, we need to be able to start looking at simple words and how speaking of hate can create an escalation of a problem if it is allowed to lie.... It just lies fallow; it sits there, and no one does anything and everyone feels that is okay. When you hear that schools want to deal with this issue on school property and punish the kids with lines on a board or something... that may be so if the child is young, but is there some way that you believe this could be dealt with, if only to scare the kids, not with a criminal offence but by the police coming in and saying or doing something to say it is not acceptable, so that you start this concept that this can lead to something that is more destructive?

I just wonder if you have anything to say about that.

**D/Chief Murray Stooke:** I certainly concur with your remarks. Not only has the education system in recent years become much more in tune to the damage that bullying causes within the schools, but the police have as well. We have taken on a role in this area that many years ago we didn't.

In Calgary, for example, we've recently begun a program with the assistance of the Alberta government through the safe communities fund. We have put together a couple of teams of police officers and social workers who are able to get out to the schools at their request to respond to matters of bullying or assault or other behaviour that we know over a period of time is going to progress and end up either becoming criminal or becoming a pattern for that child into adulthood, which we will later see emerge as criminality.

We believe that we do need to address those behaviours. We need to address them early, whether that is through education programming or making it clear to children what the appropriate boundaries are within our society, and then when the boundaries are broken, it is the responsibility of the educators and the community to step in and draw the bright line that this is a boundary. Maybe in Calgary you're going to see a police officer come to the school with a social worker, and there will be a visit to the home and we'll discuss the boundary.

We do think we need to draw the line, to call attention to the behaviour, to make the child responsible, and to educate the system, as we have done in Canada over the last 20 years around the issues of domestic violence and impaired driving. As a community, as a country, we have made it very clear where the lines are with this kind of conduct. This is an opportunity for us here to do the same thing around hate crime, and it needs to start in the schools.

• (1040)

**Hon. Hedy Fry:** Thank you.

There is one other question I want to ask.

The concept of organized hate is becoming so surreptitious that, as we heard earlier, they can use proxy groups. So you would have what looks like a simple group of youth doing things here and youth doing things there, but actually it's not as simple; it is organized.

I recall in British Columbia, actually, there was a leader of the Ku Klux Klan who was picked up by the RCMP and given two years in jail for spreading hate and for having grenades and guns, etc. Eventually, when he was in jail, he spilled the beans and said that what sounded like sort of a wing nut doing his own thing was really organized, that he was being paid, and they were seeded across particular areas, being paid to do this kind of thing, to frighten...at the time it was aboriginal communities in British Columbia that were doing whatever.

My question is, do you track to see whether these are proxy groups, whether it is a large, organized initiative?

**Dr. Abbee Corb:** If I may, the 13 police forces that comprise HCEIT do monitor the Internet. We monitor about 5,000 different groups, web pages. What we have found over the years is that like-minded individuals come together: the enemy of my enemy is a friend. If we find a like-minded group who have a similar enemy to this group over here, they might tend to work together, so there are your proxy groups coming together.

We also find difficulty with Internet issues, because, as you know, the Internet is a wild west frontier and it's global.

I spoke at that conference last year, and that was one of the issues that the Internet think tank came across, that the Internet is a global entity. In Canada, we find it difficult to deal with certain things going on in the States because MLATs are so much of a pain, and that is the paperwork necessary to serve warrants in the States. It's very, very difficult.

So we have to come together and collaborate. One of the nice things about our group, the 13 services, is that over the years we've developed international contacts, so we share information on different levels in the States, overseas, etc. With Scotland Yard last year we forged a wonderful relationship, and building bridges with our community groups is of utmost importance as well.

**Hon. Hedy Fry:** Is there any recommendation that you can think of that could deal with this? Germany is doing some remarkable work with the Internet.

**Dr. Abbee Corb:** You can block it at the server level, like they do, but again, that—

**Hon. Hedy Fry:** Could Interpol have anything to do with this? Is there any way that one could develop some kind of international framework? Internet groups are not individual...they tend to be international.

**Dr. Abbee Corb:** The United Nations started to do a study on the Internet through the world Internet protocol organization, which started to study numbers and domain names, but their study results were inconclusive. I think they're ongoing. INACH in Europe has put together some wonderful recommendations, and I think they're going to be presented next week at the global forum I'm attending, so we'll see what we come back with from that.

**Hon. Hedy Fry:** Thank you.

**The Chair:** Thank you very much. I don't think there are any further questions from the members.

I want to thank all the witnesses for being here. It was very useful information and it is very much appreciated.

With that, we'd like to adjourn the meeting of this hearing. Thank you very much.







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