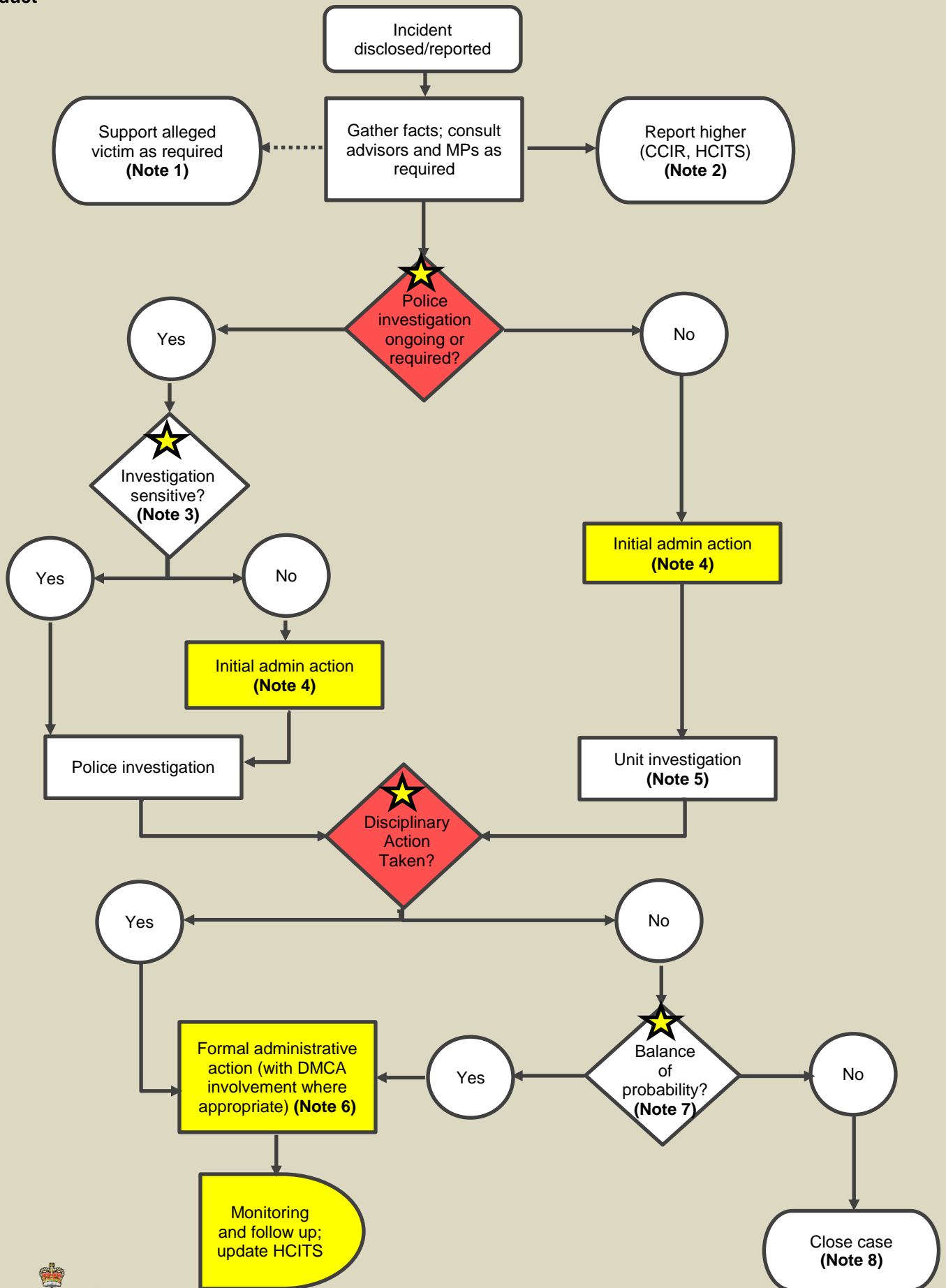


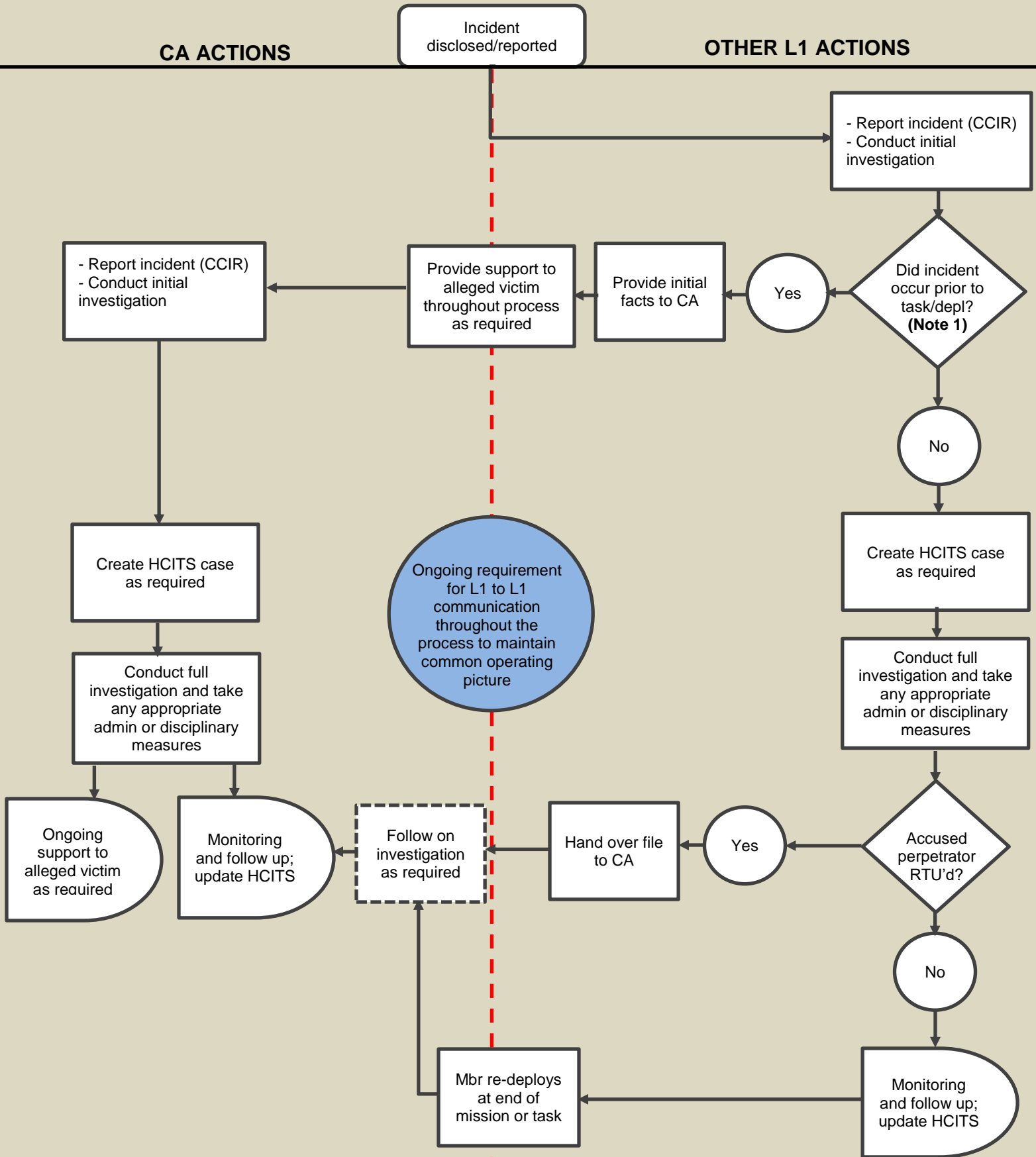
Hateful Conduct Incident Management Decision Tree



Management of Incidents Involving CA Members on Operation or Task with Another L1

CA ACTIONS

OTHER L1 ACTIONS



NOTES – Hateful Conduct Management Decision Tree

1. In addition to the general support of the chain of command and peers, alleged victims should be made aware of other support resources including chaplains, mental health services, social workers, or other groups.
2. HCITS must be updated throughout the process as new information becomes available.
3. If the member implicated in the complaint is part of a larger investigation being conducting by CFNIS or CFNCIU, taking overt action against them may compromise that investigation. If this is the case, the chain of command should discreetly monitor the member to ensure the safety and security of others.
4. Initial administrative actions should be aimed at ensuring the safety and security of unit members, including the accused perpetrator, as well as protecting the integrity of the investigation. COs and chains of command should consider the requirement to recommend or apply temporary relief of the accused perpetrator from their performance of military duty until the appropriate investigations or follow up has concluded. This includes considering the requirement to relieve the member from supervisory, instructional or command positions, in order to provide safety and security to the unit and to all other CAF members.
5. The facts of the situation will influence what kind of investigation is appropriate. This could include disciplinary, summary, harassment, or informal investigations. Units should consult their legal, harassment, or other advisors if there is uncertainty regarding what type of investigation should be conducted.
6. All formal administrative measures must be applied and monitored IAW the applicable DAOD(s).
7. Regardless of whether disciplinary action was taken, including where charges were laid and an accused perpetrator was found not guilty, if the facts suggest that there is 'balance of probability' that the accused perpetrator engaged in hateful conduct, appropriate administrative actions should be taken, determined by the nature and severity of the incident.
8. If the original alleged victim or anyone else is not satisfied with this outcome, there are options including raising the complaint to the next level of the chain of command, filing a harassment complaint, contacting a local Conflict and Complaint Management Service (CCMS) Centre, or contacting the CAF Ombudsman.

NOTES – Management of Incidents Reported to Another L1

1. There may instances where the complaint includes incidents alleged to have occurred both during the task and at mbr's home unit. In these instances, both the force employer and the home unit have a responsibility to investigate.

Annex B to CAO 11-82

Hateful Conduct Incident Tracking System (HCITS) – Canadian Army Implementation Standard Operating Procedure (SOP)

REFERENCES

- A. Defence Team Message (E-mail, CMP), 24 July 2020
- B. DAOD 5019-0 Conduct and Performance Deficiencies
<https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5019/5019-0-conduct-and-performance-deficiencies.html>
- C. CF Mil Pers Instruction 01/20 – Hateful Conduct http://cmp-cpm.mil.ca/assets/CMP_Intranet/docs/en/policies/cfmilpersinstr/mil-pers-instruction-01-20-hc-w-crest-final.pdf
- D. CANFORGEN 090/20 CMP 045/20 102330Z JUL 20 CAF ADMINISTRATIVE ORDERS AND INSTRUCTIONS ON HATEFUL CONDUCT
<http://vcds.mil.ca/apps/canforgens/default-eng.asp?id=090-20&type=canforgen>
- E. HCITS Sharepoint <https://collaboration-admpa.forces.mil.ca/sites/DI/Organizations/Forms/AllItems.aspx?RootFolder=%2fsites%2fDI%2fOrganizations%2fcmp%2fHCITS&FolderCTID=0x01200065FDE7A108065746B9B247B8C89327F6>
- F. Commander Canadian Army Message on Hateful Conduct (E-Mail, DComd CA), 14 July 2020

1. Hateful conduct incidents will now be recorded and tracked using the HCITS application. This application, similar to the Operation HONOUR Tracking and Analysis System (OPHTAS) many of you are familiar with, is in its early stage of implementation and consolidated direction has not been received yet from Level 0. This document provides interim direction. It must also be noted that, as we are in the early stages of using this system, it must be expected the direction below will evolve, and this document will be updated as required.

2. As directed by MILPERSCOM, access to HCITS will be limited to Level 1. Subordinate formations and units will report new cases and update the information for these cases using separate correspondence. It is acknowledged this is not an ideal situation and we are in discussion with MILPERSCOM to decentralize the application.

3. Reporting and Updating.

- a. Significant Incident Report (SIR). The following incidents must be reported using a SIR in accordance with ref C. SIRs relating to Hateful Conduct must include the Canadian Forces Integrated Command Centre (CFICC) and the Director Professional Military Conduct (Operation HONOUR) (DPMC-OpH) (Info to DMCA 2) on distribution:

- (1) acts by formation commanders, COs, and their chief petty officers 1st Class/chief warrant officers;
- (2) a CAF member has been placed under custody or charges have been laid;
- (3) when there is potential for the nature of the situation to develop significant media interest and, or could cause discredit to the CAF;
or
- (4) breach of this policy that prevent Commanders from achieving their mission.

Note. Even if an incident was reported through a Commander Critical Information Requirement (CCIR), a SIR is still necessary as the distribution of information is different.

b. HCITS Recording. All incidents reported to the Chain of Command will be recorded in HCITS (including those requiring a CCIR/SIR), specifically:

- (1) Responsibility for reporting. The unit where the incident is first reported is responsible to submit the HCITS report and becomes the primary case owner. While this will generally be the unit of incident, the incident could also be reported through a accused perpetrator's chain of command which may be different from the unit of incident. Incidents reported to investigating agencies which do not submit HCITS reports / updates (military police, civilian police, DGICCM) will be recorded by the first unit being notified of the situation.
- (2) The first HCITS case report will be completed using the form available at reference E. NOTE THIS FORM MUST BE CIRCULATED USING ENCRYPTED E-MAILS. The form will be circulated up the staff net, employing the same chain as for sexual misconduct incidents. If a SIR or CCIR was submitted for an incident, the SIR/CCIR must be included with the HCITS form.
- (3) Upon reception of the required information, the CA L1 Representative will create the HCITS case and circulate back to the concerned formation(s) the HCITS Case Number.

Note. In the circulation of the HCITS Case information, particular attention must be paid to the Chain of Command notification fields. While it is mandatory to report in HCITS the identity of both the accused perpetrator and alleged victim if they are known and 18 years old or more, there will be circumstances when the chain of command of these personnel will not be notified, or will not be notified immediately. In particular, an

accused perpetrator may not want their identity circulated to their unit if the incident is not reported through them. For the alleged victim, the investigating organization may not want the alleged victim or their chain of command to be made aware until some investigative steps are completed. It is crucial that the CoC notification be completed accurately and used to determine which organizations will be made aware of the case.

Note. Do not circulate information regarding accused perpetrators or alleged victims information if they are under 18 years old.

- c. HCITS updating. HCITS cases MUST be updated as new information becomes available, until the situation is resolved (either a determination that the allegation was unfounded, or the implementation of administrative or disciplinary measures). In order to maintain situational awareness in a system not visible to L2 to L4 organizations, all updates will be circulated through the case owner unit, which will send updates through their chain to the L1 representatives. These updates will be submitted by re-sending the initial report template with the additional information included. As new information in the form cannot be highlighted, the e-mail will list which sections have been updated. As an example:

Capt X,

Attached is an updated HCITS report for case 1234. The following sections were updated:

- Investigation results; and
- Administrative action.

Regards,

Note. Cases of alleged criminal conduct or requiring military or civilian trials may remain open for several years. It is essential that these cases be a part of the handover at the owner unit to ensure the follow-up is completed as required.

- d. Timelines. HCITS cases must be created within 2 business days of the moment at which the L4 chain of command is notified. It is therefore essential that the information be circulated in a timely manner and that OPIs at L1 to L3 who may be absent clearly identify to whom the information must be forwarded in their "out of office" while they are away.
- e. Legacy cases. Historical incidents that are either newly reported, or incidents that in hindsight have a hateful conduct nexus that wasn't previously report, should be reported the same as new hate incidents.

4. Information use. It must be noted that HCITS is a recording tool, not a reporting tool. It is designed to gather statistical information on occurrences of hateful conduct in order to better inform our leadership, future directives, orders and policies. Recording a case in HCITS does not replace normal chain of command notifications, administrative or disciplinary measures, where required. The information in the database will be employed at L0 to produce aggregated statistical reports without any identifying information. In particular, HCITS will not be used to take any measures, formal or informal, against an alleged victim.
5. ATIPs. All Privacy and Access to Information requests regarding information entered in HCITS will be referred to MILPERSCOM for their reply.
6. Disambiguation – Incidents overlapping Operation HONOUR and Hateful Conduct. Until further direction is provided by MILPERSCOM, any incident that has both an Operation HONOUR and Hateful Conduct nexus must be recorded in both OPHTAS and HCITS.
7. Contacts. As of September 2020, the contacts at the L1 Canadian Army are:
 - a. Primary (All HCITS new case recording and updates): Capt Geneviève Fortin-Ratté (G1 OPHTAS/HCITS);
 - b. Secondary: Maj Martin Coulombe (G1 Ethics); and
 - c. Supervisor: LCol Patrick Murphy (G1 Programs & Operations).
8. Closing remarks. HCITS is a new system and as such it is expected this SOP will require frequent updates as the system matures and improved methods are implemented. Formations are welcome to circulate recommendations to the Army L1 representative.

ESCALATION OF CONDUCT AND ESCALATION OF RESPONSE

