

Hate Crime and Transit Police Response

August 31, 2021

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To: South Coast British Columbia Transportation Authority Police Board (Police Board)

**From: Chief Officer Dave Jones
South Coast British Columbia Transportation Authority Police Service (Transit Police)**

Date: August 31, 2021

**Subject: Hate Crime and Transit Police Response
[Police Board Report No. 2021–27]**

Information Report

PURPOSE

The Police Board requested to be informed Transit Police response to the increasing anti-Asian hate incidents and level of hate crime related to the transit system.

BACKGROUND

At the May 17, 2021 meeting of the Governance Committee, the Chief Officer was requested to provide an information report on the level of anti-Asian hate crime occurring on the transit system and how the Transit Police was helping to prevent such crimes and enhance safety of the travelling public. This request arose from the media reports of increased anti-Asian hate crime and hate-related comments/incidents being reported during the COVID-19 pandemic.

The Vancouver Police reported to the public a 97% increase in overall hate crimes from 2019 to 2020 (142 in 2019; 280 in 2020). Of particular concern was that, within these incidents, there was a 717% spike in anti-Asian hate crime incidents (12 in 2019; 98 in 2020).¹ A similar pattern was reported by the Burnaby RCMP, with 27 anti-Asian hate crimes in 2020 as compared to six such crimes in 2019, which is a 350% increase². Anti-Asian hate crime was 63% of all 2020 hate crime offences in Burnaby, as compared to only 30% in 2019.

¹ <https://bc.ctvnews.ca/hate-crimes-up-97-overall-in-vancouver-last-year-anti-asian-hate-crimes-up-717-1.5314307>

² <https://globalnews.ca/news/7764543/anti-asian-hate-crimes-burnaby-increase/>

According to the 2020 report on Police-reported crime statistics in Canada³:

“During the pandemic, various issues related to safety and discrimination were exposed and exacerbated in Canada, including hate crime. According to a crowdsourcing initiative conducted by Statistics Canada, in the early months of the pandemic, the proportion of participants designated as visible minorities who perceived an increase in race-based harassment or attacks was three times larger than the proportion among the rest of the population (18% versus 6%) (Statistics Canada 2020d). This difference was most pronounced among Chinese (30%), Korean (27%), and Southeast Asian (19%) participants.”

The Transit Police has taken a broad interpretation to the Police Board’s request and not limited this report to anti-Asian hate crime. This report also includes the recent heightened concerns of Muslims who have been facing Islamophobia in Canada. The Transit Police understands that crimes motivated by bias, prejudice or hate are serious incidents and distressing. Hate motivated incidents and hate crimes have the potential for significant and adverse impact on the victims, their friends and family, witnesses, and the wider community in terms of public confidence and cohesion.

Hate Crime and the Criminal Code

In Canada, hate crime is a criminal offence motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression, or any other similar factor. ‘Suspected’ hate crime is a criminal offence against a person or property with reasonable suspicion that it is motivated by hate, bias, or prejudice but it can not be proven to be solely motivated by hate.

The hate/bias crime provisions of the *Criminal Code* can be separated into two categories:

- (1) Hate propaganda offences where the offender advocates genocide, or communicates hatred of any identifiable group. The relevant areas of the *Criminal Code* are s. 318, 319(1) and 319(2); and
- (2) Any other offence motivated by hate or bias where the sentencing judge considers this as an aggravating factor (s. 718.2 of the *Criminal Code*), such as assault or mischief, where there is evidence that the offence was motivated by bias, prejudice or hatred based on various criteria. In policing, these are often referred to as hate-motivated or bias-motivated hate crimes, while the public may refer to them as hate crimes.

Examples are:

³ Stats Canada Catalogue no. 85-002-X, ISSN 1209-6393, *Police-reported crime statistics in Canada, 2020*; Release date: July 27, 2021, page 12.

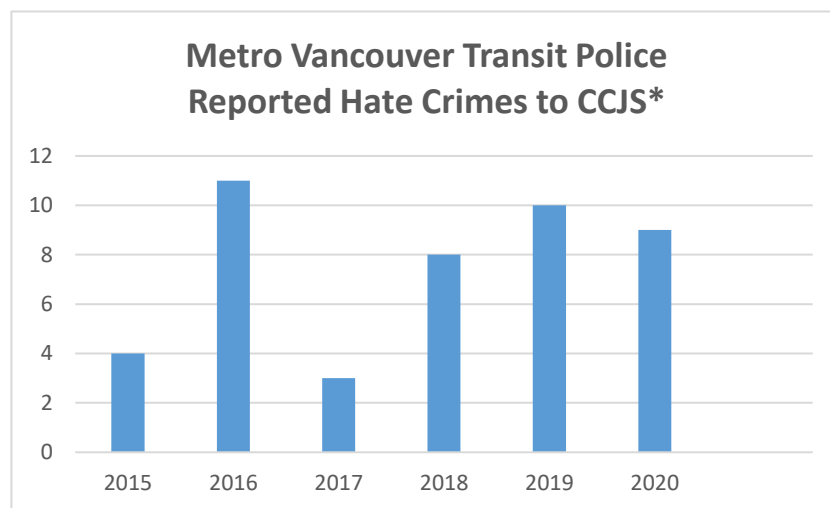
- a. Assault – “gay bashing”;
- b. Mischief – spray-painting a place of worship with racial or prejudicial comment; and
- c. Threatening – letter or other threatening communication with biased or prejudicial overtones.

Investigations of hate crimes are complex and in order to meet the threshold for a hate-motivated or bias-motivated criminal charge, there are two things that must first occur:

- (1) A criminal offence must have occurred (e.g., an assault, damage to property, uttering threats etc.); and
- (2) Hate or bias toward a victim must have motivated the criminal offence (e.g., because of the victim's race, nationality, ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation etc.).

Transit Police Reported Hate Crimes to Canadian Centre for Justice Statistics (“CCJS”)

For the years 2015 to 2020, Transit Police had 45 reported hate crimes (on and off the system), as shown on the chart below. These files could relate to hate graffiti as well as direct threats and assaults.



**For CCJS reporting, this includes incidents motivated by hate (Yes) or where there is a reasonable suspicion that the incident was motivated by hate, bias, or prejudice, but cannot be proven to be solely motivated by hate (Suspected).*

The Reported Hate Crime numbers excludes non-criminal events that Transit Police responds to that include racial slurs/hate type comments. Transit Police has recently made statistical protocol amendments to the way hate-motivated crime is captured in police records and is enhancing use of a study flag in an attempt to capture hate-motivation elements within files.

An example of a 2021 hate crime on transit follows:

Assault/Hate Crime – Around 5:30 pm on January 27, 2021, Transit Police Officers were dispatched to a report of a fight on a bus at Boundary Road and Napier Street in Vancouver. Transit Police attended the scene and a female passenger reported being assaulted by another female still on the bus. The victim advised that she was sitting by herself, looking out the window, when the other passenger got up from her seat and approached the victim, and then punched the victim once on the side of her face. The offender stated that she punched the victim because of her being Chinese and Communist. The victim stated that she had burning pain on the side of her face and suffered from dizziness. Emergency Health Services and Victim Services were offered to the victim. Transit Police Officers arrested the offender (who had Korean identification) for assault.

Even though the actual number of reported hate crime incidents remained level in 2020 (during the pandemic) as compared to 2018 and 2019, the transit system did experience some reported incidents with anti-Asian motivation within that specifically arose from the pandemic. Transit Police is mindful that hate motivated comments and incidents and hate crime are underreported. Therefore, it is assumed that there were additional incidents on the transit system that were not reported to the Transit Police or incidents where anti-hate motivation was reported but the event did not reach the threshold for a 'hate crime' offence under the *Criminal Code*. An example of a non-criminal event follows:

Racial Slurs – In the evening of July 18, 2021, at Edmonds SkyTrain Station, a female Asian passenger was on the train when a group started saying racial slurs towards her. The passenger met with the SkyTrain Attendant, who reported the incident to Transit Police. A Transit Police Officer contacted the victim, who disembarked the train at Edmonds station. She confirmed that there were no threats and no assault, just racial slurs. The victim appreciated the phone call and she was offered Victim Services support. The officer and victim also talked about safety features on transit. Two other Transit Police Officers had been dispatched and they intercepted the train at Surrey Central Station; however, the group of concern had already disembarked.

Transit Police wants transit riders and staff to know that reported hate incidents and crime will always be taken seriously and that appropriate resources are utilized to ensure that a thorough investigation is conducted and victim care and support services are offered. Transit Police wants to encourage reporting by transit riders, both victims and witnesses, and to promote positive relationships with people of identified groups. The use of texting 87 77 77 is promoted, which is a discrete way to contact Transit Police during an incident and it can be used for even minor incidents. Even if criminal charges may not result, Transit Police has a number of internal and external resources that can be tapped to help support victims and reduce risks. Further, there are other options that to help deter hate-motivated comments and crimes such as high visibility patrol work, social media campaigns, and community engagement events.

In BC, there is a Police Hate Crime Team (led by the RCMP) and this specialized resource is available to the Transit Police and other police agencies to consult to help ensure appropriate response and investigation to incidents motivated by hate/bias. Pursuant to the operational MOU between Jurisdictional Police and the Transit Police, the Transit Police may also liaise with applicable Jurisdictional Police on a file and seek the assistance from their 'hate crime' subject matter experts or request assistance from their victim services unit to support victims and witnesses of bias/hate crimes.

Canadian Reported Hate Crime

In Canada⁴, there was a 7% increase in police-reported hate crimes (to the Canadian Centre of Justice Statistics) from 2018 to 2019. There were increases in nearly all provinces, including British Columbia. The increase was mostly due to more incidents targeting race or ethnicity and sexual orientation. In 2019, of the hate crimes, 42% of the incidents were motivated by race or ethnicity, 14% for sexual orientation and 32% for religion.

The national report on Police-reported crime statistics in Canada, 2020⁵ was released July 2021. It reported that in 2020, the first year of the pandemic:

- Canada saw 718 more police-reported hate crimes⁶ compared with 2019, a 37% increase.
- The 2,669 police-reported hate crimes in 2020 were the largest number recorded since comparable data became available in 2009.
- This increase was largely the result of more police-reported hate crimes targeting the Black population (+318 incidents or +92%), the East or Southeast Asian population (+202 incidents or +301%), the Indigenous population (+44 incidents or +152%), and the South Asian population (+38 incidents or +47%). In 2020, police reported the highest number of hate crimes targeting each of these populations since comparable data have been available.
- Police reported hate crimes targeting race or ethnicity almost doubled (+80%) compared with the previous year, accounting for the vast majority of the national increase in hate crimes. Ontario (+321 incidents targeting

⁴ <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2021021-eng.htm>

⁵ Stats Canada Catalogue no. 85-002-X, ISSN 1209-6393, *Police-reported crime statistics in Canada, 2020*; Release date: July 27, 2021; pages 3, 12 and 13. <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00013-eng.pdf>

⁶ As stated in the 2020 Police-reported crime statistics report (page 13), "Police data on hate crimes reflect only those incidents that come to the attention of police and that are subsequently classified as hate crimes. As a result, fluctuations in the number of reported incidents may be attributable to a true change in the volume of hate crimes, but they might also reflect changes in reporting by the public because of increased community outreach by police or heightened sensitivity after high-profile events."

race or ethnicity), British Columbia (+196 incidents) and Alberta (+105 incidents) reported the biggest increases.

- Police-reported hate crimes targeting religion were down as a result of fewer incidents targeting the Muslim population (-100 incidents), while incidents targeting the Jewish population rose slightly (+15 incidents).
- Hate crimes targeting sexual orientation dropped slightly (-6 incidents) after a peak in 2019.
- Among all hate crimes, both non-violent (+42%) and violent (+30%) hate crimes increased in 2020.

Proactive Policing and Community Engagement

Protecting vulnerable persons continues to be a strategic focus of the Transit Police. During the pandemic, patrol Members were reminded of the heightened fear and safety concerns of vulnerable persons and potential for harassment and threats to certain persons arising from the pandemic situation (e.g., targeting of members of the Asian community). Where operationally possible, there was high visibility of patrol Members and interaction with transit riders and staff.

Transit Police's normal scale of community outreach activities could not take place in 2020 and 2021 due to public health restrictions/orders. However, Transit Police was still able to implement a variety of initiatives to help maintain public confidence of the travelling public, prevent hate crimes and encourage reporting of incidents and crimes when they did occur. Collaborating with other agencies and community groups assisted with this work.

Hate Crime Liaison Officers

In Q2 2021, the Transit Police Community Engagement Team assigned Cst. Teitelbaum and Cst. Hanif (both NPOs) to the newly created hate crime portfolio. These NPOs liaise with the BC Hate Crime Team, other police agencies and the community to develop strategies to address riders and community concerns. Upcoming are presentations at South Asian/Pakistani event and some newcomer groups. Currently, these NPOs are working with the Strategic Services Unit to update transit safety videos for use in their outreach.

The work of the new hate crime liaison officers complements the earlier work done by Cst. Jenny Chung in the Korean community when she was a NPO. Cst. Chung is scheduled to return to the Community Engagement Team this fall, which will enable her to renew and strengthen relationships with that specific community.

Anti-racism and anti-Asian hate Pop-Up Events/Outreach

To response to the climate of anti-Asian hatred being experienced in the lower mainland, in May and June 2021, a group of Transit Police NPOs set up dozens of pop-up events. The pop-ups took place at various SkyTrain and Canada Line stations and transit loops, and other key locations where there is a high volume of Asian-Canadians.

The purpose of the pop-ups was to promote transit safety, build rapport with Asian and other visible diversity riders and the public, and to encourage riders to report any safety issues and crimes to the Transit Police and how to do so (e.g., text 87 77 77 or 911). These pop-ups continued to be done during the summer.



Some patrol Members were asked to work with the NPOs to bring Asian and other language skills to the events. (At the Transit Police, 90 employees speak more than one language, and 34.7% are of visible diversity.) The Transit Police 'see something, say something' and safety promotional materials were distributed at these events. This included new translated materials produced with the help of MOSAIC. SkyTrain and Canada Line station Attendants and other community partners participated at some of the pop-up locations. Included in the initiative were some volunteers from the new Waterfront Community Police Centre. They partnered with the Chinatown Community Policing Association at Stadium-Chinatown and Richmond-Brighouse Stations. These events have received positive feedback from the travelling public.



In addition to the pop-ups, Transit Police continued its outreach to various community groups, such as the Taiwanese Cultural Centre, Ross Street Temple in Vancouver and the Pakistani Community Celebration.

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To engage and inform riders who may not speak English, Transit Police has been translating its safety tip brochure into different languages (i.e., Punjabi, Simplified Chinese and Traditional Chinese). A Korean version is also underway. NPOs and CPC volunteers have been distributing the brochures at ‘anti-Asian hate crime’ pop-up events at stations/loops, community events and in presentations to community groups and educational institutions. The brochures are useful when providing safety reassurance and info sessions to newcomers and foreign students on riding the transit system.

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Post Secondary Outreach

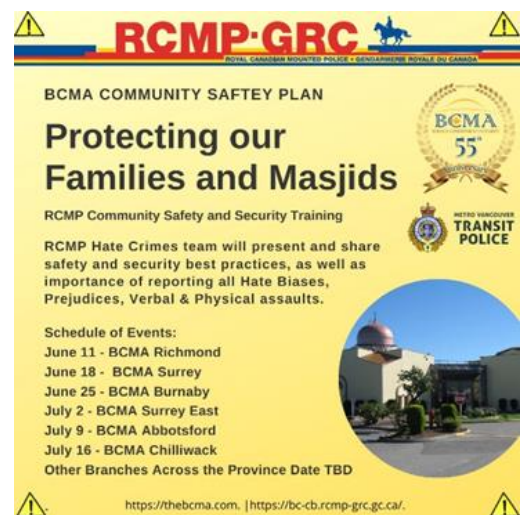
In spring 2021, some post-secondary institutions reached out to Transit Police and conveyed concern from some of their visible diversity students about reports of increasing hate-crime and fear of using transit when returning to school in the fall. A number of discussions occurred with the involvement of the Community Engagement Team and Strategic Services Unit. The Community Engagement Team is now working with Douglas College, Simon Fraser University, University of British Columbia and Emily Carr University of Art and Design on ways that Transit Police can help educate staff and students on transit safety features and support available, and address fears of hate-motivated incidents. Presentations (staff and student versions), electronic information sharing, and social media are being planned. Cst. Teitelbaum is the Transit Police lead on this initiative.

Addressing Islamophobia

On June 6, 2021, a Muslim family of five in London, Ontario, was targeted in a hit-and-run that tragically killed four family members and seriously injured one child. The Afzaal family was targeted because of their Muslim faith and police determined that it was a pre-meditated and intentional hate motivated attack. Incidents of hate crimes against Muslims has been an issue of police and community concern for a number of years in Canada. Once again, the recent incident in Ontario has brought this issue to the public's attention.

Given the focus of this report, it was felt important to recognize the ongoing hate bias and hate crime that is being experienced within the Muslim community. The Police Board began being informed of Transit Police outreach to the Muslim community in 2018, as part of the Strategic Plan and reporting on outreach to vulnerable persons. This was an action in response to the shooting that took place in 2017 at the Islamic Cultural Centre of Quebec City, located in the suburb of Sainte-Foy, Quebec. Six worshippers were killed by gunfire and five others were seriously injured. During 2018 and 2019, Cst. Hanif (of Muslim faith) began reaching out to the Muslim community, with much of this work being done in coordination with the RCMP "E" Division Crime Prevention and Hate Crime Teams.

Cst. Hanif has been in contact with thousands of members of the Muslim community in the lower mainland, attending community events and attending at Mosques. He has also presented to children of settlement workers. Safety tips and resource



information has been shared by Cst. Hanif and he has demonstrated care for their well-being and worked to develop trust for police within this community and reinforce how police take racism and hate crimes seriously. He encourages community members to seek support from police if they experience threats or incidents take place. Cst. Hanif is working with the Vancouver based, Islam



Unravelled Anti-Racism Initiative⁷ and a podcast⁸ with him was released on YouTube in October 2020. On January 29, 2021, a zoom event was held for a “Day of Remembrance and Action on Islamophobia” to remember those killed in the Quebec Mosque shooting in 2017. Cst. Hanif was one of the speakers in that event.

Specific to the recent London incident and community concerns, Cst. Hanif teamed up with the BC Hate Crime Team and Vancouver Police Department Diversity Unit to support the Muslim community. A number of sessions took place in June and July 2021 to discuss hate bias and crime, and how to report incidents. He also participated in a webinar hosted by the Surrey RCMP and gave a presentation at the Marpole Islamic Centre in Vancouver (shown beside).



In July 2021, there was a rash of anti-Muslim graffiti at a number of Mosques and centres in Surrey. This has made the community quite anxious, given the events across Canada in recent years.

As part of Cst. Hanif’s commitment to the Muslim community, he provides awareness communication to Transit Police Officers on when Friday prayer times take place. This is to enable increased vigilance by patrol Members during these times for those traveling on the transit system in traditional Muslim garments, including females wearing hijabs. He has also coordinated with the Surrey RCMP to have their officers’ support, where possible, during key times. This type of police support helps provide peace of mind for the community and acts as deterrence for potential violence against the visibly identifiable Muslim community members.

⁷ Islam Unravelled is recognized as a Faith-Based Convener for anti-racism initiatives in the Province of British Columbia, working in partnership with Resilience BC. They are an anti-racist interfaith education and engagement initiative that specializes in dismantling barriers, racism, prejudice, and discrimination against Muslims or other religious groups, through innovative education, engagement and technological programs.
<https://islamunravelled.ca>

⁸ <https://www.youtube.com/watch?v=M-wIQdy0oNA>

On July 26, 2021, Transit Police received an email expressing appreciation of this support:

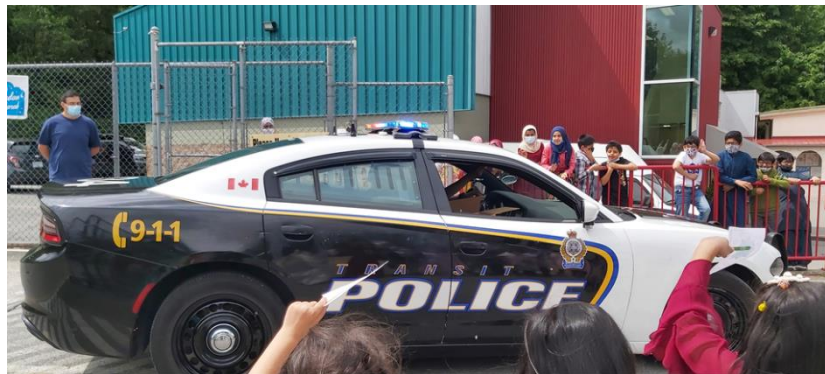
“On behalf of Islam Unravelled and the Muslim Community of Greater Vancouver, we want to extend our thanks and appreciation for your support of the weekly Friday Islamophobia Awareness Roadshow with Law Enforcement.

Similar to the trend across Canada, being accelerated by social media, Muslim women, families, and Masjids in B.C. and Vancouver have been threatened and attacked. The support of the Metro Vancouver Transit Police in addressing this challenge has tremendous positive impact.

Our community benefits through such positive interaction with the MVTP. It provides a sense of support, understanding of rights, awareness of resources, and opportunities to form stronger relationships with law enforcement. The feedback from our community has been overwhelmingly positive.

Other examples of recent outreach include:

- Cst. Hanif helped organize a parade of Emergency Vehicles at a Surrey Islamic School (at the request of the Principal), to celebrate Eid al Fitr, the Islamic holiday, marking the end of the Islamic month of Ramadan. Such initiatives contribute to the building of trust and positive relationships with this vulnerable community, particularly youth.



- On June 13, 2021, Cst. Hanif was interviewed on CBC Radio (cross-country check-up)⁹ to discuss the personal impacts of being Muslim in the community, in light of the London, Ontario incident.

Training

Transit Police are provided with a variety of training in relation to cultural awareness, unconscious bias, anti-racism and fair and impartial policing. Recently, Transit Police were required to complete two courses, “Cultural Awareness and Humility” and “Trauma Informed Practice”. The Police Board has been provided

⁹ <https://www.cbc.ca/listen/live-radio/1-13-cross-country-checkup/clip/15849270-what-thoughts-london-attack-why-anti-muslim-hate-happening>

with Report No. 2021-28 that covers this topic in more detail. This training is useful in day-to-day interactions with transit riders and responding to calls for service that may relate to racism and hate crime. While Transit Police has delivered training on hate crimes to its officers in the past, this is not recent.

Action: It was determined that it would be beneficial to provide a session at patrol briefings on the investigation of hate crimes, *Criminal Code* provisions, flagging on PRIME, and resources available to assist investigators. Such a refresh will ensure that Members are current. This training will take place in September 2021 and will be delivered by members of the BC Hate Crime Team.

Chief Officer Dave Jones

Author: Beth Nielsen, Senior Policy and Planning Advisor

Submitting Executive or Senior Management Team Member: Chief Officer Dave Jones