

Bringing BC's Policing Policies in Line with Harm Reduction Efforts

October 2017

In 2016, 982 people died in BC as a result of illicit-drug overdose. Data released by the BC Coroners Service confirms that 1,013 people died from illicit-drug overdose in the first eight months of 2017, putting the province on track to see 1,520 illicit-drug overdose deaths in 2017.

In April 2016, the BC government showed strong leadership by declaring a public health emergency. However, despite official recognition that drug use is a public health issue, drug users remain highly criminalized. Even more astounding is the fact that community-based service providers, grassroots organizers, and individual drug users who have been on the frontlines preventing thousands of overdose deaths remain at risk of criminal charges because they do not hold a federal exemption.

In early 2017, Pivot expanded its outreach to look at the current experience of people who use drugs and people who live in public space across BC's five health regions. Preliminary analysis of data from interviews and focus groups with over 100 research participants in ten BC municipalities strongly suggests that public health efforts are being undermined by policing practices.

First, drug users face the constant risk of being charged with possession of a controlled substance. In communities across BC, drug users are stopped, searched, and moved along by police, often on a daily basis.

Displacement and fear of detection leads some drug users to more isolated areas and forces them to take fewer precautions when using.

Police officers are also seizing unused harm reduction supplies, including clean syringes and pipes, from drug users. This undermines one of the most effective tools public health officials have to prevent new HIV and HCV infections. Legally, people living with addictions can face criminal sanctions for

possession of trace amounts of a controlled substance in harm reduction supplies. This can lead people with addictions to dispose of harm reduction supplies unsafely or to avoid carrying such supplies altogether.

These laws and law enforcement practices have a chilling effect on service providers, who may be reluctant to allow people to carry or use drugs indoors or to collect and properly dispose of used harm reduction supplies.

Police in BC frequently impose restrictive and harmful conditions on people facing criminal charges without ever going before a court. These conditions include restrictions on carrying paraphernalia (harm reduction supplies) and abstinence conditions for people with addictions. One of the more common conditions is an area restriction, also known as a "red zone." These conditions can limit access to essential services such as shelter, medical care, harm reduction supplies, and overdose prevention sites.

Finally, Pivot has **observed police standing or parking their police vehicles in the immediate vicinity of harm reduction services**, particularly overdose prevention sites. Fear of being observed, stopped, searched, or arrested by police can keep vulnerable drug users from accessing these services.

These law enforcement practices are not only counter-productive; they are creating significant barriers to the evidence-based services that have been proven to save lives.

Recommendations

Pivot recommends that BC institute province-wide policing policies to:

1. confirm that targeting and arresting people who use drugs can have significant negative public health consequences and, as such, simple possession of illicit substances is a low law enforcement priority in all BC jurisdictions;
2. establish that peers and service providers supervising consumption and providing other harm reduction services will not be the targets of law enforcement action;
3. work across Ministries to issue a Province-wide directive that local police forces must work with harm reduction service providers to determine an appropriate distance for police to keep from harm reduction services and those accessing services;

4. prevent police from seizing and/or destroying new or used harm reduction supplies in all circumstances;
5. prevent police from imposing “no-carry paraphernalia” or “sobriety/abstinence” behavioural conditions, and create clear restrictions on the types of no-go conditions police can impose; and
6. restrict law enforcement and investigative activities on the immediate vicinity of supervised consumption and overdose prevention site to those activities required to address imminent threats to public safety.

We recommend that BC advocate that the federal government:

1. remove all offences from the *Criminal Code* and the *Controlled Drugs and Substances Act* (CDSA) that criminalize the sale, distribution, collection or possession of new or used harm reduction supplies, or education materials promoting the proper use of harm reduction supplies;
2. amend the CDSA to decriminalize the possession of all controlled substances for personal use; and
3. end the use of court-imposed sobriety and “no-carry paraphernalia” conditions, and put into place strict rules on the use of curfews, residence requirements, and area restrictions.

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