Section One
The Impacts of Police and Policing

As we made our way around the province, it became clear that regardless of demographics or regions, both the police, as an institution, and policing, as a set of practices, were top of mind for study participants. In every community we visited, we learned that there were very high rates of interaction between police and people who lived in public space, with many people reporting that police approached them more than once a day. For the people we talked to, these interactions were only experienced as helpful in a small minority of circumstances.

On the whole, study participants’ reactions to engagement with police ranged from exhaustion at constant experiences of displacement, to anger as a result of a lifetime of harassment, to absolute fear.

As they attempted to survive with minimal access to resources, people who took part in this study found it difficult to make sense of how the level of police attention directed toward them was connected to public safety.

A participant experiencing homelessness summed it up when she recounted a recent interaction between her boyfriend and a local Royal Canadian Mounted Police (RCMP) officer: “Just about five days ago, they came to our camp and they called [name] a worthy target (181),” she said. “And he was like, ‘How am I a worthy target? I live in a fucking tent.’”

Despite the concerns people had with police behaviour, few had ever made a formal complaint. Many participants expressed that they are resigned to the fact that they are not considered credible when they speak out against police due to their homelessness, reliance on government assistance, use of illicit substances, involvement in sex work, and criminal histories.

Most of the time they don’t even ask, they just tell you to get up against the car. And I mean, yeah, they’re breaking your rights, but it’s your word against theirs, so good luck. You’re better off to just let them do what they’re going to do, otherwise they just kick the shit out of you and then do it anyway. – 175

It is important to note that particularly in smaller communities, where people are known to one another and the police, a single officer can have a profound impact on the lives of the individuals with whom they interact. In some communities, there were officers whose names became familiar to us within hours of arriving because participants and service providers alike felt targeted and harassed by these officers. However, we need to place those individualized experiences in the context of a set of institutional policing practices in BC. The striking similarity and continuity of stories we heard across the province attests to this idea.
In BC, “the police” comprise several institutions. Eleven municipalities are policed by their own municipal police forces; the rest of the province is policed by the RCMP, the largest police body operating in BC. The Metro Vancouver Transit Police also provide cross-jurisdictional policing services on transit property throughout the Lower Mainland. As part of this project, we visited two municipalities policed by municipal police forces and eight municipalities policed by the RCMP.

Our sample size does not allow for a full, structured comparison of policing experiences in different jurisdictions within BC, and it is beyond the scope of this study to offer a point-by-point comparison of differences in practices between the various police forces that operate in BC. However, some key issues seem to be more prevalent in RCMP jurisdictions, which are detailed in this chapter.

**FINDINGS RELATED TO POLICE**

Current policing practices are not creating safety for people experiencing homelessness, people who use substances, people scraping by in the grey economy (the informal economy in which labour standards do not apply and which serves as a crucial form of income generation for many people experiencing homelessness or using substances, this includes things like collecting recyclables and panhandling), or the broader communities in which they live. Specifically:

- in the context of longstanding public health efforts to reduce rates of Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV) among people who use drugs and an unprecedented opioid crisis, police are routinely disrupting harm reduction activities and contributing to less safe substance use practices;
- for participants living in public space, municipal police and RCMP officers are only one element of an all-encompassing and oppressive network of policing that also includes bylaw officers and private security guards;
- Indigenous people living in deep poverty, particularly those who live in public space or consume alcohol in public, are especially over-policed and routinely subjected to arbitrary punishment and detention, especially in northern communities;
- people affected by over-policing, discrimination, harassment, destruction or seizure of belongings, detention without charge, or use of force by police do not feel that there is recourse available to them; and
- across BC, regardless of jurisdiction, people who took part in this study are extremely distrustful of police and most would be reluctant to call the
POLICE INTERFERE WITH HARM REDUCTION ACTIVITIES

Despite a strong commitment to harm reduction at the provincial level, police in communities across BC continue to disrupt harm reduction activities. In many cases, policing practices misalign with local health authority initiatives aimed at reducing new HIV and HCV infections and preventing overdose deaths.

We learned that in several communities, harm reduction supplies provided by health authorities and local service providers are being seized or destroyed by police. One man told us:

Police take all my supplies all the time. I was doing what I thought I had to do and just because I had supplies doesn’t necessarily mean that I had drugs on me all the time, either, because I didn’t. Once in a while I had drugs on me, but that is [neither] here [nor] there. That is irrelevant. – 165

Police seizure of harm reduction supplies points to a clear disconnect between provincial health policy and policing practices. On the one hand, people who use substances are actively encouraged to access clean harm reduction supplies and on the other hand, carrying those supplies is resulting in punitive responses from police.

One focus group participant explained that police seizure of harm reduction supplies makes it difficult for people who use substances to engage in peer outreach. He explained that local health nurses must educate people who use drugs not only about effective harm reduction practices but also how to avoid having supplies taken by police.

The cops were going to [take my harm reduction supplies] and I said that I work with these guys [the street nurses], making sure that people have this shit, and then they left me alone after that. The street nurses tell folks to say that they’re working for them so they are harassed less by police and bylaw. – 105 (focus group)

One woman explained that because police search suspected substance users for harm reduction supplies, people often hide or discard supplies less safely. This leads to harms for the individuals who are forced to use less safely. It also means harm reduction supplies are more likely to be left outdoors or improperly disposed of. Plus, health authorities have to purchase more supplies than would otherwise be necessary. “That is a hell of a lot of money to put out harm reduction supplies just to have the cops take them (221),” she said. “It’s stupid because health gives them out.”

In some cases, participants reported that the police in their community are inconsistent in how they handle harm reduction supplies.

There are times where I’ve had a pocket full of dope, and crack pipes, and speed pipes, and shit on me. And they ask me if I have any pipes on me and I tell them yes. And you know, sometimes they smash them, sometimes they just put them on the ground and walk away and say, ‘When I’m gone around the corner, you pick it up.’ – 28

What is clear is that despite participants’ commitment to using substances more safely, seizing harm reduction supplies does not deter substance use.

However, as one man explains, seizing these health care supplies does cause measurable harm.

89 The province supported Insite, North America’s first supervised consumption site, was the first province to declare a public health emergency in April 2016 in response to the mounting death toll from opioid overdoses, supported overdose prevention sites operating without S. 56.1 exemptions from the federal government, created a new Ministry of Mental Health and Addiction in 2017, and supported the introduction of a new Overdose Emergency Response Centre.
Regardless of the lengths that most participants will go to secure safe supplies, one participant revealed to us that he contracted HCV because he was forced to share harm reduction supplies with his partner. “[The police] pulled us over, ran our names, searched us, and taken stuff like that before (459a),” he told us about police checks that resulted in having their harm reduction supplies confiscated. When asked about whether he had to reuse or share equipment because of such police seizures, he replied, “Yeah. I ended up contracting HCV because of—we’ve had to share equipment and she had it and didn’t know.” Despite their efforts to find and purchase more supplies from local drug stores, they were unable to secure sufficient supplies to meet their needs.

Distribution of harm reduction supplies is one of the most widely accepted measures that public health officials can take to prevent blood borne infections. Choosing to carry and use clean supplies is an important step that most people who use drugs are eager to take to protect their health and that of other people.

Police officers across BC should be actively promoting the use of harm reduction supplies and encouraging drug users to hold on to used supplies until they can dispose of them safely. If we are to achieve the goal of minimizing harms, the types of police actions described by participants, including actively obstructing the delivery, use, and proper disposal of harm reduction equipment, cannot continue. These practices must be recognized as a clear threat to public health and to the health and safety of people who use drugs.

Police Presence and Access to Safe Consumption Services

In some communities, people who use drugs now have access to Overdose Prevention Sites (OPSs) where they are able to consume illicit substances in the presence of someone trained to provide rapid overdose intervention without fear of arrest. Not only does this mean that a person can get immediate medical intervention in the event of an overdose, it also means that they can take steps to prevent overdose in the first place, including using more slowly, and in some cases, receiving assistance from peers as needed.

The success of the OPS model in saving lives is undeniable. For instance, between December 2016 and March 2017, OPSs across the province saw approximately 66,600 visits, 481 overdoses, and zero fatalities. Even more striking, between December 25, 2016 and October 9, 2017, the grassroots, largely peer-run Overdose Prevention Society running in Vancouver’s Downtown Eastside alone had 108,803 visits, 255 overdoses, and zero fatalities. Despite the life-saving feats carried out in OPSs throughout BC, heavy police presence in the vicinity of these sites can and does make people reluctant to use these life-saving services.

One woman described the police presence around the OPS in her community: “There is a safe injection site downtown and the cops are not allowed to arrest you on that site whatsoever...outside of there...the cops are still harassing people...they just drive in the parking lot and harass people (100).” An officer known to community members “likes to hang out there,” she added. She told us she has used the safe injection site—designed to serve as a safe space and point of community support for people who use drugs—only once.

In one RCMP jurisdiction, we had the opportunity to witness the impact of over-policing outside the OPS firsthand. The site in this community is only open a few hours each day. One weekday afternoon, we were having a conversation with a service provider when we were explaining that the police often patrolled the area around the nearby OPS, when a client chimed in and told us that the police were out front arresting someone right at that moment. We walked over to the site expecting things to be wrapping up by the time we got there. Instead, we arrived on the scene to find a police car, lights on, parked directly outside the OPS in the middle of the two-lane street. There was an old car parked directly in front of the door to the site with all four doors and the trunk open. Two uniformed officers were searching the vehicle.

By the time we arrived the search was well underway. Based on its contents, it seemed likely that someone lived in the car. The officers worked slowly, removing item after item, placing it on the street and sidewalk directly outside of the OPS. We watched the events unfold for nearly an hour. During that time, we saw several people come around the corner toward the site, see the police, and turn and walk away. We also watched one woman leave the site in a state of extreme distress because she saw the police outside and was fearful that they were there for her.

The negative impacts of heavy police presence around OPSs and other places where people access harm reduction equipment and support are compounded for the significant number of study participants who have red zones imposed by either police or the courts. Red zones are geographic areas that people are prohibited from visiting by court or police order. People do not have to


have been convicted of a crime to be subject to a red zone. If a harm reduction hub falls inside a person's red zone, they could be charged with a breach of a court order for being in the vicinity of these services. See Part 2.2 for a more complete discussion of the application of red zones and their impact on health and safety.

One participant explained his ongoing difficulty with accessing his local OPS because of how police enforce red zones in his community, despite describing a notably positive working relationship with his Probation Officer (PO).

I had to get special permission from my PO if I want to go to the [local overdose prevention site and harm reduction hub] there. So, between certain times Monday through Friday...I had to carry that piece of paper on me. So, if I did get stopped while in my red zone I had my papers saying this was signed by my PO, saying it was okay. But a lot of times that didn't matter. They arrested me, took me in...then it would take me to get a hold of my PO for them to release me out. Oh my God there were times when I went all the way back to jail, all the way down here to [location of cells] and then they would release me from [location of cells] to fucking nothing. – 165

Many communities do not have an OPS at all, and several are only open limited hours each week. As a result, many people experiencing homelessness are still using illicit substances in public space.

One woman experiencing homelessness described being disrupted by police while using.

I...actually hadn't had anything in two days because I was sleeping. So I woke up and I went to go get some—I need to get myself unsick. I was so disgustingly sick, like could barely move. And I was actually shooting up at that time and I had the rig and I had flagged it, I was just about to push it in. And it was like, 'You are under arrest' and I looked over my shoulder and there's two white cops that came on to me. Two guys...just like tackled me with the rig in my arm. I was like, 'I'll go in, I'll go in— just like to get myself better first,' and they're like, 'No.' And so, I had my hand on the rig, right. But then they—it was already in my vein. And then they bent it. And then pulled it out. So it kind of turned into like a fish hook and ripped it out. And it was disgusting. And I grabbed it back and pulled the plunger out and drank it. And then they're like 'You’re resisting arrest.' – 313

That experience affects how she uses now:

Keep it really hidden, definitely for sure—like go somewhere where there's nobody around...you don't want to do it in public, right. You're avoiding them [the police] all the time, so it pushes you further into like—into hiding, basically, and you're going to unsafe spaces or wherever, really. – 313

This woman's experience supports the evidence put before the Supreme Court of Canada in its 2011 decision to reinstate an exemption for Insite, North America’s first supervised injection site. Recognizing the circumstances of people who use drugs while entrenched in poverty, the Court affirmed that fear of police can override everyday safety habits. This can lead to needle-sharing, hurried injections in clandestine locations such as back alleys, and the use of unsanitary injection equipment. All of this, the Court acknowledged, can result in severe health and safety risks including infection, mismeasurement of substances to be consumed, and fatal overdose away from medical aid.

The relationship between policing and harm reduction is a matter of life or death. It is therefore critical that police consider the circumstances of people who are using drugs and who

do not have access to privacy before reactively responding.

As one participant living in a municipal police force jurisdiction explained, police sometimes use their discretion in ways that build rapport with people who use substances and promote public health and safety:

It was like 6 o’clock in the morning...I just woke up basically in the bush, and I had my sleeping bag and my dog with me and all that...I woke up one morning and fixed my morning shot and the cops rolled up right as I was fighting to get it into me. And he came over and he’s like, ‘Stop.’ He was like, ‘Pull it out of your arm.’ Normally I would have just fired it anyway but for whatever reason I stopped, and I have my dope out and still I had about half a gram of powder sitting right there. And they rolled up and I said, ‘Listen, if you take that, I’m going to have to go do something fucked up to get it because I’m going to be sick. Like I’m going to have to go steal or rob or just do something to get my fix for the day, right?’ And he understood that kind of, I guess, and just he said, ‘Okay, I’ll give you 10 minutes to clear out of here, we’re going to be back here again and whatever and don’t leave a mess, take your shit with you.’ So, that was kind of cool actually, that he didn’t take my dope or charge me. – 342

This type of discretion is the bare minimum of what police can do to promote trust and rapport with people who use substances while concurrently protecting public health and safety.

**Police and Overdose Response**

In cases where a person does overdose, especially outside of an OPS or supervised consumption site where immediate medical help is on hand, it is imperative that people feel that they can call 911 to get help. The federal government has recognized that overdoses are medical emergencies warranting unrestricted access to emergency services and in May 2017, the Good Samaritan Drug Overdose Act (GSDOA) became law. The GSDOA has been characterized as a mechanism to “encourage and protect people who are witnessing an overdose so they can seek help, and ultimately, save lives.” The law offers some legal protection for people who find themselves at the scene of an overdose when emergency help arrives, including the caller, the person who overdosed, and any other bystanders. However, these protections are not absolute. Whereas the GSDOA provides immunity against charges of simple possession and breaches of conditions where the underlying offense is simple possession, it does not protect against outstanding warrants or against charges and breaches related to other offenses.

The relationship between policing and harm reduction is a matter of life or death.

Given that Project Inclusion interviews began two months before the GSDOA became law and concluded five months after it was enacted, it is too soon to determine the full impact of this legislative change. However, there is evidence to suggest that the GSDOA is misunderstood—both by police and individuals seeking protection under the Act—or that police are deliberately applying it in a way that undermines its intended public health purpose.

There are three interrelated issues to police attendance at overdoses that should be monitored:

- in some communities, the police are often the first responders at an overdose and do not always intervene medically when they arrive on scene;
- at times, police interfere with people trying to administer naloxone; and
- police are perceived to be using overdose calls to monitor and investigate drug users.

One man described his experience with police attending an overdose incident at his building:

My neighbour OD’d [overdosed] about a year ago. She is now dead, she actually had OD’d, not this time, but another time she OD’d. I ran down the hallway, this was like three in the morning, I heard the police kicking her door in and I ran down the hallway once they got the door open, I said ‘You got it open, is she in there? ’ and they were like, ‘Yes and she’s OD’d,’ so I ran and grabbed my Narcan kit and I ran down there. I tried to hand it to the officer and she almost like took a jump back and said, ‘I can’t take that.’ And she’s like, ‘No, no, no, you can’t administer that.’ I said ‘She is on opioid overdose. I can see she is on opioid overdose. She is not breathing. She needs this.’ And they are like, ‘We have to wait for the ambulance.’ – 239

A respondent in another RCMP jurisdiction also stated that, in her experience, police actively prevent other people on scene from intervening in the event of an overdose. “If cops are there, if anything, they’ll interfere (313),” she explained, describing how she and her friends now take it upon themselves to carry and administer naloxone (also known by its brand name Narcan), which reverse the effects of an opioid overdose. “We don’t even call the ambulance anymore, or cops, or anything like that…we’ll do the Narcan ourselves

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95 SC 2017 c 4.
and help each other and bring each other back.”

They do this, she said, because police have “stood in the way and even cuffed people trying to administer Narcan (313).” Asked why they don’t call ambulances anymore, she replied, “It takes a while to get there. A couple of minutes, like usually you can just do it yourself right away. And…usually the cops get there first…there’s cops [in the area]…the cops will be there before the ambulance arrives…it’s…never helpful.”

With the introduction of the GSDOA, the government recognized that police interference at the scene of an overdose, whether actual or perceived, can deter people from seeking help.

Across the province, police need to embrace the spirit of the GSDOA so that fear of arrest no longer has a chilling effect on calls to 911. This means treating overdoses as medical emergencies. In the event that police are the first emergency responders on scene, they should be intervening in a medical capacity only (such as administering naloxone) and not using the call as an opportunity to investigate or interrogate individuals who have called for help.

In addition, police need to recognize the experience and expertise of drug users who medically intervene during overdoses. All police departments should also be encouraged to adopt policies of non-attendance in the event that overdoses occur, intervening only at the explicit request of Emergency Medical Services (such as in the event of violence or a fatality).

### Prohibition and Harm Reduction: A Fundamental Conflict

As a province, we have invested in evidence-based programs that approach substance use from a public health perspective, including the provision of harm reduction supplies, grassroots OPSs, and supporting federally-sanctioned supervised consumption sites. Yet many policing agencies in BC appear to be working in misalignment with public health agencies. One fundamental reason is that, despite widespread recognition of substance use as a public health issue, the possession of illicit substances remains criminalized. So does trafficking those substances, despite the fact that for most users there is no legal way to obtain them.

This sets up a paradox for people who use drugs. A person can use a substance safely and without fear of arrest once they are inside a supervised consumption facility, but it is impossible to secure those substances and transport them to the site without fear of criminal sanctions. As described in participants’ stories earlier in this chapter, this situation is made even more precarious by the fact that police appear to be lingering outside of OPSs and monitoring their clientele.

This contradiction is most obvious in relation to simple possession, but also points to the broader issue of criminalizing supply while attempting to mitigate harms related to use.

One woman who was chastised for asking if anyone had cocaine for sale inside the local OPS summed up the disconnect.

I’m talked down to…at the needle exchange down there. I said, what the fuck [are] you [service providers]…doing here...[letting] people come in here and do needles and I’m not allowed to ask for something, I said what the fuck [is] this place open for, then? – 13

In the popular conversation and public imagination about substance use, our tendency to categorize people in binaries produces a false conceptual distinction between people who use drugs and people who deal drugs. Even among people who believe that addiction is a public health issue, conventional thinking goes that a person who uses drugs is living with an addiction and is therefore in need of support. A person who deals drugs, on the other hand, is a person who needs to be criminally sanctioned. As is the case with how we conceptualize what it means to be homeless in the popular imagination, the way we conceptualize people who use and deal drugs does not hold up in the real-world, as the real-world experiences of study participants made clear. Several people who took part in this study sell, trade, or share small amounts of the drugs they use. Procuring drugs is a way of helping out friends, of benefiting from economies of scale, and of financing one’s own substance use.

In some cases, this informal economy is exploited by police, resulting in the deliberate criminalization of the very people the public health response to the opioid overdose crisis is meant to protect. While conducting research for this project, we were contacted by a service provider who let us know that several residents of the low-barrier shelter where he worked had been charged with trafficking fentanyl. All of the residents identified as being addicted to fentanyl and were living in abject poverty in a homeless shelter. They had each been approached, over a period of months, by undercover RCMP officers who asked them to find them fentanyl. As a result of their own need to finance their substance use and/or willingness to help out another drug user in need, these people are now facing trafficking charges including newly increased jail time for fentanyl trafficking.97

While conducting interviews, we heard similar stories, including this one from another RCMP jurisdiction:

The trafficking charge was, a girl come up to me just like you, and she said ‘can you help get some speed’...So I get the dope, I give it to her, get the money, give it to him, that’s it. If she had asked me to fix her bike, if she asked me to find her puppy, if she asked me...

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to paint her garage door I'd have done it for her and that's what she asked me to do and I did. Two weeks later they come up with a warrant and charged me with trafficking. I fucking put up such a fuss all the way to the cop shop, I'm not a drug dealer...So I made a big mistake about it and the cops know I'm not a drug dealer and yet I'm still charged with it because there's one indiscretion. – 208

Policing organizations and individual officers need to approach interactions with people in possession of illicit substances in a way that recognizes the chronic and relapsing nature of addiction, and which does not have negative consequences, intended or not, for drug users and the community at large.

Ultimately, criminalization and harm reduction are incompatible approaches to addressing a complex issue. As long as the possession of certain substances is illegal and there are no legal avenues for securing the substances on which they are dependent, people who took part in this study will continue to face unnecessary risks to their health as a result of a toxic, unregulated supply, and the threat of criminal sanctions. Criminalization then puts people at risk of incarceration, which is a risk factor for HIV and HCV infection, increases the risk of overdose upon release, and increases their risk of sustained homelessness.

In some jurisdictions, police regularly confiscate illicit drugs and release people without charge. On the surface, this appears to be a gentler approach to drug law enforcement because police do not end up facing criminal charges. The lack of documentation also means that official rates of drug-related enforcement can appear relatively low despite high levels of interaction between police and people who use drugs.

Along with putting people into a desperate situation if they are in withdrawal, the confiscation of substances creates drug debts and can increase danger and violence on the streets.

I've gotten into debt, and I've been beat up because police have taken drugs that I had taken from one person and was bringing to another person. And I've even told the cops, 'You guys are going to get me killed for this. And then it's—I mean you're not even going to do any paperwork, you're going to throw it on the ground and stomp it into dust and it's going to get me killed.' And they just laugh, they don't care. I mean, I shouldn't say 'they,' because some of them are good. – 175

While the move toward not charging people with possession is positive, policing organizations and individual officers need to approach interactions with people in possession of illicit substances in a way that recognizes the chronic and relapsing nature of addiction, and which does not have negative consequences, intended or not, for drug users and the community at large.

Alcohol and Harm Reduction

Many of the ways in which policing undermines harm reduction flow from the legal status of those substances. However, in some communities we visited, alcohol was the most frequently used substance among people who live in public space.

Alcohol is a legal substance, but alcohol addiction is a serious medical issue and alcohol withdrawal can be life-threatening. In some cases, people whose alcohol is confiscated end up in withdrawal while living outdoors. Alcohol withdrawal is a medical condition that can have serious negative consequences when entered into without adequate supports, including medical intervention if necessary. When police restrict consumption based on the fact that it is occurring in public, they risk interfering with measures people may be required to take in order to stay well. The most severe type of alcohol withdrawal, known as delirium tremens (DTs), is a medical emergency. Symptoms for a person experiencing DTs include heart disturbances, seizures, extreme agitation and confusion, and hallucinations—all of which are dangerous in any context, and even more so when living in public space, without supports.

The over-policing of people who live in public space and use alcohol is having devastating effects on people's well-being and their relationships with police. One person we interviewed told us that the...
police frequently dump their liquor. "We want to cry when they do that (108)," she said, particularly in cases when the police are disposing of the only bottle they have to stave off the debilitating effects of alcohol withdrawal.\(^{103}\) When we asked the interviewee if she felt the police understood her circumstances, "I doubt it," she replied.

While it is illegal to drink in public, it is important to recognize that there are harm reduction implications when alcohol is seized from very marginalized and dependent drinkers who don't have the option of drinking inside a private home or licensed establishment. Some participants reported that even unopened alcohol is seized by police.

An Indigenous participant with a history of alcoholism going back to early childhood described a recent occurrence in his life.

We had two bottles of unopened wine, we are waiting for somebody...Yeah, haven't cracked it. The cops just roll up and then they're like 'Oh, let me see that wine.' They just dumped both on us. I was like 'What, it's not even open.' We're not doing nothing. We're just waiting and they just dumped the booze on us. – 102

He explained that losing alcohol has serious effects on his life and his relationships in the community. People complain about panhandling, he told us. But the police "are the reason...we are doing the cycle all over again," he said, describing the tough hustle of asking for change after police confiscate his alcohol:

I try to be polite and courteous and stuff. And when people complain about [panhandling], the police—the reason why—like you know, they dumped our shit. And now we've got to go back out there, get caught stealing, or you know—why am I doing this? Oh, because you dumped my shit...it's a vicious cycle. – 102

Given the level of alcohol dependence that an individual may be experiencing, the confiscation of alcohol may also lead to a situation where that person has no choice but to resort to non-potable alcohol such as hand sanitizer or rubbing alcohol.

Two of our focus groups included participants in alcohol harm reduction programs. Some belong to a drinker's co-op, wherein members pay a monthly deposit in exchange for a quantity of homebrewed alcohol. Participants reported that this program had very positive impacts on their lives. Others participated in Managed Alcohol Programs (MAPs), where participants receive a certain amount of safe alcohol at regular intervals. These programs have proven harm reduction benefits including increased access to housing, decreased non-beverage alcohol (NBA) use, reductions in hospital admissions, and reduced rates of police contacts.\(^{104}\)

QUALITY OF LIFE POLICING AND TARGETING PEOPLE WHO LIVE IN PUBLIC SPACE

A consistent theme among study participants who live in public space and rely on low-barrier services, like soup kitchens, is that every element of their lives is monitored. Meeting even their most basic needs such as sleeping and eating is complicated by police presence.

In one RCMP jurisdiction, the majority of people who took part in this study talked about a specific bicycle officer they felt was targeting them. The officer was even disrupting access to food services, doing patrols in the soup kitchen (294).

While specific officers came up repeatedly as the source of harassment in some communities, the issue is larger than any one “bad apple.” If problem officers are seemingly without meaningful oversight or management, that is a departmental issue. In RCMP jurisdictions the issue is bigger than any one detachment. Officers are sometimes moved from community to community, leading to a belief, justified or not, on the part of participants in this study, that when an officer develops too adversarial a relationship with the local population or engages in misconduct, they are simply moved to another town, where the cycle begins again.

In a number of cases, people report that they are often searched during frequent stops by police. They do not feel that they can say no.

**Interviewer:**
They search you?

**Interviewee:**
They ask me to empty my pockets, if they can look in my backpack. If you say no, you're obstructing justice.

**Interviewer:**
Do they ever threaten you with that?

**Interviewee:**
Oh, yes. Yes. And I think if you ask that question you find that's a normal answer, or at least for a certain percentage of us. – 318

Part of Pivot's legal programming includes rights education. Our organization produces wallet-sized “know your rights” cards that include a written statement for police and are intended to be used during an arrest. When we arrived in one small town, we were excited to see that a local service provider was handing out the card. That excitement faded when we learned that the cards are not changing police practice in this RCMP jurisdiction.

**Interviewee:**
Like I had that little paper thing, But...

\(^{103}\) The National Clinical Guideline Centre.

\(^{104}\) “The Canadian Managed Alcohol Program Study (CMAPS),” Canadian Institute for Substance Use Research, University of Victoria, online: https://www.uvic.ca/research/centres/cisur/projects/map/index.php.
In January 2017, Ontario released new rules restricting the practice of arbitrary police street checks, known as carding, in part due to the disproportionate negative impact on the Black community and other communities of colour in that province.  

Among participants in this study, the use of arbitrary stops was perceived as less formalized than “carding” operations in Ontario but no less damaging. Many participants in smaller communities explained that there was no need for the police to ask them for ID during a stop because all of the local officers already knew their names, offering them no privacy. For the people who took part in this study, the reality of living in public space means that the challenge of needing to find places to sleep, store belongings, and simply spend time is compounded by having to constantly avoid police.

Several participants described the effects of having nowhere to go that is free from police engagement. “There’s no place that I can sleep during the day (74),” one person said. “Cops wake you up, people call the cops when they see somebody sleeping. It’s just crazy.”

Another participant explained the police presence in her community this way: “You see them riding up and down by the boulevards, harassing the same people, ‘Take down your tarp (252),’” she said. “It seems like there is no winning, there is no place for them to go.”

Participants described the process as an unending chase that completely wears them down without resulting in any real change in their lives or in the community at large.

It’s ridiculous. They were on us this morning at 6 o’clock this morning. They were on us in camp this morning. Dead asleep, not bugging anybody and they come and harassed us and told me that it was because somebody was causing a disturbance. Everybody in the whole camp is asleep. The only one causing a disturbance was that cop. They say they don’t have protocol...they don’t have to make a quota but you watch it in this town and you can tell that’s not true because come the end of the month, they’re writing everybody up for nothing, absolutely nothing. – 135

It’s horrible, I mean people are off on a trail, where you would never even see them, they are certainly not bothering anybody, why are you using all those resources for police to go through the bush, search for them, find them, ‘Okay you are two hours past the deadline,’ 106 your tent should be


106 Many municipalities have bylaws that allow for camping during particular hours in some places.
taken down.’ Really? I don’t get it, it’s like a cat and mouse game and it doesn’t seem right. – 252

One participant explained how constant displacement feels as a person who is experiencing homelessness:

Like you don’t belong here, like you’re a second-class citizen that there’s no room for you even in a spot where there’s bugs and birds and thorns and it smells bad and nobody wants to come near the spot except I’m not allowed to be there. You know, like there’s a parking lot and you could park your car there and it could leak oil and antifreeze, drunk people can come there and piss or throw up, but I’m such a piece of garbage I am not allowed to sit there and that’s how it feels. – 208

The BC Supreme Court has recognized that the constant movement and displacement of people who are homeless exacerbates their already vulnerable positions and has a serious negative effect on their psychological and/or physical integrity.

The Court noted that routine displacement also undermines the ability of service providers to locate and provide aid to their clients who are homeless. In light of these findings, the Court ruled that bylaws prohibiting the overnight camping of homeless people in public spaces are unconstitutional, while concluding that there is a legitimate need for people to shelter and rest during the day.

Despite this, police continue to displace people on a daily, or even hourly, basis in municipalities across the province, with participants consistently confirming the harms identified in the aforementioned case.

**Seizure of Belongings**

Along with the challenge of being awoken, moved along, and not allowed to spend time anywhere, most participants in this study described the regularity with which all of their belongings were taken and destroyed by police and bylaw officers.

Routine confiscations contribute to the frustration and sheer exhaustion that people face when they do not have access to a home or consistent space in which they and their belongings are welcome.

My space was limited where I could go so I always interacted with them. It was a gong show. They are always searching me and everything. Every time they see me, ripping all my shit apart. Back then I had a little bit more than a backpack. I had a suitcase and a duffle bag and shit. I had some stuff and they would go through it all the time and take my meds… You get everything back and as soon as you do that, they are taking everything again and you are back to square one and then you got to fight to get everything back so it is like a losing battle. I was constantly angry and no wonder I had a fucking attitude against the cops, I wonder why

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107 Abbotsford (City) v. Shantz, 2015 BCSC 1909 at paras 209 and 276.
that is. They didn't treat me very nicely. – 472

One couple we met in an RCMP jurisdiction described the devastating loss of their camp and all of their belongings earlier that week. The woman, who is HIV-positive and identifies as having a significant intellectual disability, told the story from her perspective.

The next day we moved it up there, and then we weren’t on his land anymore, and then [the property owner] seen our tent go up and he shook his head and he got the cops again that day. The cops came again that day and said no, you can’t be here, you can’t be anywhere around here, you guys have to go to the shelter if you don’t have a place to live. And he said you got to get out of here, so we started packing our stuff up slowly and bringing it up the hill. It’s hard to move all that stuff, your house.

And so, we were getting half of it up there and then we came back, we were bringing our stuff to our friends, and we came back, our tent was all slashed up and stuff was in the river, just thrown there. We could see it, it was not gone but all soaking wet.

So, we had some of our stuff anyway, so we went even further down the river, hoping that they couldn’t see us, right, and that our cat would. We didn’t have a tent or anything, we just made something with a tarp and then they came again that day. We were out getting our medicine and we had groceries and we saw it all over the riverbank. They took whatever else we had and got rid of it in the garbage or whatever. They threw out our cat food too...they threw it out, he had to get food from somewhere, and they got rid of all that. – 343

Her partner explained that on past occasions, they had kept prescriptions at their camp, but after they were lost in the process of police disposing of all their belongings, they began carrying medication with them at all times. She told us that they now carry their weekend methadone prescription with them at all times because police officers have previously confiscated it. When the prescription is taken from them, they go into withdrawal. Asked what she does in that situation, she replied, “I will sit at emergency and hopefully they’ll help you (343).”

Other participants in this study raised the loss of prescription medication due to police searches and confiscation as well.

They went through everything all the time. Like they had no right doing that either but what are you going to do? Me fight the law? They took all my meds all the time...Then I would have to wait a month because I wouldn't get it replaced like I just got them taken by the cops. I come here and try to get a...like refill and they tell me I have to wait until my prescription ran out. – 472

Disrupting Income Generation

People who took part in this study are living with a host of medical conditions including addiction, chronic pain, mental health issues, HIV, HCV, heart disease, and cancer. The confiscation or loss of prescription medication has serious health and safety implications. It may seem obvious to point out that police must be cognizant of the effect that confiscations have on people who are both ill and without access to storage facilities or a home, but as many of our participants affirmed, it bears repeating.

“I probably have $4,000 or $5,000 dollars in fines just for panhandling...I haven’t even made that much in panhandling.” – 58

People engage in a variety of income generating activities to get by, sometimes without access to even meager rates of government assistance. Participants reported that they are often heavily policed while attempting to generate income, including activities such as collecting recyclables. “Every time you open your eyes you got to worry about the police, right (28),” one person told us of his experiences collecting bottles for cash.

Panhandlers also report being heavily policed in some communities:

“I’ve probably got like 300 or 400 fines that I will never pay. Basically, I’m just waiting for the warrant to go out and fucking put me in jail for these unpaid fines, right? I probably have $4,000 or $5,000 dollars in fines just for panhandling...I haven’t even made that much in panhandling. – 58

The effects of police presence and harassment can be especially profound for people who make money by engaging in sex work, even though selling sex is not against the law.

Interviewer: Well, do the cops ever stop you from working in this area?

Interviewee: Yeah, they try.

Interviewer: They try, what do they do?

Interviewee: Well, they come and they tell you to get the fuck out or they say we know what you are doing, here is a warning, we won’t be so nice next time, or they just straight out grab you, put you in the back of the car and then basically they’ve been watching you or they have someone who ratted out on you or they just know, because they know what you are doing, it’s a small town, right, it is what it is. – 416
When asked if she continues to work even when she is harassed by police, she simply said “I have to.”

We also asked whether police presence affects her safety because she has to get into cars more quickly; she said “Always.”

In a larger RCMP jurisdiction with a well-known stroll, a woman explained how police use their presence to disperse women who are working by scaring away their clients, who are criminalized under Canada’s prostitution laws.  

Two nights ago, this is where all the working girls go…the cops, they’re just parked right here—like right where we are in this street. And they just put their cherries [red emergency lights] on—like not pulling anybody over, but just leave their cherries on just to kind of disperse anything. – 313

This does not mean that women stop working. Instead, they are dispersed to more isolated and less familiar areas. One woman explained how police harassment forces her to go back out to work in a more desperate state. “They’ve taken my purse and dug through it you know, taking my rigs and…they just take it. No charges. They take my drugs, my money (395),” she explains. “It’s hard because I’ve worked all day for that and I worked the streets.”

In the end, this approach is at odds with the goals of keeping sex workers safe by ensuring they can take precautions while working and reach out to police if they need help or to report suspicious activity.

In 2013, the Supreme Court of Canada found that laws prohibiting sex workers from communicating with clients in public are unconstitutional because they unjustifiably violate sex workers’ rights to security of the person under s. 7 of the Charter. The Court recognized that the ability to communicate is an essential tool for sex workers that can decrease risks to their health and safety.  

Communication allows sex workers to negotiate wages and terms (including the use of condoms or safe houses) and screen clients who might be intoxicated or prone to violence. Police across the province must honour the spirit of that decision and refrain from impeding the tools that sex workers rely on for their own health and safety.

Bylaw Officers and Private Security

Participants noted that displacement, disruption of income generation, and seizure of belongings by police is amplified by local bylaw officers and private security.

For years I slept outside one of the churches in town and a lot of other people that were homeless would come sleep outside there alongside me. They put up signs saying no sleeping outside; bylaw [officers] would come and go through people’s tents. They would destroy the tents, destroy the property. They could confiscate everything. They could chase people away. RCMP, the same as the bylaw, they would do the same thing, they would destroy people’s property. They would harass anybody for whatever reason. – 332 (focus group)

In some communities, bylaw officers target and ticket people who live in public space on a regular basis:

If I go into [Name] Park to use the outhouse after 11 and I get seen by bylaw, most of them have no problem writing a ticket. If you’re sleeping—they don’t care if it’s day or night—you will get ticketed. I’ve seen them walk past a guy that was just napping in the park, obviously he had a house and parked his car there and was napping on his lunch break, and hassle and chase away the homeless that are sitting there. I get chased away, I get fined, I get harassed. – 332 (focus group)

Another participant from the same community explained that holding onto possessions is almost impossible because of bylaw enforcement activity:

Sometimes they’ll just come up, and if you are like, just over there, they’ll grab your shit and once it’s in the van, you’re done. Yeah, if you’re getting coffee or going to the bathroom or anything it doesn’t matter… Anything and everything, like bikes, work clothes, like my ex actually works at a day job, he is a construction guy and they threw away his boots, and his helmet and everything. I couldn’t believe it. – 416

A third participant in the same municipality explained that along with tickets, people are also forced to pay to get their belongings returned if they are seized by bylaw officers.

“If we want to go somewhere and keep warm, they are on us like flies… and they’ll confiscate your shit. Each belonging or thing is $40 [to get back] (100).”  

This same participant described being ticketed under the municipality’s anti-paraphernalia bylaw less than a year before:

One time in the park, get this: bylaw and the cops, they go around together on their bikes and I am in the bathroom changing and I have two black sharps containers and she makes


110 Authors were able to verify that local bylaws allow for this charge to be levied. We are not, however, able to cite to the specific bylaw in question in order to protect participant confidentiality.
me open the fucking sharps box and charges me for fucking paraphernalia...It was in my purse and I was literally changing. I wasn't shooting up. – 100

A fourth participant in the same community explained that despite provisions for getting seized items back, financial barriers can make reclamation impossible:

I have got very poor success in actually getting my stuff back. And they want money before they—they want money first before they even look into the matter...Yeah, like I paid $40 and I didn't get any of my stuff back. There was no recourse for that. – 208

In other communities, people did not talk about fines or fees when dealing with bylaw officers. Instead, they simply never see their belongings again.

Not very nice to the homeless. They take their stuff and throw it in the garbage and everything else. And it's like, people work hard to get the shit that they have and it's like all that they have. To have someone take it away, it's not right...They are supposed to store it, but they don't. They wreck it. They'll wreck it right in front of you. – 397

In some communities, the activities of police officers and bylaw officers are supplemented by private security officers.

[Local security company] fucking waking me up when I’m sleeping... anywhere, all over the town... wake up and then if you don't get up and move they call the cops... make you go somewhere else, and then when you get there and get comfy, they make you move again. – 396

In some cases, private security guards are interrupting legal income-generating activity. One woman explained that most of her interactions with private security happen when she is trying to find clothes or earn money by collecting items from recycling bins and dumpsters. “Usually in a bin somewhere...they will find me and tell me I can't be there, I got to get out,” she said. “Anywhere...you are settling in for a few minutes, they want you out of there (439).”

RACISM

People who took part in this study were selected mainly on the basis of experiences living in public space and with substance use. However, 38% of participants who engaged in one-on-one interviews—also identified as Indigenous.

Many participants saw or experienced racism either by police departments as whole, or by individual officers in their communities.

[RCMP officer] was transferred six months after he got there for harassing the citizens, mostly Natives. Since he is targeting race, it's most of us Natives that have the worst problem with him. And I think he just has a problem with Natives...And the thing is, he never even pulls out his book when he does it. He is not writing shit down. – 318

One non-Indigenous participant from the same community, who is marginalized and uses drugs, explained that despite his own criminalization, he perceives a difference in how he is treated by the same RCMP officer:

I am not First Nations myself. But, well...I do see that I get treated differently, my privilege. Yes, I do have white privilege. Even me... just from my take of things, it seems to me that he treats Native people a little differently than he treats white people. – 239

The same week we were reviewing this interview data, the Aboriginal Peoples Television Network (APTN) reported on racist comments on a private Facebook group used by police officers across Canada.

One post by an RCMP officer claiming to police a First Nations community on the Prairies responded to the acquittal of Gerald Stanley in the killing of 22-year-old Colten Boushie in Saskatchewan:

This should never have been allowed to be about race...crimes were committed and a jury found the man not guilty in protecting his home and family. Too bad the kid died but he got what he deserved. How many of us work on or near reserves and are getting fed up with the race card being used every time someone gets caught breaking the law? The CC [Criminal Code] is there to protect the criminals and there's a growing wave of hard working people who are sick of being victims of crime without real justice.112

These incidents are more than examples of “a few bad apples.” Individual actions are embedded within a larger organizational culture where racism has been allowed to persist. RCMP Commissioner Bob Paulson, speaking at an Assembly of First Nations Meeting in 2016, recognized that anti-Indigenous racism is a problem within his organization.

I understand that there are racists in my police force. I don't want them to be in my police force. I would encourage you all, though, to have confidence in the processes that exist, up to and including calling me, if you are having a problem with a racist in your jurisdiction, or any other problem.113

Despite Paulson’s formal acknowledgement that individual police officers can be racist and his invitation to bring concerns forward, participants in this study felt that police are always treated as more credible than low-income Indigenous people.

One woman described how police racism plays out against people like her, Indigenous people experiencing homelessness in her community:

There are some cops out there [who are] really racist. There are some of them that just do not like street people. They treat them mean and nasty, say some nasty

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of being moved along, and of personal items being seized. In a few communities, an additional issue was top of mind among participants: the frequency with which Indigenous people are taken to the “drunk tank” and their treatment once inside city cells.114

“This has got to stop...especially for First Nations...It’s been happening for years and I’ve seen it all (170),” one participant told us of how police treat Indigenous people in the drunk tank. He expressed understanding for why police may be motivated to take a person who is intoxicated in a public space to the drunk tank, but he takes issue with what police do to people in the drunk tank once they’re there. “They treat them like we’re fucking animals,” he said. “We’re human beings. Just because we have a different colour doesn’t mean we’re fucking dogs...This has got to stop.”

In law, a state of intoxication occurs when a person is “stupified from the consumption of alcohol or drugs to such a marked degree that a person is a danger to himself or others or is causing a disturbance.”115 The police can arrest a person without charge if they are intoxicated in public.116 This phenomenon was most prevalent in, but not exclusive to, the communities we visited in the northern region, where nearly all the participants in this study identified as Indigenous. Some people in these communities, like this Indigenous woman, talked matter-of-factly about the frequency with which they, their friends, and family members were taken into cells:

Interviewer:
So what happens if people are sleeping inside the sort of city limit, not out in the bush?

Interviewee:
Get thrown in a drunk tank.

Interviewer:
Just for sleeping? Do people get thrown in the drunk tank a lot here?

Interviewee: Yes.

Interviewer: Yeah? Do you mind me asking is it the mainly Indigenous people who get put in the drunk tank or is it that anybody who is...?

Interviewee: First Nations.

Interviewer: First Nations people?

Interviewee: Mm hmm [yes]. – 108

She explained the severity of the situation in her town and her recent experience spending 11 days in city cells, during which time she was denied medical assistance:

Interviewer: Every other day there was somebody from town here that was drunk and got thrown in.

Interviewer: So, they just sort of patrol around and if they see people, they think are drunk, they bring them in?

Interviewee: Mm hmm [yes].

Interviewer: Do you, did you get to see a doctor when they are in there, do you know?

Interviewee: No. Even if you are on meds. Like for example, I have high blood pressure and I am supposed to take my pills every day. And even if I have them on me, they won’t.

Interviewer: Okay, that’s really so—RCMP picks you up?

Interviewee: Mm hmm [yes]...

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114 “Cells” refers to a jail cell in a police detachment. The cell may be a designated sobering cell, or a regular jail cell. The RCMP have an internal and national cell policy, and each municipal police department has an internal cell policy regarding duration, medical care and release.


116 See Criminal Code s. 175(1)(a)(ii), Liquor Control and Licensing Act RSBC 1996 c. 267 s. 74(1)(2), or Offence Act RSBC 1996 c. 338 s. 91(1).
Interviewer:
So, when you were in cells for those 11 days, you didn’t get your pills?

Interviewee:
No. – 108

Participants told us that there were few safe spaces for them to go where they could be free of police encounters. Even when they travelled outside of town to sleep in the bush, the police would arrive at their encampment to take them to the drunk tank.

One man who, like many project participants, is homeless and lives with alcoholism, shared with us his experiences with police. He told us of instances of trying to sleep in his tent in the bush, only to have police “open it right up and they’re like, okay, you’re coming with us (12),” as he described it. They arrived at his tent, opened it, and took him directly to the drunk tank. While detained in city cells, the police didn’t let him exercise, “didn’t let me out for a smoke, they let me shower once.” He stayed in city cells for 10 days.

The experience of being held in city cells while detoxing from alcohol was particularly harrowing. “I got hallucinations (12),” he said. When asked if he was given anything to help him, he replied, “No…I know they don’t understand what we’re going through, right, because they’re not alcoholics themselves.”

He went on to describe the frequency with which he is taken into the drunk tank and the public shaming he received in the community:

Interviewer:
How many times have you had to spend the night in the drunk tank?

Interviewee: I actually made a record in the newspaper: 286 times.

Interviewer:
Okay can you explain “in the newspaper” to me?

Interviewee:
Yeah, they wrote it in the newspaper… and I was like, oh, they shouldn’t have even put my name in there.

Interviewer:
And they just wrote that they’d picked you up 200 and whatever times and put you in the drunk tank?

Interviewee:
Yeah, I know, I know I’m an alcoholic and got no place to stay. – 12

Another woman explained that drunk tanks are largely an issue for people struggling with alcoholism and that it can be dangerous both because of the risk of withdrawal and because people aren’t receiving care for other health conditions while there.

They do that to mostly alcoholics… And when they see them, they take their booze and they dump it, and then they just have a… bad attitude towards them. And then if they don’t listen, that’s when they [the RCMP] start roughing them up…and then some of these people [living with alcoholism], they’re just so—they get so sick [from alcohol withdrawal]. At times, they get seizures. They don’t understand that, them RCMP…

My friend, her boyfriend. They threw him in the drunk tank…and he needed his medication. Then they found him dead the next morning. They didn’t do nothing; ‘It’s just another Native, they’re just drunk.’ When they say they need medication, they should do something about that. That just happened, not even a year ago or last year, this time of year I think… he had real bad seizures. I guess he had a massive stroke too when he had his seizure. So, he passed away of that…

They don’t check on people enough—especially when people have alcoholic seizures and stuff like that, they can—one of my

“He dropped it onto the floor and crushed it with his boot and they were shoving chalk down my throat until I puked and it still never came up. And then yeah—that was a pretty good beating.” – 90
friends already passed away from that. They should be charged for things like that if they don’t check on...because they already know that they get seizures and everything...They should have a doctor or something there at the RCMP office 24/7. – 40

One woman told a story about being in withdrawal from opiates while in city cells. She asked to go to the hospital, but the guard only threatened her with violence. “One guard says to me, ‘You fucking bitch, you better clean up that mess or I’m going to put some girls up to beat the shit out of you.’ I was dope sick, I was puking. I had my mattress right by the toilet (289a),” she remembers. “I said, ‘I need a hospital!’ He [the guard] said, ‘You don’t need no hospital, I’m going to put a couple of girls to beat the shit out of you if you don’t shut the fuck up.’”

It is important to note that being released from cells after a period of withdrawal can leave people at elevated risk of overdose. Another participant spoke to us about an experience he had in cells after he was carrying a substance he was mentioning. He said, “It is important to note that being released from cells after a period of withdrawal can leave people at elevated risk of overdose.”

Another participant spoke to us about an experience he had in cells after he swallowed a small amount of an illicit substance he was carrying.

I swallowed a little bit of drugs in cells and they gave me a beating and the sergeant came down there they had me pinned down there, punching me in the gut, trying to get me to, to get sick...So I couldn’t— I wouldn’t get sick and I said look, man it’s just a couple joints. I just didn’t want the charge. And he goes, you know, well puke it up. And I said, I can’t puke it up. So they hit me more until they knocked me out. And then I woke up and the sergeant was holding a piece of chalk like a chunk of chalk that you write on a board. And he dropped it onto the floor and crushed it with his boot and they were shoving chalk down my throat until I puked and it still never came up. And then yeah—that was a pretty good beating. – 90

The troubling responses of police to matters of addiction and substance use are paralleled by a similar disregard for the needs of people in moments of crisis and distress. One woman described the circumstances of a recent detention, ostensibly because police believed she was suicidal.

Interviewee:
[Service provider] called the cops on me once because I was talking crazy and she just cared about me, because she was worried about me because I was like really drunk...The cop was real rude and I was like I’m going to just sit here and wait till they close and then I’m gonna walk to [the shelter] but I ended up saying it out loud. I’m just going to take off when they go and they arrested me. And they had my arms up like this and he kept pulling my arms up and hurting me and they only held me for four hours till I sobered up and they were asking me why I was talking about killing myself, hoping to die and stuff...They just called because I was like, suicidal. They said I was.

Interviewer:
But then the police didn’t take you to the hospital, they took you to cells?

Interviewee:
Yeah. And the second time they took me to cells, I wasn’t even bothering, and I don’t even know how I got to town. I was just real intoxicated and they are real rough with me then too...And they kept me in. It was, yeah, it was the same cop...So, I try not to get in trouble anymore because I don’t want that same cop to bother me.  – 96

She explained that she did not see health care staff while she was in cells. She described helping out another woman who was released without proper clothing. “One girl was screaming her head off...They let us out like 7:30 in the morning. She had no shoes, no jacket, anything (96),” she remembers. “I had some clothes in my stuff. I gave her a pair of my clothes...I’m always packing a pack because you never know if the shelters are too full or if I have nowhere to stay.”

This story is similar to another story we were told by a woman who had woken up, in the drunk tank, in her underwear. She told us:

I woke up with my clothes off in [small nearby town]...And I came to, and my clothes, I just had my shirt on and my underwear. So, I try not to end up in the city cells here now because I don’t know if that would happen [again] down here. – 96

These stories were not exceptional in the lives of participants from some communities. They were daily or weekly occurrences. Some of the stories we heard were happening in real time while we were in town.

In one community, an Indigenous participant arrived for his interview with a big swollen bump and a big cut on his face. He explained that he had sustained the injuries the evening before, when the police took him to the drunk tank. He said there was blood on the floor when he woke up that morning. He was released at 8 am, about two hours before his interview started. “Yesterday, I was trying to stop a fight, and then somebody called the cops (102),” he told us, describing what happened. After one of the people in the fight biked away, he had a drink with his mother in a public space. “Then the cops just swarmed us,” he said. He said they made the assumption that he had been violent: “They just assume stuff like that. And then I was like, ‘I wasn’t doing nothing. I’m just going to the shelter.’ And I was just walking towards the shelter, they’re like, ‘Quit resisting.’” From there, he said the cops threw him down, put him into the police car, arrested him, took him to the police station, and

“One of the officers, I don’t know, I can’t remember everything, how everything went down, but had somehow cut me by slamming me…palm in the ground or something, he cut me, and another officer started saying, ‘Oh, watch out for that, he is a fag, you know you’ll get AIDS from him,’ and words to that effect.”
– 239

then carried him into the drunk tank. “They dragged me into the drunk tank and then they slammed my head on the ground, put their knees on my neck.”

While there, he told us the police did not allow him to wear more than one layer of clothing to stay warm. When he asked them if he could wear his own sweater instead of the t-shirt he had on, they denied his request. When we asked if he saw a health professional about his injuries, he answered no and described how he feels when interacting with police: “They don’t even care. If I like— if I died in there, they wouldn’t even care. They would just like— oh, so—you know, just assume—just assume because my history, because of my alcoholism, they’re just going to—they’d just let me die. They won’t care (102).”

Concerns about the overuse of drunk tanks and the treatment of Indigenous people in city cells have been documented by other researchers. In 2012, Human Rights Watch visited 10 communities in northern BC to investigate this issue. They interviewed Indigenous women and girls, as well as service providers, who reported that the police appeared to target Indigenous people for public intoxication arrests and even abused their discretion by detaining people who were not intoxicated.118

Participants in the Human Rights Watch study raised a number of issues that directly mirror what we heard in the course of research for Project Inclusion, such as being held for extended periods without food, being kept in cold temperatures without blankets, and being released with inadequate clothing, in grave danger of hypothermia and frostbite.119

One victim services worker told Human Rights Watch that this issue disproportionately affects young Indigenous girls:

Police routinely incarcerate Indigenous girls for intoxication if they are found to have consumed alcohol and are in need of transportation home (a particular challenge in northern communities with almost no public transportation), while white girls in the same situation are likely to be driven home by the police.120

We did not talk to youth as part of this project and therefore, we likely missed this important area for inquiry. Human Rights Watch recommended that BC expand non-incarceration options for publicly intoxicated individuals, including sobering centres where medical personnel can provide appropriate care.121 A sobering unit is a short-term facility where intoxicated people are cared for until they become sober, typically within 4-24 hours. This is a recommendation that has been heard before in BC, including in the recommendations of the Davies Commission Inquiry into the death of Frank Paul in Vancouver122 and multiple BC Coroner Inquests.123

There are six sobering units in BC: Vancouver, Surrey, Victoria, Duncan, Nanaimo, and Port Alberni.124 In the remainder of the province, the police may bring an intoxicated person to a jail cell or a hospital emergency unit.125 Expanding non-incarceration options for publicly intoxicated

119 Rhoad.
120 Rhoad.
121 Rhoad.
124 Vancouver (Vancouver Detox), Surrey (Quibble Creek Sober and Assessment Centre), Victoria (Island Health Withdrawal Management Services), Duncan (Canadian Mental Health Association Sober Assessment Centre), Nanaimo (Island Crisis Care Society Crescent House), Port Alberni (Alberni Valley Sobering Centre).
individuals should be addressed immediately in communities across BC.

**ABUSES OF AUTHORITY AND EXPERIENCES OF VIOLENCE**

Beyond day-to-day harassment and problematic treatment in cells, people who participated in this study also told specific stories of verbal abuse, humiliation, and violence by police.

**Humiliation**

We heard several stories of humiliation at the hands of police, but the story of one Indigenous woman’s regular humiliation during interactions with the RCMP had a profound impact on us.

**Interviewee:**
Well, they just run me in and the next thing is—I don’t like this—When they run me in, they say I’m HIV positive over the radio and it goes everywhere and everybody hears it and I want that to stop. It is so embarrassing. You know, ‘Watch it, she’s HIV positive.’

**Interviewer:**
Sorry, I just need to understand that. They are talking to you on the side of the road?

**Interviewee:**
Yes.

**Interviewer:**
Then they go into the car and say over the radio that ‘you’ve got to watch her’?

**Interviewee:**
Yeah, ‘She’s HIV positive.’ And everybody that has one of those things can hear my name and I’m HIV positive. And I want that to stop. It’s so...It’s very embarrassing. I don’t know how to make that stop.

**Interviewer:**
And that’s happened to you on multiple occasions?

**Interviewee:**
Yes, every time they stop me, it goes like that.

**Interviewer:**
And different RCMP officers?

**Interviewee:**
Yes, I don’t know how they can get away with that. – 395

HIV/AIDS related stigma was raised by another person living in an RCMP jurisdiction, in a different region of the province.

One of the officers, I don’t know, I can’t remember everything, but how everything went down, but had somehow cut me by slamming me…palm in the ground or something, he cut me, and another officer started saying, ‘Oh, watch out for that, he is a fag, you know you’ll get AIDS from him,’ and words to that effect. – 239

Humiliation can also take a more physical form, as one participant in a jurisdiction policed by a municipal force described.

Just last week I was sleeping...I felt the nudging of the foot and then a good hard boot in my leg. Then, all of the sudden, I was getting wet. A cop was pissing on me. He pissed on me to get me up. He fucking pissed on me. I wish I had his name. – 74

The practice of police habitually waking people who are sleeping on the street in the morning is so commonplace that it’s known as “the seven o’clock wake-up call” (74), as one participant describes it. “They come around to boot people out of the doorways and clean out the streets. That’s what they say. That’s the words they use,” he said. “They clean up the streets of the human filth, I guess, I don’t know, the human garbage.”

This type of humiliating behaviour, when directed at very marginalized people, does not make news headlines. But it has a profound effect on the psychological well-being of individuals and entire communities’ relationships with police. It fractures their willingness to reach out for help after a serious crime or when in the midst of an emergency.

**Police Violence**

The prevalence of police violence that participants described to us was extremely concerning. Use of force appears to be targeted along racial and other lines of marginalization, including class, disability (including addiction), and social condition. Several participants in this study described routine and repeated episodes of violence being carried out by police in their communities.

One woman shared a story from the evening before we spoke with her.

We had a young man show up in camp last night that was so beaten. I’ve known this kid his whole life. I used to babysit him when he was a kid. He was so badly beaten up. I didn’t even recognize him until he started to talk to me...He was walking home from the bar and he was cutting through the park and they [the police] come from behind him, right over here at the skate park, and he tried to brush him off and keep going. They didn’t take that well. And he got handcuffed and a dirty beating and they released him right there. – 153

She explained that, for people experiencing homelessness in her community, an incident like this was not isolated.

My husband has been beaten up many times by the police, many times. He was sleeping here in the park...a cop kicked him in the head, he was dead asleep sitting there. Kicked him in the, square kicked him in the head. I was coming across the park with [name], she was our street nurse at the time. We were coming looking for him because he was sick and he had an abscess. Looking for him and she’s seen it happened. She watched that cop kick him in the head and she just freaked. – 153

Despite the severity of police violence, she found no recourse for the violence her husband endured. “And again, nothing came of it.”
Nothing ever happened just because we’re drug addicts (153),” she said. “They didn’t do anything.”

“No Way to Treat Somebody”
The sense of injustice and the striking power imbalance between citizens and police are widely felt among the people we interviewed for this study. Participants clearly felt that police should be working to a higher standard than they are in the community.

Another participant, in the same RCMP jurisdiction as the woman whose husband was badly beaten by police, told us about an incident in which she tried to come to the aid of her friend’s son while police were beating him up. But she was met with even more violence.

This guy is smaller...they got him, and they beat his skull on the cement everywhere. They knocked him out. So I jumped. I went underneath and I put my knees underneath his head, my hands were going through his back, the cop caught my hands twice, then he stopped, and then there was a bunch of other cops and around and then they pepper sprayed me. – 289a

The violence that the officers used on her friend seemed excessive. “I didn’t know what he did, but that is no way to treat somebody,” she said. “No matter what they’ve done, you’re a cop; you’re supposed to protect them.”

Made to Feel like Liars
Many participants in other regions shared stories of being injured by police.

Last week one of my buddies was trying to get back to the camp...from what I heard the RCMP went in there. I guess they heard somebody screaming around in there and it was dark and he was trying to go back to the tent, he actually broke his leg and the cops were literally dragging him out by the collar and they thought he was lying, so they dragged him right out and were like, ‘Quit your bullshit,’ and now he’s in a cast. Now they probably look at him and they can see he wasn’t [lying]. – 170

Sustaining injuries as a result of a police encounter is so common for some participants that they grow to expect it. “I knew I had warrants and I was going to get arrested anyway (313),” one participant told us, describing an incident in a McDonald’s restaurant where police burst through the bathroom door that she was in and demanded her name. “They jumped on me outside there and basically kicked the shit out of me,” she said.

It wasn’t the first time something like this has happened.

The time in the [location] over there, they did too. Like, my face was all fucked up. In my pictures even, you can see like there’s like a big welt on my face, like on my skin was like taken down—like taken—like hammer grinded off my face. – 313

She was worried that she would lose three of her teeth as a result of the injury. “When I was in jail, I went to go see a dentist because I thought they were going to fall out. And she’s like, ‘Whatever you do, just resist the urge to wiggle them if they go black, then they’re dead, they’re going to fall out.’ But I listened to her and didn’t wiggle them. And about a year later now, they’re all, like, actually reset.”

Indigenous Elders Endure Mistreatment
Several Indigenous participants shared stories of mistreatment of Elders by police.

I actually videotaped some elderly guy getting dragged around by one of the RCMPs here and I showed it to [service provider]. There is actually another woman too, this woman doesn’t even drink. She was shopping in No Frills. She got accused of stealing or something and she got roughed up too by the cops. It’s because they thought that she was stealing and then she didn’t have anything and she got pretty banged up...she uses a walker. – 84

Despite these incidents, “most of them are good,” this participant said of local RCMP officers, “But there’s a few of them that are, like, racist.”

Another participant told us about how elders are particularly vulnerable to injury.

Because they are elders they have old injuries...they have to watch how they do that. Sometimes they don’t know, so they might...rip their ligament or whatever when they pull them back or when they put them in the car they are holding you up this way and they are trying to pull this way...it’s like you are hurting their ligaments...their old injuries. They make it look like he is resisting [arrest] or whatever when they are not, and they put resisting on their paperwork...when the person isn’t...they still beat us anyways they will say, ‘No, that’s not how it went.’ – 13

These instances of police violence cause harm in their own right and create an antagonistic relationship between police and entire communities of people.

INACCESSIBLE, INEFFECTIVE COMPLAINT PROCESSES
Despite the high level of negative interaction with police, most participants in this study had never reported harassment or abuse. Most did not feel like a formal complaint was an avenue that was open to them.

Interviewer:
Have you or anyone you know ever made a complaint about the police officer?

Interviewee:
I did a couple of times, few years back.
Interviewer: Did anything happen?

Interviewee: No. Who would they believe: them or me? – 170

In communities policed by a municipal police force, complaints can be made to the Office of the Police Complaint Commissioner (OPCC). The OPCC is an independent office of the BC Legislature and retains jurisdiction over complaints against municipal police officers in accordance with the BC Police Act.126

In RCMP jurisdictions, police complaints are not covered by the OPCC. Instead, pursuant to the Royal Canadian Mounted Police Act, complaints related to the RCMP are handled by the Civilian Review and Complaints Commission for the RCMP (CRCC).127 The CRCC is an independent government agency and, similar to the OPCC, it is limited in its legislative authority to review complaint decisions made by the RCMP when the complainant is not satisfied with the handling of their complaint.

In both cases, in order to initiate a complaint against the police, the claimant must submit a complaint in-person at the police station or by email, fax, or mail. This poses difficulties for those who do not own a cellular phone, computer, or printer, or do not have access to the internet. It is unrealistic to expect people to be comfortable walking into a police station to submit a complaint given their lived experiences of negative interaction with police and fears of retaliation. People require active support and a mechanism that does not require them to report directly to police.

The CRCC and OPCC complaint processes are difficult to navigate, both practically and legally, and there are few resources available to assist a complainant with the complaint process.128 Depending on the police jurisdiction, each complaint process is governed by different legislation and requires different submission criteria, investigative, and review processes. The nuances of what police actions constitute misconduct, which agencies are involved, avenues for submitting a complaint, and the administration and investigative processes that proceed are unlikely to be clear or accessible to any complainant, let alone people who are criminalized and struggling with challenges such as homelessness.

The CRCC and OPCC present several analogous technical and logistical barriers for marginalized complainants. However, there are some added challenges in RCMP jurisdictions, which constitute the majority of municipalities in BC.

As outsiders looking in on the RCMP complaints process, it appears that the RCMP has a lot of latitude to investigate themselves, and that they act as gatekeepers in complaints brought against them. This creates barriers to people trying to access the complaints process. When a complaint is submitted to the CRCC, the RCMP determines admissibility and whether the complaint will be investigated. The RCMP provides a report to the complainant. Only after that process is complete can the complainant make a request.

126 RSBC 1996, c. 367.
128 In 1992, Commissioner Wally Oppal was appointed by the Attorney General of BC to conduct an inquiry into policing that included inquiries into public complaints and accountability. In 2002, the BC Legislative Assembly Special Committee reviewed the Police Complaints Process. In 2007, the Ministry of Public Safety and Solicitor General instructed the Director of Police Services to conduct a review of the Police Complaints Process. Each final report called to harmonize complaint processes between municipal police and RCMP.
for a review by the CRCC. If the CRCC is satisfied with the RCMP finding (whether the claim was substantiated, or if misconduct was found and discipline determined), the file is closed. If the CRCC is not satisfied with the RCMP finding, the CRCC may send an interim report with findings and recommendations to the RCMP Commissioner. However, the recommendations are not binding on the RCMP, and the CRCC has no legislative authority to determine or enforce discipline.

This process, and the role of the RCMP in investigating themselves, may help to explain why people felt like there were no mechanisms available to make a complaint in RCMP jurisdictions.

**Interviewer:** Has anybody, any of the people that have been assaulted ever, tried to make a formal complaint?

**Interviewee:** They don’t let you. They just—they don’t, the watch commander doesn’t let you do that. He hangs up on you, he walks away, he doesn’t take, when you go to the police station trying to talk to him, he won’t come out and talk to you. He just doesn’t let it happen. I’ve gone to it under community and tried to file complaints in another community and they say I have to bring it up with the watch commander here. Well, how do you do that when he won’t talk to you? – 153

Other participants, expressed fear of retaliation if they spoke out against police. One Indigenous woman we spoke with has experienced violence at the hands of police, but when we asked if she felt she could ever complain to anyone about it, she replied, “No. And if we do, we get even more harassed (71).”

Women we spoke to in one RCMP jurisdiction were so tired of the lack of accountability that they tried to take matters into their own hands by gathering evidence. But they found that process only led to more hostile interactions with police.

The cops just creep up on you, like sneak up. The cops do whatever they want basically. They don't follow the book or code of conduct. And that’s why some people have been trying to videotape things. But then they basically assault you and break your phone if they see it or they’ll harass you, just make life really hard on you if you try to expose them for what’s going on. You feel like they’re kind of more of a gang themselves. They’re more like—they’re just like they’re bullies, basically. – 313

Given the high rates of violence against Indigenous women, women who engage in sex work, people who are likely to experience or witness an overdose, and people experiencing homelessness, we are concerned that people who took part in this study do not believe that the police are there to protect them or their communities.

These findings mirror Human Rights Watch’s 2013 findings from northern BC, where researchers described levels of fear they would expect to see in post-conflict countries such as Iraq. They went on to note that fear of the police was paired with “a notable matter of fact manner when mentioning mistreatment by police, reflecting a normalized expectation that if one was an Indigenous woman or girl police mistreatment is to be anticipated.”

In this context, the lack of an accessible, fully civilianized complaints process leaves marginalized victims of police abuse and harassment without recourse.

**NO ACCESS TO POLICE PROTECTION**

Most participants in this study stated emphatically that they would never call the police if they were in trouble, with only a small minority stating that if the situation was dire enough they may consider placing a call.

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One participant, a woman in her 40s, stood out because when we met her she was in the midst of her first bout of homelessness and had no criminal record. She expressed surprise at what she perceived as the lack of protection from law enforcement when she called for help because she was afraid of her boyfriend while living on the streets. “When I asked the police, I wanted help, like I wanted to go away for the evening (252),” she said. She was looking to stay in a protected women’s shelter or a place where she could go without fear of her partner finding her.

They phoned, ‘Everything’s full,’...I thought, what do you mean, like I did not understand, so you mean...
Like, if I am scared for my life, there is nowhere you can take me. Like isn’t that like a basic human prevention thing? They say no and the security guard that called them, he just sat in his vehicle the whole time, he didn’t come out to see if I was okay. – 252

Most participants seemed resigned to the fact that their local police force was not there to protect them. “A lot of women around here, they have a lot of problems. Even the RCMP, they don’t help or nothing when they call them because they know they’re Native and they know that they’re always alcoholics and drug addicts and stuff like that (40),” one participant said, noting what they perceived as a disparity between how people in northern communities are treated and the access to accountability mechanisms as compared to people on BC’s south coast. “They don’t help up here as much as they do down south.”

Many participants were speaking from firsthand experience when they told us that the police would not protect them:

**Interviewer:** Do you feel that the police will protect you if you call them for yourself?

**Interviewee:** I don’t know, depends how I, I am not going to do that, no, that’s just the few times I have felt I am the victim but then the police come in and so I am the culprit. – 58

The experience of being punished for attempting to access police protection is especially pronounced for people who are have court-imposed conditions such as abstinence requirements, which are largely understood to be untenable for people who are dependent on substances including alcohol:

**Interviewer:** Do you feel like the police would protect you if you called them for help?

**Interviewee:** No, I don’t think so, never, they’re mean, like when my ex beat me they arrest me, not him, put me in jail and I’m bleeding from my head, I’m bleeding, my fingers are bleeding, they believed his story that I got hurt outside.

**Interviewer:** What did they arrest you for?

**Interviewee:** Causing a scene, I don’t know, having a couple of drinks.

**Interviewer:** Because you had a couple of drinks?

**Interviewee:** Yeah, I got put in the drunk tank, even though I wasn’t drunk…I got jail time for five days, I got charged, I got two because they picked me up and I didn’t know I wasn’t allowed to drink, at the time I was drinking lots. I had just lost my kids, and my ex and I were separating, I drank every day for two years straight.

**Interviewer:** What you are saying is that you didn’t know you weren’t allowed to drink? Why weren’t you allowed to drink, was it a condition?

**Interviewee:** Yes.

**Interviewer:** Bail condition?

**Interviewee:** Yes, I guess they have it in there, but they never gave me the paperwork when I asked for it. – 289a

This story parallels a Human Rights Watch finding related to Indigenous women’s experiences with police in northern British Columbia:

The RCMP has instituted progressive policies addressing violence in domestic relationships, but it appears the police do not apply those policies consistently when policing in Indigenous communities. According to survivors of domestic violence and the community service providers who work with them, Indigenous women and girls often do not get the protection afforded by these policies. Women who call the police for help may find themselves blamed for the abuse, are at times shamed for alcohol or substance use, and risk arrest for actions taken in self-defense.132

Some respondents made it clear that there are differences among officers and that some officers are supportive, but they cannot choose who responds if they call for help:

**Interviewer:** Do you feel like the police would protect you if you call them because you were being victimized by somebody else?

**Interviewee:** That’s hard to say. I don’t—it’s up, sometimes I do and then there are some police that absolutely, not. They look at me like I’m the bad person.

**Interviewer:** Okay. Does it depend on the officer or the—

**Interviewee:** Yeah. Yeah. – 135

People living with a mental illness are also disproportionately likely to require emergency assistance. While we did not specifically ask about mental health in the context of policing, a few participants raised concerns about reaching out for any kind of help during a mental health crisis because police are generally first responders. “They’re not sensitive and then the whole process is so terrible. It’s just like being arrested for committing a robbery (358),” said one participant, describing the actions of police during a mental health crisis:

Why don’t they just send a couple of orderlies in an ambulance with
British Columbia is a province where at least 2,443 people died of overdoses in 2016 and 2017. It is where Indigenous women have gone missing and been murdered at alarming rates. BC is the site of a continuing epidemic of physical, sexual, and colonial violence against sex workers, trans, Two-Spirit and genderqueer people, youth in the foster care system, and Indigenous people—people who face intersecting barriers in all facets of their lives, some of whom participated in the Project Inclusion study. The experiences they shared overwhelmingly point to an indisputable problem with how police and policing practices interact with vulnerable people. This must be resolved through swift and determined leadership by federal, provincial, and municipal governments working in partnership with affected communities.

an ambulance attendant? And phone you and say ‘Well, your doctor wants to see you.’ ‘Oh, okay, I’ll come right out.’ Instead of boot the door, come in, and four big giant guns…There’s usually four of them. One with a Taser, one with pepper spray, one with handcuffs and the other one with a club or a gun. – 358

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A LEGACY OF MISCONDUCT, A LACK OF ACCOUNTABILITY

Commissioner Wally Oppal, QC found that “the initiation and conduct of the missing and murdered women investigations were a blatant failure.” That failure is rooted in racism, misogyny, and contempt for people who are homeless, people who use drugs, and people who do sex work that appears to persist in policing institutions across BC. In the context of Project Inclusion, a complex array of serious allegations arose against police. But when we discussed what people wanted from a police force, their answers were fairly straightforward.

I just want them to know even though my circumstances are messed up at this moment and I’m an Aboriginal, I may be alcoholic, I may be homeless, like I have rights. I need like—I need them to know that. But they don’t care. – 102

We can learn a lot about what genuine community-based policing could look like in BC from stories about individual officers who have built trusting relationships with the participants in this study.

Now [Indigenous officer] walks with another white cop...And he doesn't throw his weight around like the other cops do...he talks to them. And when we see [him], we wave at him...you know, communication...He deals with a lot of the Natives downtown and I'm glad he does because I have known him back in my reserve. – 13

Another participant told us about an extraordinary offer she received from a police officer one freezing night.

She noticed that I had dropped a blanket behind when I was picking cans and bottles. And she had asked very sincerely, ‘Do you have some place to go? Are you going to be warm enough? We can give you a place at the RCMP station, not that you would be under arrest or anything like that.’ But it was really cold that night. She actually


This was a memorable moment that made an impression on this person, but when we asked if the participant took the officer up on her offer, they replied, “No.” Enduring freezing temperatures, fatal as they may be, is still more appealing than spending time inside a policing institution because it has become such a site of trauma for so many. “Because generally I don’t like being in a cell. I’d rather be outside 100% of the time than being in a jail cell, even though there is a mat there or whatever (120).”

These are examples of the ways in which small changes in how officers relate to the communities they engage with most can lead to greater health, safety, and inclusion. However, it is not enough to change the system one officer at a time; there is ample evidence that there are systemic problems with how the police are operating in BC. No police force is exempt from criticism, but the RCMP’s internal culture and lack of accountability has come under particular scrutiny in recent years. Given that the RCMP polices most communities in BC, we need to be paying close attention.

Abuse of Authority by the RCMP

For people who have not experienced the intersection of extreme poverty, substance use, homelessness, and racism, some of the stories shared by participants in this study may be hard to imagine or accept. As a result, it is useful to evaluate these accounts through the lens of official reports on the internal culture of the RCMP.

Even a cursory look at recent reports into allegations of harassment, abuse, and retaliation against officers and civilian staff by RCMP officers suggest that marginalized people’s fear of police is justified.

According to a study in “E” Division (British Columbia), for example, “frequent tales of retaliation against those who bring forward harassment complaints can also leave victims and bystanders feeling helpless to try to address the problem [of harassment].”135 Indeed, a number of RCMP members and employees who spoke to the Commission were preoccupied about being targeted as a result of raising concerns about the workplace. In some cases, members reported incidents of reprisal that threatened both the safety of the member and the integrity of the investigation.

Two highly publicized lawsuits launched by former RCMP officers highlight longstanding internal practices and cultural issues within the RCMP that have come under public scrutiny in recent years. In 2012, after speaking publicly about gender-based harassment in the RCMP, Janet Merlo became the representative plaintiff in a class action lawsuit, launched in BC, against the RCMP and the Solicitor General of Canada. The lawsuit alleges that “female regular members, civilian members, and public service employees were subject to systemic discrimination, harassment, and bullying on the basis of gender and/or sexual orientation, and that the RCMP failed to protect the women from this treatment.”136 Linda Gillis Davidson launched a similar class action in Ontario on behalf of all regular members, civilian members, and public service employees. Davidson and Merlo’s lawsuits were consolidated into a single claim before the Federal Court for the purpose of approving a settlement of the claims. The group of current and retired police officers who requested to join the class continued to grow before the lawsuit settled in 2017.137

The RCMP has not been able to create meaningful change within its organization in response to these allegations. The Gender and Respect Action Plan was launched in 2013 to respond to widespread allegations of workplace sexual harassment. It set out 37 “actions” to effect change, as well as measures and milestones to monitor progress.

In 2017, the CRCC for the RCMP wrote that:

The RCMP Commissioner committed to report internally on the progress of these actions every 180 days to ensure transparency and accountability. However, to the Commission’s knowledge, only one such update appears to have occurred, in the spring of 2014. Furthermore, while the Commission was informed that the Gender and Respect Action Plan remains active, no one at the RCMP’s National Headquarters appears to hold responsibility for this initiative. There appears, therefore, to be no one in a position of senior leadership who is accountable for ensuring either that the 37 actions have been implemented, or that they are achieving the desired goals.138

Despite all the publicity sexual harassment within the RCMP has received, there is evidence to suggest that a culture of sexual harassment continues to exist within the organization to this day. In February 2018, while we were writing this report, the CBC reported on a Facebook group purportedly created by and restricted to rank-and-file men within the RCMP. It contains sexually

138 Report into Workplace Harassment in the RCMP.
Many of the stories we heard from people about their interactions with police on the street closely mirror the stories of discrimination, harassment, abuse of authority, and lack of transparency and accountability that have been identified as endemic within the RCMP.

suggestive material, including a fictional frontier scene with an RCMP officer in uniform with a burlesque dancer in costume performing what appears to be oral sex on him. The secret men-only Facebook group was apparently set up by RCMP employees in BC, but has members from across the country. The CBC was unclear how many of the 700 members of the group were current RCMP officers, but was able to confirm that administrators for the group request regimental numbers before adding people to it.

There is reason to believe that sexual harassment is not limited to women working inside of the RCMP. We did not ask questions about sexual misconduct, but a few women who took part in this study reported sexual harassment by police.

**Interviewee:**
You know in 2005, I was supposed to be on house arrest, right, for 18 months. And a cop phoned me and asked if I wanted to go to the movies.

**Interviewer:**
Really?

**Interviewee:**
And I told my probation officer about it and he got shipped out of town.

**Interviewer:**
He got shipped out of town but you don't know where to?

**Interviewee:**
No. – 84

The Human Rights Watch report, “Those Who Take Us Away,” is based entirely on conversations with Indigenous women and girls about their relationships with police in northern British Columbia. That report details that in five of the ten towns they visited, they heard allegations of rape or sexual assault by police officers.

There is also reason to believe that the RCMP will not change of its own accord. On February 4, 2016, with the lawsuits ongoing, newly appointed Federal Minister of Public Safety Ralph Goodale requested that the CRCC for the RCMP undertake a review of the RCMP's policies and procedures on workplace harassment. The resultant report lays out a series of ongoing concerns about the organization's ability to protect its workers and offer a workplace free from abuse of authority and harassment.

Over the last several decades, the reputation of the Royal Canadian Mounted Police has been tarnished by a seemingly endless stream of reports of workplace harassment, sexual harassment, bullying and intimidation. These problems have been well documented by external reviews, surveys, media reports, and lawsuits. Indeed, the most senior leaders in the organization have themselves acknowledged that bullying and harassment are endemic and that RCMP organizational culture must change. This review, conducted by the Commission at the request of the Minister of Public Safety, confirms that such problems continue to persist in the RCMP. Despite the known problems, the RCMP has been slow to change. While senior leaders have developed a host of “action plans” and “initiatives,” there has been little real change in the day-to-day experiences of many RCMP members and employees; rather, their trust in the organization has only eroded further.

The Commission's report only looks into RCMP harassment in the context of the workplace. However, the report states that:

Increasingly, such problems are also eroding the trust of the Canadian public, who are asking whether the RCMP's internal problems have “filtered outside” and affected the treatment of members of the public.

The people who came forward and shared their experiences as part of this project are members of the public, and among some of the most marginalized and stigmatized residents of BC. In many of the towns we visited, we were forced to put limits on the number of participants we could speak to and the amount of time we could spend on each interview. It became apparent very quickly in the course of our conversations that no one had ever come to their community to ask about their experiences with police, nor did people feel they could access an appropriate channel for

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140 Rhoad.

141 Rhoad.

142 Report into Workplace Harassment in the RCMP.
communicating this information, such as through formal complaint processes.

As a result, we were inundated with stories of serious misconduct and of blatant targeting handed down by police, which we can only infer would otherwise go unheard. Many of the stories we heard from people about their interactions with police on the street closely mirror the stories of discrimination, harassment, abuse of authority, and lack of transparency and accountability that have been identified as endemic within the RCMP.

For the people who took part in this study, there is no alternative to the daily harassment that they experience while living in public space. The stress and fear that they experience are no less real or worthy of attention than that facing officers who have been harassed. In fact, abuse by police and the resulting feeling of powerlessness impacts everything from substance use, to access to health services, to decisions about whether to call for help during a crisis. As a province, we must demand better from our police.

**Recommendations**

1. The Ministry of Public Safety and Solicitor General and the Attorney General, working in full partnership with historically marginalized communities and communities with high levels of police interactions, must develop a set of guiding values and principles for policing in British Columbia that are grounded in human rights.

2. The Attorney General must take immediate action to increase access to justice for people who believe they have been the victims of excessive force, discrimination, or harassment by police by:
   a. dedicating legal aid funding for:
      i. a clinic to support people to make police complaints through summary advice, short service, or full representation based on the needs of the individual and the nature of the complaint;
      ii. public legal education workshops and materials to help people navigate the process of bringing a lawsuit against a police officer or police force; and
      iii. legal representation for families and/or victims in instances of police-involved serious injury or death to facilitate full participation in a Coroner’s Inquests and civil actions.
   b. amending the Police Act to expand the mandate of the Office of the Police Complaint Commissioner (OPCC) in order to:
      i. ensure that all police officers and forces operating in BC fall under the mandate of the OPCC;
      ii. ensure that civilian investigators and civilian staff members are responsible for the entirety of the complaint resolution process; and
      iii. allow the OPCC to audit police complaints each year, particularly where they involve discrimination based on race, gender, poverty, or health status, and publicly report on areas of concern for further investigation or reform.

3. The Director of Police Services must develop the following Provincial Policies for all policing agencies in British Columbia:
   a. a Provincial Policy governing police interactions with intoxicated persons, in partnership with people who use drugs and people living with alcoholism, and fund the implementation of the Policy. This Policy should make it clear that:
      i. police interventions with a person who is intoxicated must be minimally impairing on liberty and officers must make the security of the person (health) the paramount consideration in determining whether to apprehend an individual;
      ii. city cells are not the appropriate place to bring an intoxicated person for their own safety or other therapeutic reasons. Alternatives to detention including, but not limited to, sobering centres, hospitals, and other community-based options must be made available; and
      iii. where an intoxicated person must be brought into cells, their health care needs shall be paramount and health care visits will be mandatory.
b. a Provincial Policy on harm reduction which should include:
   i. a directive to deprioritize simple possession of controlled substances and an overview of the harms of confiscating substances (including alcohol) from people with addictions and limited resources;
   ii. a directive to never confiscate new or used syringes, naloxone, and other harm reduction and overdose prevention supplies;
   iii. a statement that harm reduction supplies, whether new or used, are not a basis for search or investigation; and
   iv. a directive that local police forces work with service providers to develop bubble zones around safe consumption sites, overdose prevention sites, and other harm reduction sites, taking into consideration policing practices that may deter access including visible presence, arrests in close proximity, undercover operations in and near, and surveillance of people using the service.

c. a Provincial Policy on police attendance at overdoses which includes:
   i. a directive not to attend at drug overdose calls, except where requested by Emergency Health Services—usually in the event of a fatality or threats to public safety; and
   ii. a clear statement that the role of law enforcement at the scene of a drug overdose is to deliver first aid if they are the only responders available, or to protect the safety of Emergency Health Services and members of the public, not to investigate the individuals or circumstances at the scene unless police determine that there is an urgent public safety concern, for example, if violence is occurring at the scene.

d. a Provincial Policy on confiscation of belongings by police which includes:
   i. a strong statement that explains to all police forces the harm caused by the confiscation of homeless people’s belongings;
   ii. deprioritize confiscating homeless people’s belongings, especially necessities of life such as shelter, clothing, medication, and important personal items; and
   iii. a directive to issue receipts for belongings and cash where they must be taken, with instructions for how to get them back.

e. a Provincial Policy detailing people’s right to privacy in tents and informal living structures akin to the right to privacy in private residences.

4. The Director of Police Services must work with the Independent Investigations Office and the Coroners Service to audit deaths and serious injuries in city cells in BC over the past 10 years, including an analysis of race, disability, housing status, and gender, and make the findings and recommendations for reform publicly available.

5. The Ministry of Housing and Municipal Affairs (MHMA) must make a province-wide commitment to supporting homeless people to maintain their belongings and to ensuring that homeless people have access to services without fear of losing their possessions. The MHMA must partner with local governments in collaboration with groups of people with lived experience, to train local bylaw officers:
   a. to recognize and respect the belongings of homeless people; and
   b. to work effectively with people experiencing homelessness to clean up or discard belongings where there is a pressing public safety, access, or environmental need to do so.

6. The Ministry of Public Safety and Solicitor General, in partnership with the MHMA, should issue a directive stating that no public funds may be used for private security patrols on public property, including in public parks.