

<b>Topic</b>	Baseline Decriminalization Findings from the 2022 Harm Reduction Client Survey: Interactions with Law Enforcement
<b>Date</b>	September 14, 2023
<b>Data source</b>	2022 Harm Reduction Client Survey
<b>Authors</b>	Chloé Xavier; Lisa Liu; Heather Burgess; O Kara Loewen; Brooke Kinniburgh; Dr. Alexis Crabtree

## Key messages

- The findings suggest that the current decriminalization policy (allowing up to 2.5 grams (cumulative) or less of drugs) may not have a substantial impact on the frequency of interactions with law enforcement among people who use substances and access harm reduction sites. This is supported by results demonstrating that:
  - Most police interactions were unrelated to simple possession; and
  - Half of people who had drugs taken by police indicated that over 2.5 grams were confiscated.
- While 40% of respondents felt they were treated respectfully during their last interaction with law enforcement, another forty percent of respondents felt they were not treated respectfully in the interaction. These results align with feedback from people with living and lived experience, as well as from qualitative research.
- Future versions of the Harm Reduction Client Survey will monitor reported police interactions over time as the decriminalization exemption is implemented.

## Introduction

**Objectives:** 1) Examine the characteristics of people who interacted with law enforcement compared to people who did not interact with law enforcement, and 2) describe the interactions.

- In 2023, the Province of BC removed criminal charges and drug seizures for the cumulative personal possession of 2.5 grams or less of opioids, crack or cocaine, methamphetamine, or ecstasy (MDMA)

among people 18 years and older. To support this initiative, Health Canada provided an exemption from the Controlled Drugs and Substances Act from January 31, 2023 to 2026. For more information, see [Decriminalization of People Who Use Drugs in BC](#).

- The BC Ministry of Mental Health and Addictions requested that the BC Centre for Disease Control (BCCDC) include questions in the Harm Reduction Client Survey (HRCS) related to the new decriminalization policy. These questions included: interactions with law enforcement, knowledge of decriminalization, access and barriers to health and other services, and the quantity and frequency at which people bought substances.
- For results from other decriminalization-related analyses, please see the 2022 section of the [Harm Reduction Client Survey website](#), or the Decriminalization section of the [Harm Reduction Reports website](#).

## Study Design and Methods

- The 2022 HRCS was administered at 29 harm reduction sites in BC among adults who reported use of unregulated substances, opioid agonist treatment (OAT), or prescribed safer supply (PSS) in the last 6 months. Data were self-reported, anonymous, cross-sectional, and collected between November 2022 and mid-January 2023 (pre-decriminalization). Participants received a \$15 honorarium for completing the survey. Please see the Appendix for an overview of the Harm Reduction Client Survey methodology.
- The total sample for the 2022 HRCS was 503 participants. The study samples for this analysis were all participants who responded to: interactions with law enforcement in the last 3 months (n=466), “Yes” for interaction with police in last 3 months (n=235), the quantity of drugs seized by police (n=27), and self-reported treatment by police (n=464).
- Descriptive statistics (proportions, median, min/max values) and tests of association (Chi-square and Fisher’s exact tests) are presented for respondents answering the law enforcement questions.

## Findings

- In the 2022 HRCS, 50% of people reported contact with police in the last 3 months. A higher proportion of people who had contact with police in the last 3 months were:
  - 30 to 39 years
  - Cis men
  - Had been concerned about losing housing in the last 6 months, and
  - Used stimulants in the last 3 days (p<0.05). See Table 1.

- Among people who had contact with police in the last 3 months (see Table 2):
  - 48% indicated that police asked for ID or ran their name through the system;
  - 37% reported being arrested for a reason other than selling or possession of drugs;
  - 31% reported that police took away syringes or pipes, i.e. harm reduction supplies; and
  - 12% of people reported being arrested for drug possession.
- A higher proportion of participants reported that police seized non-prescribed drugs, including illegal drugs, in the following health authorities:
  - Interior Health, and
  - Fraser Health ( $p < 0.05$ ). See Table 3.
- 42% of people who reported having unregulated drugs seized by police provided the quantity of drugs confiscated; 48% (13 of 27 people) had more than 2.5 grams of drugs seized by police. The median quantity of drugs seized was 2.0 grams (0.2 grams, 128.0 grams).
- 40% of HRCS respondents who answered the question about treatment from police reported being treated with respect, 20% were neutral, and 40% were not treated with respect.

## Interpretation

- The findings suggest that BC's decriminalization threshold may not have a substantial impact on the frequency of interactions between people who use substances and law enforcement. This is supported by results demonstrating that more than three times as many people were arrested for non-drug related reasons than for simple possession, and half of people who had drugs taken by police indicated that over 2.5 grams were confiscated. Though drug decriminalization is an important step in addressing the drug poisoning crisis, further solutions and policies, such as safer supply and access to additional social support services, are also required to reduce the criminalization of people who use substances and interactions with law enforcement by eliminating the need to access an unregulated toxic illegal drug market.
- These results are consistent with feedback from people with living and lived experience of substance use and qualitative findings led by researchers at Simon Fraser University. The qualitative results show that many people who use substances experience negative and disrespectful interactions with police. Other qualitative research has shown that higher threshold limits should be considered to support various drug consumption preferences/needs, and for better differentiation between personal use and drug trafficking to reduce criminalization of people who use substances.<sup>1</sup>

- Additional work is needed to further investigate how decriminalization in BC affects interactions between police and people who use substances, and identify solutions and policies to reduce the criminalization of people who use substances. Future iterations of the HRCS will assess the impact of the implementation of decriminalization on police interactions and the criminalization of people who use drugs.

## Limitations

- The 2022 HRCS is a convenience sample therefore is not representative of all people who use substances and interactions with law enforcement. Though these findings provide some insight into the experiences of people most vulnerable to criminal penalties for substance use and possession in the months before the decriminalization exemption came into effect, these data do not capture everyone or all perspectives of decriminalization and law enforcement.
- Due to a small number of people including information on the amount of drugs seized by police, these findings cannot be generalized beyond the study sample and it is not possible to show results based on socio-demographic or drug use characteristics
- The survey is cross-sectional and self-reported so we cannot assess temporality and there may be recall bias from participants.

## Supporting Information

### Acknowledgements

As of 2022, this project is made possible with funding from the Ministry of Mental Health and Addictions. We would also like to acknowledge the Professionals for the Ethical Engagement of Peers consultation and advisory board, Health Authorities, participating harm reduction distribution sites, and the participants who shared their experiences.

### Document citation

Xavier CG, Liu L, Burgess H, Loewen OK, Kinniburgh B, Crabtree A. Drug Decriminalization Preliminary Findings from the 2022 Harm Reduction Client Survey: Interactions with Law Enforcement. Knowledge Update. Vancouver, BC: BC Centre for Disease Control, 2023.

### Reference

1. Ali F, Russell C, Greer A, Bonn M, Werb D, Rehm J. “2.5 g, I could do that before noon”: a qualitative study on people who use drugs’ perspectives on the impacts of British Columbia’s decriminalization of

illegal drugs threshold limit. Subst Abuse Treat Prev Policy 2023;18(32)  
<https://doi.org/10.1186/s13011-023-00547-w>

## Tables and Figures

**Table 1. Characteristics of people who interacted with police in the last 3 months compared to people who did not (n=466)**

Characteristic	N	Overall, N = 466 <sup>1</sup>	Had contact with police in last 3 months		
			Yes, N = 235 <sup>2</sup>	No, N = 231 <sup>2</sup>	p-value
HA of survey	466				0.2
Interior		126 (27%)	63 (50%)	63 (50%)	
Fraser		96 (21%)	51 (53%)	45 (47%)	
Vancouver Coastal		46 (10%)	16 (35%)	30 (65%)	
Island		103 (22%)	51 (50%)	52 (51%)	
Northern		95 (20%)	54 (57%)	41 (43%)	
Community size	466				0.3
Small population centres		161 (35%)	88 (55%)	73 (45%)	
Medium population centres		145 (31%)	73 (51%)	72 (49%)	
Large population centres		160 (34%)	74 (46%)	86 (54%)	
Age	455				<0.001
19 to 29		68 (15%)	29 (43%)	39 (57%)	
30 to 39		146 (32%)	99 (68%)	47 (32%)	
40 to 49		117 (26%)	55 (47%)	62 (53%)	
50 or more		124 (27%)	48 (39%)	76 (61%)	
Sex/Gender <sup>3</sup>	442				0.02
Cis woman		166 (38%)	71 (43%)	95 (57%)	
Cis man		271 (61%)	151 (56%)	120 (44%)	
Concerned about losing housing in last 6 months	439				0.006
Yes		256 (58%)	143 (56%)	113 (44%)	
No		183 (42%)	77 (42%)	106 (58%)	
Used opioids in last 3 days	466				0.3
Yes		284 (61%)	149 (53%)	135 (48%)	
No		182 (39%)	86 (47%)	96 (53%)	
Used stimulants in last 3 days	466				0.010
Yes		308 (66%)	169 (55%)	139 (45%)	
No		158 (34%)	66 (42%)	92 (58%)	

<sup>1</sup>Column n (%); <sup>2</sup>Row n (%); <sup>3</sup>Data for respondents who identified as transgender, gender diverse, or Two-Spirit are not presented as there were fewer than 20 respondents

**Table 2. Details of police interactions in the last 3 months among people with recent law enforcement encounter (n=235)**

<b>Details of police interaction</b>	<b>n (%)</b>
Asked for ID / ran name through the system	113 (48%)
Arrested for a different reason [not related to drugs]	88 (37%)
Took away rigs [syringes] or pipes	72 (31%)
Took away drugs not prescribed, including illegal drugs [unregulated drugs]	65 (28%)
Did a health check / asked if ok	59 (25%)
Asked for release conditions / checked papers	40 (17%)
Arrested for having drugs	27 (12%)
Took away drugs prescribed	22 (9%)
Provided information about health or harm reduction services	18 (8%)
Arrested for selling drugs	11 (5%)
Took to detox/daytox/other health service, didn't want to go	9 (4%)
Harassment and police violence	9 (4%)
Took to detox/daytox/other health services, wanted to go	6 (3%)
Informed / inquired about someone else	6 (3%)
Traffic stop / violation / incident	5 (2%)
Confiscation and/or destruction of belongings	4 (2%)
None of the above	28 (12%)
Other	24 (10%)

**Table 3. Characteristics of people who interacted with police in last 3 months by whether unregulated drugs were seized by police (n=235)**

Characteristic	N	Any unregulated drugs seized by police		p-value
		Yes, N = 65 <sup>1</sup>	No or Missing, N = 170 <sup>1</sup>	
HA of survey	235			0.024
Interior		21 (33%)	42 (67%)	
Fraser		19 (37%)	32 (63%)	
Vancouver Coastal		3 (19%)	13 (81%)	
Island		6 (12%)	45 (88%)	
Northern		16 (30%)	38 (70%)	
Community size	235			0.3
Small population centres		20 (23%)	68 (77%)	
Medium population centres		25 (34%)	48 (66%)	
Large population centres		20 (27%)	54 (73%)	
Age	231			0.8
19 to 29		9 (31%)	20 (69%)	
30 to 39		29 (29%)	70 (71%)	
40 to 49		16 (29%)	39 (71%)	
50 or more		11 (23%)	37 (77%)	
Sex/Gender <sup>2</sup>	224			0.6
Cis woman		18 (25%)	53 (75%)	
Cis man		41 (27%)	110 (73%)	
Concerned about losing housing in last 6 months	220			>0.9
Yes		38 (27%)	105 (73%)	
No		20 (26%)	57 (74%)	
Used opioids in last 3 days	235			0.057
Yes		48 (32%)	101 (68%)	
No		17 (20%)	69 (80%)	
Used stimulants in last 3 days	235			0.12
Yes		52 (31%)	117 (69%)	
No		13 (20%)	53 (80%)	

<sup>1</sup>Row n (%); <sup>2</sup> Data for respondents who identified as transgender, gender diverse, or Two-Spirit are not presented as there were fewer than 20 respondents

## Appendix

### Methodology for the Harm Reduction Client Survey

- The survey explores sociodemographic, geographic, and substance use characteristics, Prescribed Safer Supply access and preferences, factors associated with implementation of decriminalization, experiences with overdose, and interactions with police.
- Quantitative survey distributed at 29 harm reduction distribution sites in small, medium, and large population centres across the five regional health authorities (Interior: 7 sites, Fraser: 6 sites, Vancouver Coastal: 4 sites, Island: 6 sites, Northern: 6 sites)
- For responses to be included in the survey, participants must indicate that in the past six months they:
  - Are 19 years of age or older and
  - Used an illegal drug (other than cannabis, alcohol, or tobacco), took opioid agonist treatment (OAT), or took prescribed safer supply (PSS)
- Furthermore, responses were excluded after data collection if responses indicated participants:
  - did not use an illegal drug in the last 30 days and
  - did not indicate receiving substitution treatment in the last six months and
  - did not have any opioid/stimulant substitution treatment preferences and
  - have not injected or smoked/inhaled (excluding tobacco and cannabis) any drug in the last six months
- Depending on the site, participants may complete the survey independently, or site staff may administer the survey
- Each site is allocated a specific number of surveys to complete
- Participants receive an honorarium for their time (\$15) and sites receive an honorarium for each participant (\$5)