

Evaluation of the Decriminalization of Illegal Drugs in British Columbia

Findings from Year 1

On January 31st, 2023, the province of British Columbia (BC) decriminalized the personal possession of up to 2.5 g of opioids, cocaine, methamphetamine, and MDMA among adults (18+) for a period of three years. This decriminalization initiative aims to reduce stigma, criminalization, and associated harms for people who use drugs (PWUD), while improving access to health services, trust in law enforcement, and public awareness of drug use as a health issue.

The *Ontario Node of the Canadian Research Initiative in Substance Matters (OCRINT)* is conducting a five-year independent evaluation of the decriminalization policy to assess its impact across the following domains:



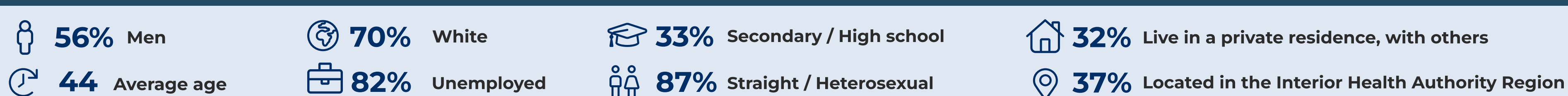
Qualitative Interviews with People Who Use Drugs (PWUD): Perceptions and Experiences with Police

Overview & Design

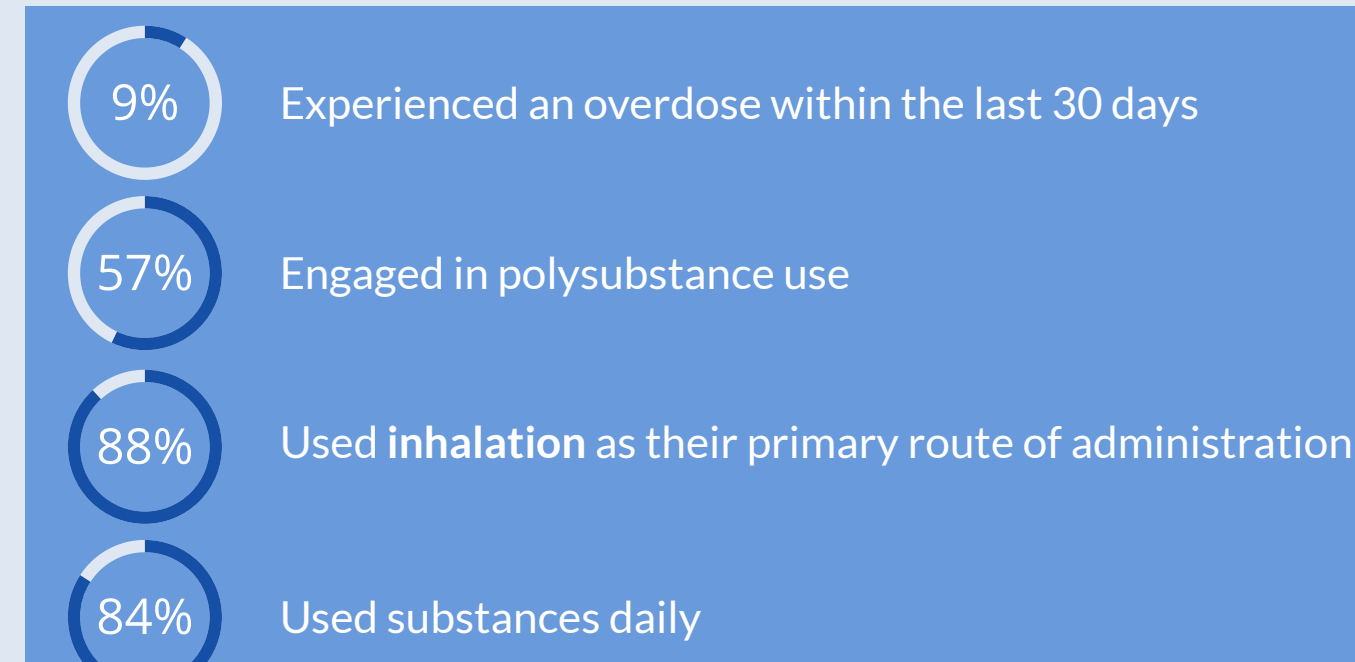
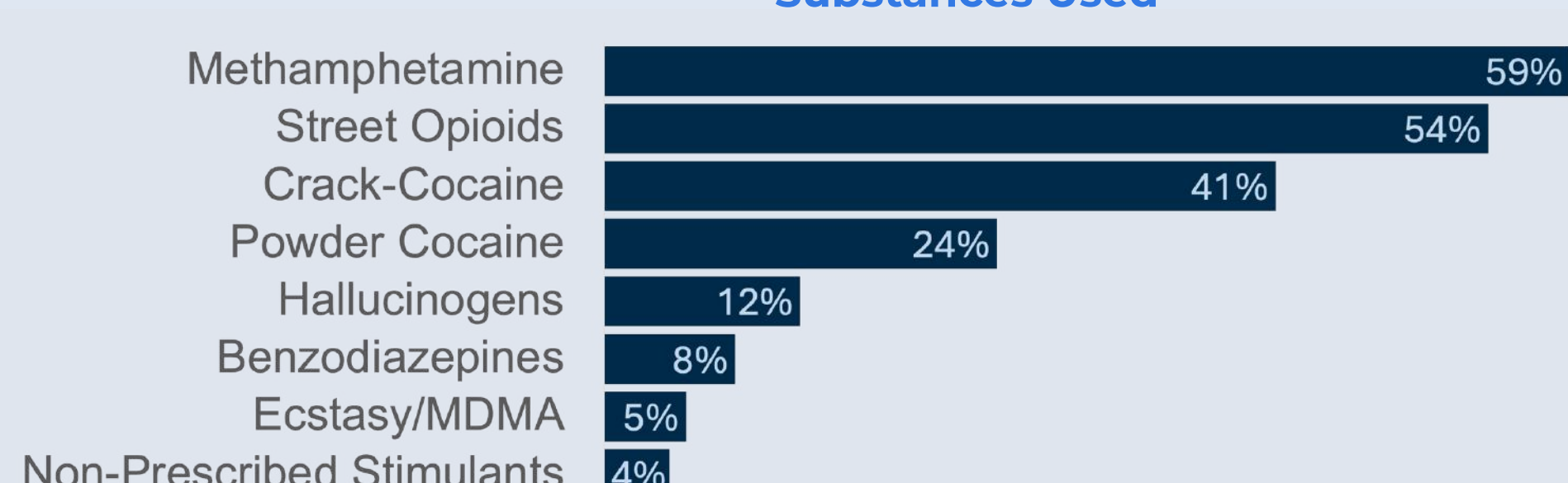
- The impacts of decriminalization on PWUD will be directly influenced by police and their enforcement of the policy.
- This sub-study aims to understand PWUD's perceptions and experiences with police during the initial rollout of the policy, including whether and to what extent the police have amended drug possession enforcement practices.
- Between October 2023 and February 2024, we conducted qualitative telephone-based interviews with a diverse sample of **n=100 PWUD** across BC.
- Participants also completed an interviewer-administered survey assessing socio-demographics, and drug use and overdose history.
- Interview data were synthesized using a qualitative thematic analysis approach.

Results

Sample Characteristics (n=100)



Substances Used



Perceptions of Police Post-Decriminalization

- Majority of participants indicated that they had **not** had an interaction with police regarding their drug use since decriminalization.
- However, many have had negative and traumatic encounters with police prior to decriminalization, which have evoked sentiments of **distrust, dislike, and apprehension** towards the police.
- Participants indicated that the policy **had not improved** their perceptions of the police, and many remained cynical and untrusting of the police post-decriminalization.
- Despite pervasive mistrust towards police, some participants were **optimistic** that the policy would lead to **improvements** in the adversarial relationship between PWUD and police.

"I'm still nervous. You know, the police do whatever they want anyway, right? So even though there's a law or whatever, I'm super careful...I don't really trust the police."

"I think [decriminalization] definitely could help bridge the gap between police and people who use drugs...It would alleviate the tension...since they're no longer on opposing sides of the law...I could see the policy opening up the doorway of communication between the people and law enforcement."

- Some participants noted that police have been **more approachable** and **less inclined to target or criminalize PWUD** since decriminalization.

"Some of [the police] are easier to talk to, and I don't find that they're out to get us or to arrest us as much as it was before. Like, they were always, like, looking in the back alleys...Now we don't see them half as much driving down the back alley and, like really bugging us...they're more dealing with, like bike thieves...instead of the drug users behind the dumpster."

Decriminalization Resource Cards

The decriminalization exemption states that police are encouraged to provide a pocket-sized resource card with information on available community supports and health services to PWUD during interactions, or if the person requests supports.

- Nearly all participants were **unaware** of the policy requirement for police to provide PWUD with resource cards during interactions.
- Those who had interacted with police post-decriminalization indicated that they had not received these cards, nor any verbal information regarding available services or supports.
- Many endorsed the idea of police providing resources to PWUD, suggesting that they would be **more likely** to access supports if they had the information on hand, and that these interactions would be more humanizing.

"I think that [distributing resource cards] is a great idea, but I haven't heard of anybody in our community being given any cards like that...I would probably take it...but I don't know if I'd necessarily utilize it. But I think there's a lot of people [who would]. If they're resources such as mental health and different things, that would be neat...I'd be receptive to taking it."

Police Enforcement Practices Post-Decriminalization

- Many participants indicated that police discretion remained **unchanged** post-decriminalization, and the nature and outcome of their interactions with the police varied depending on the officer involved and the situation, leading to **inconsistent** outcomes.
- Participants observed that their interactions with police were influenced by factors related to their social status and personal identity.
 - Drug-related police interactions were **more common** among participants who were currently **unhoused**, as their drug use was more publicly visible.

"So I ended up homeless [for a while] and during that time, everywhere I went, there was always the police asking me what I was doing, who I was with, what we were up to...So I wasn't doing anything different other than I didn't have a place [to live]. But the treatment was a lot different. And so it was really frustrating, right?"

"I think [the police] might pull the racist card, and they pick on First Nations quite a lot...and I like to wear all black...some might say I look scary...And I get singled out a lot...And it's like I don't even do anything wrong, it's just, I exist, you know?"

- Some noted that it was common for police to overlook their drug use, instead asking those caught using drugs in public to relocate to a less visible area.
- However, six participants described instances where police had seized and destroyed their drugs.
 - **Two** participants suggested that this occurred **despite** the quantity they carried.
 - **Four** reported that police had destroyed or confiscated their drugs when they were carrying **below** the 2.5 gram threshold.

"It doesn't matter [how much I'm carrying]...I've been caught with a gram and they've took it, I've been caught with three grams and they take it, they don't weight it."

- Participants were skeptical of police officers' ability to ascertain the quantity of the drug without the use of scales.
- Many suggested that officers did not have the drug knowledge to discern whether different types of drugs exceeded the 2.5 gram threshold.
- As such, the outcome of police interactions depended on the officer's knowledge and training related to substance use and decriminalization.

"A lot of the cops actually are generalizing what 2.5 grams looks like for different dope. It's going to look differently for each one of the substances. I think that they pretend that they know, but they don't actually know. It just depends on the cop and how much knowledge they have and how much they actually know about it."

"I mean given that police training was erratic, at best, when they trained them on the 2.5 grams...it basically looks like whatever the police decides it looks like. It's not like they bring out scales and weigh things on the spot."

Implications & Next Steps

- PWUD have had an extensive and tumultuous relationship with police, characterized by historical mistreatment and discrimination, and these negative perceptions remained **unchanged** in the first year of decriminalization.
- Participants' interactions with police **varied significantly** depending on the individual officer's discretion and participant's social identity.
- Overall, participants had **minimal interactions with police**; when they did interact, the police largely turned a blind eye or did not seize their drugs, suggesting that this aspect of the policy is being realized.
- Our findings indicate the need to improve police education and training through better standardization, increased transparency, particularly in regards to the use of discretion, focusing on the impact of systemic racism and discriminatory policing practices.

Source: Russell, C., Bardwell, G., Bonn, M., Boyd, J., Hyshka, E., Rehm, J., & Ali, F. People Who Use Drugs' Perceptions And Experiences With Police In The Initial Year Of British Columbia's Decriminalization Of Illegal Drugs Policy. *Journal Of Criminology And Public Policy*. Under Review.