

June 11, 2019

Honourable Mike Farnworth  
Minister of Public Safety and Solicitor General  
Room 128 Parliament Buildings  
Victoria, BC V8V 1X4

Copy to:  
Honourable John Horgan  
Premier of British Columbia  
West Annex Parliament Buildings  
Victoria, BC V8V 1X4

Attn: Hon. Mike Farnworth

Dear Minister Farnworth,

**Re: A harm reduction-based approach to policing**

Approximately one month ago, you summarily dismissed the Provincial Health Officer's urgent call to effectively decriminalize illicit drug possession in B.C., within hours of the Health Officer releasing her report.<sup>1</sup> Currently, nearly 100 people die across the province every month of fatal overdose. Rather than meaningfully respond to this crisis with evidence-based drug policy, you cited jurisdictional constraints in order to reject recommendations supporting a harm reduction-based provincial policing priority and legislative amendments to divert police resources away from drug possession enforcement. You maintained that "no one province can go it alone."

We urge you to reconsider. When Pivot Legal Society visited communities throughout B.C.'s five health authorities in 2017, interviewees repeatedly stated that police work at cross-purposes with the aims of public health, whether through enforcing simple possession offences, confiscating harm reduction equipment, or obstructing access to life-saving overdose prevention sites and supervised consumption sites.<sup>2</sup> These harms are disproportionately weaponized against people experiencing homelessness, and specifically racialized communities – namely Black, Indigenous and People of Colour.

Your ministry and the Province bear responsibility to ensure the health and safety of people who use drugs. People continue to die as a result of a toxic drug supply, and the crisis continues to be exacerbated by the criminal enforcement of low-level drug offences, such as possession for personal use, and lagging health services and supports.

---

<sup>1</sup> <https://www.cbc.ca/news/canada/british-columbia/bonnie-henry-decriminalization-report-1.5108463>

<sup>2</sup> Darcie Bennett and D.J. Larkin, [Project Inclusion: Confronting Anti-Homeless and Anti-Substance User Stigma in British Columbia](#) (Vancouver: Pivot Legal Society, 2018) at pp. 44-52.

Federal drug prohibition does not preclude the Province from taking immediate measures to address the opioid crisis and the harms of drug law enforcement. A harm reduction-based provincial policing priority and legislative amendments to divert police resources away from low-level drug law enforcement are actions well within the jurisdiction of the Province and your ministry. We call on you to lead the following.

## 1. Amend the Police Act

Amending B.C.'s Police Act to limit low-level drug law enforcement is critical and appropriate, given the Province's authority to govern both the administration of justice and health care in B.C. The Province bears responsibility for policing and law enforcement in B.C., including enforcement of federal criminal law. It also has responsibility for ensuring the health of people living in B.C. As the federal government expressly acknowledged in 2016, drug use is a matter of public health.<sup>3</sup> In B.C., the opioid crisis has been declared as a public health emergency since April 2016.<sup>4</sup> Provincial legislation to mitigate the harms of drug prohibition and improve access to life-saving harm reduction facilities, then, is consonant with the provincial health power. One need only consider B.C.'s life-saving overdose prevention sites, which operate pursuant to a provincial Ministerial Order absent any changes to existing federal drug laws.<sup>5</sup> However, people who use drugs still face criminal sanction for drug possession outside of overdose prevention sites.

People who use drugs and their allies continue to emphasize the ineffective, stigmatizing and deadly effects of the war on drugs. Police enforcement of simple possession offences, which your ministry continues to endorse, remains a significant impediment to the accessibility of harm reduction services across the province. As the Minister of Public Safety and Solicitor General, it is your responsibility to take bold and immediate action to prevent these harms.

## 2. Set policing priorities focused on harm reduction

B.C.'s Police Act was recently amended to give you, the Minister of Public Safety and Solicitor General, express authority to "establish priorities, goals and objectives for policing and law enforcement in British Columbia" (s. 2.1). This power allows you to set priorities in response to local need, the evolving nature of crime, and the specific requirements of B.C. policing.<sup>6</sup> Prioritizing harm reduction in the context of an opioid crisis is entirely in keeping with these factors. B.C. has the highest rate of fatal overdoses in the country and faces a staggeringly toxic drug supply. Accordingly, B.C. needs a public health approach to drug use that accounts for the nature of drug use and addiction, the harms of criminalization, and the impact of stigma on the health and safety of people who use drugs. To be clear, we are not calling for the implementation of an administrative regime to address drug use, but rather a prioritization of harm reduction that redirects police resources away from possession

---

<sup>3</sup> <https://www.canada.ca/en/health-canada/services/substance-use/canadian-drugs-substances-strategy/strengthening-canada-approach-substance-use-issue.html#a3>

<sup>4</sup> <https://news.gov.bc.ca/releases/2016HLTH0026-000568>

<sup>5</sup> <https://www.islandhealth.ca/sites/default/files/2018-04/overdose-prevention-services-health-ministry-order.pdf>

<sup>6</sup> <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/mmiw/bc-submission-app-g.pdf> at p. 9.

enforcement. Treating substance use as a matter of criminality is an outdated and harmful approach, and governments at every level must continue to adapt laws, policies, and practices to reflect public health aims and to mitigate the harms of harsh drug laws and aggressive law enforcement, neither of which are relevant or evidence-based goals or objectives during a public health emergency.

We urge you to reconsider the recommendation to decriminalize drug possession in B.C. and look forward to your response.

Sincerely,

Organizations:

AIDS Network Kootenay Outreach and Support Society (ANKORS)

AIDS Vancouver Island Health and Community Services

Anti-Police Power Surrey

B.C. Association of People on Methadone (BCAPOM)

B.C. Poverty Reduction Coalition

B.C./Yukon Association of Drug War Survivors

Cammy Lafleur Street Outreach Clinic

Canadian Association of People who use Drugs (CAPUD)

Canadian Drug Policy Coalition (CDPC)

Carnegie Community Action Project (CCAP)

Crackdown Podcast

Moms Stop the Harm

Pacific AIDS Network

Pivot Legal Society

Quesnel Shelter and Support Society

Society of Living Illicit Drug Users (SOLID)

Vancouver Area Network of Drug Users (VANDU)

YouthCO HIV & Hep C Society

Individuals:

Susan Boyd PhD, *Distinguished Professor, Faculty of Human & Social Development, University of Victoria*

Alison Houweling, *Social Worker*

Leslie McBain, *Co-founder, Moms Stop the Harm*

Bernie Pauly RN, PhD, *Professor, School of Nursing, Scientist, Canadian Institute for Substance Use Research, Community Engaged Scholar, University of Victoria*

Marilou Gagnon RN, PhD, *Associate Professor, School of Nursing, University of Victoria*