

Vancouver Police Department Drug Policy

Introduction

The Vancouver Police Department (VPD) has taken a number of progressive positions over the years with respect to drug policy. Until now, the VPD did not have a comprehensive drug policy known to the VPD executive, managers, members, the Police Board, the City of Vancouver, and the public.

From a national perspective, Vancouver has become the jurisdiction in which drug policy issues and different approaches to substance abuse are implemented, evaluated and debated. Therefore, as the lead police agency responding to these issues on a day-to-day basis, the VPD decided it was necessary to develop a drug policy and a process to re-examine that policy on an ongoing basis.

In drafting this document the VPD was guided and influenced by a number of stakeholders and positions, including:

- The VPD's own vision, to be "*Canada's Leader in Policing - Providing Safety for All*", and mission, "*In fulfilment of its public trust, the Vancouver Police Department maintains public order, upholds the rule of law, and prevents crime.*" Throughout this document the vision and mission of the VPD have been combined and referenced as an overarching public safety mission to "reduce crime, reduce the fear of crime, protect the vulnerable, and create safe communities for all". The VPD positions on drug policy are consistent with its own vision and mission.
- The Canadian Association of Chiefs of Police (CACP) position on drugs, which can be summarized as "illicit drugs are harmful". Throughout this document the VPD positions on drug policy are consistent with this CACP position.
- The more encompassing, national vision of the Canadian Centre on Substance Abuse (CCSA) in its report, *National Framework for Action to Reduce the Harm Associated with Alcohol and Other Drugs and Substances in Canada - Answering the Call*. Its vision, that "All people in Canada live in a society free of the harms associated with alcohol and other drugs and substances", acknowledges that there is harm associated to substance abuse. The VPD positions on drug policy are consistent with the CCSA vision and the hope it expresses.
- Internal consultation and focus groups involving the VPD's executive and key managers with knowledge of drug policy issues.
- A review and critique by frontline VPD officers in ten Operations Division teams as well as the Drug Section. At some level, the drug policy of any given organization or individual is based on values and beliefs. The VPD's position is a reflection of the experiences its police officers have on a regular basis dealing with the negative outcomes of substance abuse. As human beings, police officers can't help but be touched by the tragedies of the substance users, their families, crime victims, and the public who are fearful of the cycle of crime, violence and disorder related to substance

abuse. This experience and the perspectives it fosters are an important contribution to the debate surrounding drug abuse in our society.

- Review and approval by the Vancouver Police Board.

Objective

This document is intended as a guide for Vancouver Police officers that will positively impact their day-to-day policing practice and discretionary application of the law and other sanctions relating to the harmful use and possession of psychoactive substances. In addition, it will clarify for other stakeholders the rationale for drug-related policing practices in Vancouver, and the specific relationship between the VPD's public safety mission and its drug policy.

Outlook

Because substance abuse issues, policies and strategies are constantly evolving, the VPD is committed to continuous re-examination of its drug policy and the initiatives in which it partners and/or leads. Such constant evaluation will ensure that the policy remains relevant to the issues and initiatives of the day. The VPD is also committed to having a manager responsible for coordinating drug policy.

The VPD has an important role in building healthy communities and a safe and vibrant city. The VPD is a community leader and must have a clear public position on psychoactive substance abuse and a drug policy that citizens and stakeholders can examine, critique, and debate. The VPD welcomes current and future dialogue on this complex and evolving problem as it continues to work toward a safer community for us all.

Clarification of Terminology

Psychoactive Substances vs. Drugs

For the purpose of this policy document, the term “psychoactive substances” will be used versus the generic term of “drugs”. Use of this terminology is current and commonly used by other practitioners in the field. This terminology is used in the City of Vancouver report, *Preventing Harm from Psychoactive Substance Use*, as well as the Canadian Centre on Substance Abuse report, *National Framework for Action to Reduce the Harm Associated with Alcohol and Other Drugs and Substances in Canada*.

Psychoactive substances can be defined as all substances, legal and illegal, that cause behaviours that are harmful to the community at large. In the context of policing, members of the VPD are primarily concerned and occupied with the negative behaviours that arise from substance abuse and the impact on public safety and order. This is why the VPD has a public safety responsibility to address drug use and establish a drug policy.

Abuse vs. Use

The term “abuse” is purposefully used in this document. Consider past prevention campaigns, such as anti-smoking and anti-drunk driving, that were successful in changing societal attitudes and behaviours. Undesirable behaviour was identified, judged and stigmatized. And those who

engaged in that behaviour suffered the same fate. From an individual case management perspective this may appear to be unjustified. From a larger community safety perspective, stigmatization of a negative behaviour may be viewed as a legitimate means of deterring people, particularly impressionable young people, from engaging in that behaviour. Therefore, in this context we deliberately use the term “abuse” versus the softer and less-pejorative terminology of “problematic substance use”. The VPD invites a discussion on this point, though at the heart of this issue is the need to take action without being sidetracked into a discussion of semantics.

VPD Drug Policy: A Four Pillars Approach

The VPD drug policy is based on a Four Pillars strategy of prevention, enforcement, harm reduction, and treatment.

The Four Pillars concept was first implemented in Switzerland and Germany to address an escalating drug problem. In May 2001, the City of Vancouver (CoV) adopted the Four Pillars Drug Strategy as policy to respond to the City's increasing drug problem and open-air drug scene. Several partners at all levels of government, including the Vancouver Police Department, together coordinate and implement the CoV policy. For more information about the City of Vancouver Four Pillars Drug Strategy, visit www.vancouver.ca/fourpillars

In the scope of the CoV Four Pillars Drug Strategy, the VPD is identified as being primarily responsible for the enforcement pillar. While this may be true in the scope of that particular strategy, the VPD has adopted each of the Four Pillars concepts in relation to its own drug policy. We believe that the Four Pillars approach should comprise a balanced continuum of practice equally distributed across each pillar, supplemented by projects and initiatives as necessary.

Discussion

The VPD is concerned that the term "pillar" may create the misconception of compartmentalized, uncoordinated silos of effort and work. Since its adoption as policy in the City of Vancouver, the Four Pillars approach has attracted a common public debate that seems to revolve around one pillar apparently receiving more attention and funding than another. In our view this debate, and the energy it consumes, undermines not only the overall process of responding to psychoactive substance abuse in our society, but also the working relationships needed to sustain this process. The VPD's position is that any Four Pillars initiative must be fundamentally lawful and ethical, must consider the interests of the whole community, and must strive to achieve a balance between societal and individual interests. The VPD will participate in substance abuse initiatives that support the public safety mission of the VPD, which is to reduce crime, reduce the fear of crime, protect the vulnerable, and create safe communities for all.

Prevention

Though the VPD strongly believes that prevention is the most important pillar, prevention currently has the lowest priority, emphasis and resources. Arguably, if the prevention pillar is successful there will be less need for the other pillars.

Discussion

Members of the VPD, across all ranks and organizational areas, expressed a great deal of passion in support of prevention and education. The overall theme of prevention should be to discourage substance abuse.

The relative lack of resources and effort being directed at age-appropriate prevention and education strategies on a large scale is of concern to the Department. Education in the public school system is imperative. The VPD is optimistic about its current partnership with the Vancouver Coastal Health Authority, the Vancouver School Board, the B.C. Centre for Addictions Research, the City of Vancouver, and the University of B.C. regarding a school-

based alcohol and drug education pilot project in Vancouver schools due to start in the Fall of 2006. Eager to participate in any prevention strategy when appropriate, the VPD acknowledges that it will usually have a supporting role in any given endeavour.

The prevention pillar supports the VPD's public safety mission in that it will reduce the number of substance abusers in our community. A reduction in substance abusers will reduce the number of incidents where psychoactive substance abusers' behaviour has a negative impact on themselves, their family, and the community in the form of criminal and disorderly activity. Ultimately, effective prevention strategies will reduce crime, reduce the fear of crime, minimize victimization, and create safer communities.

Enforcement

Though enforcement is still the main function of police within the CoV Four Pillars Drug Strategy, enforcement can also be used to support other Four Pillars initiatives. The VPD will continue to target street and middle-level psychoactive substance traffickers as well as the production of psychoactive substances. Laws against the possession/illegal use of psychoactive substances should be enforced in circumstances where the users are engaged in behaviours that harm and/or interfere in the lawful use or enjoyment of public or private property and/or contribute to street disorder. Enforcement will be specifically directed at parks and school grounds. Children, in particular, should not be placed at risk by the negative behaviours associated with psychoactive substance abuse. The VPD will work in partnership with schools to address this issue. This enforcement recommendation includes alcohol-related incidents.

Discussion

VPD officers have a broad range of discretion when dealing with psychoactive substance use and possession in the City of Vancouver. This discretion includes options such as seizure of the substance, and/or arrest and/or charging of the offender(s). The VPD believes in and trusts the professional judgement of its members on the street to enforce the law in a fair and just manner consistent with VPD policy and procedure. A person's behaviour or the context of the psychoactive substance abuse, rather than the actual unlawful possession of the substance, should be the primary factor in determining whether to lay a charge.. Targeted behaviours are those that interfere in the lawful use and enjoyment of a given facility or location, whether private or public, or contribute to street disorder, and cause fear among citizens and the community at large. While some police officers locally or nationally may disagree, the VPD has to apply enforcement in a manner that is supportable by the public, Crown Counsel and the local judiciary.

The use of the term "enforcement" is borrowed from Europe where the Four Pillars model was created. In the Canadian context, particularly in Vancouver, the VPD believes that enforcement is one tool that can be used to support the overall policing practices of the VPD. The VPD has been flexible and used considerable discretion to support public health initiatives. The VPD has also led a number of creative initiatives to support the Four Pillars Drug Strategy in Vancouver. See the Harm Reduction section for examples.

Within the context of enforcement, street-level drug trafficking remains a priority. This includes the "addicted trafficker" as well as the "non-addicted trafficker". The VPD will not distinguish between the two; however, enforcement will be directed more at traffickers who exhibit a higher degree of organization and coordination. Enforcement will also be prioritized towards those

whose trafficking behaviour interferes in the lawful use and enjoyment of a given facility or location, whether public or private, or contributes to street disorder, and causes fear among citizens and the community at large.

Historically, the VPD adopted a very low level of enforcement directed at “narcotic in possession” (NIP) offences, as well as liquor offences. Possession charges were usually incidental to an arrest for another substantive criminal offence. In response to community complaints, as well as a strategic commitment to reduce street disorder, the VPD is making enforcement against public psychoactive substance abuse and possession a priority. This enforcement strategy is based primarily on the behaviour and location of a person in possession of or using a psychoactive substance.

Examples of this strategy in practice can be seen in the northeast sector of Vancouver which includes the Downtown Eastside (DTES):

- Despite open access to the Supervised Injection Site (SIS), intravenous drug users were still publicly injecting and discarding needles in the lane behind, and other lanes within one block of, the facility. The VPD advised various stakeholders, including users, that this behaviour would no longer be tolerated and charges would be laid. Users were advised to attend the SIS given its close proximity. This change in policing practice was also designed to support the public health objectives of the SIS by “encouraging” users to utilize the SIS.
- Another example is enforcement of NIP laws at schoolyards and parks. Possession or use of psychoactive substances in these areas is potentially harmful to citizens, particularly vulnerable children, and interferes in the lawful use and enjoyment of the areas by the community at large. The behaviour also contributes to street disorder and a reduction in a sense of safety by the public. Once again stakeholders, including users, were consulted and advised before any change in police practice was implemented.

The many distinct communities in Vancouver have different issues and patterns of psychoactive drug abuse. This enforcement strategy is intended to be applicable not only to the DTES but to all of Vancouver. Laws against the possession/illegal use of psychoactive substances will be enforced in circumstances where the users are engaged in behaviours that harm and/or interfere in the lawful use or enjoyment of public or private property and/or contribute to street disorder.

VPD officers on the street can use this strategy as a guide to direct their enforcement practices balanced with an appropriate use of discretion. It supports our mission to reduce the street disorder and the fear among citizens in our community that result from the negative behaviours associated to substance abuse. The strategy also clearly defines behavioural expectations for the substance user population. Finally, for the public and our governmental and non-governmental partners, the strategy provides a clear picture of the nature and scale of enforcement practice to be expected from police officers in Vancouver.

The VPD is also committed to enforcement practices that target the criminal infrastructure in the Downtown Eastside and elsewhere in Vancouver, which supports and perpetuates the cycle of crime, violence, disorder, as well as the victimization of the most vulnerable citizens in our community. This strategy again supports our mission to reduce crime, reduce street disorder, protect the vulnerable and create safer communities.

In the context of enforcement, the VPD’s public service mission is self-evident given that it is a police and law enforcement organization. Adopting new strategies of enforcement supports the

VPD's mission and provides a clear enforcement guide that our police officers can use to carry out this mission.

Harm Reduction

The VPD supports a wide range of strategies and initiatives by the Health Authority and other organizations that serve to reduce harm in society. Though it seems that the harm reduction concept has been widely perceived as solely associated to public health practices, harm reduction requires a broader scope and should include all practices and initiatives that reduce harm. The degree to which harm reduction measures are needed is proportional to the degree to which the other pillars - prevention, enforcement, and treatment - have failed to succeed.

Discussion

Harm reduction is by far the most controversial pillar. Many argue that there should only be three pillars: prevention, enforcement, and treatment, with some elements of harm reduction nesting under any of these three pillars.

The VPD is reluctant to engage in a debate about public health practices as our expertise lies in policing, not health. At a fundamental level all harm reduction practices must be lawful. The VPD supports the public health objectives of needle exchange and the Health Canada mandated research project at the Supervised Injection Site.

Harm reduction is necessary to support public health objectives such as reducing transmission rates of HIV and hepatitis, as well as preventing drug overdoses. Harm reduction should reflect transitory measures to prevent addicted users from contracting disease, injuring themselves, or dying before they have an opportunity to access and eventually succeed at treatment.

While the current practice of harm reduction may initially reduce harm to the user, it may unintentionally cause more long-term harm by enabling the addicted user to remain in a perpetual cycle of addiction. Harm reduction should be a short-term measure in a continuum, with the overriding goal being treatment and ending the addiction. The VPD recognizes, however, that there is a relatively small group of users who are truly incapable of benefiting from treatment and for whom harm reduction measures are necessary for an indeterminate period of time.

The VPD's public safety mission relates to the harm reduction pillar in terms of reducing crime, reducing fear of crime, reducing street disorder, and protecting the vulnerable. A central value of policing - to preserve and protect life – also relates strongly to harm reduction. The longer addicts are maintained in a cycle of addiction without an accessible pathway to treatment, the more likely they are to engage in negative behaviours that harm themselves, other citizens, and the community at large. These behaviours are reflected in property crime, violence, street disorder, and calls for service to which the police must respond. The VPD supports health initiatives that preserve and protect life by preventing disease transmission and overdose deaths. However, the longer a person stays in the cycle of addiction, the longer they remain at risk.

The VPD's public safety mission in relation to harm reduction also relates to a policing practice that strives to balance the need to ensure open and ready access to public health harm reduction initiatives, such as needle exchange and the Supervised Injection Site by substance

abusers, while at the same time ensuring disorder, violent behaviours and unlawful activities on the street are kept under control. This relates again to our mission to reduce crime, reduce the fear of crime, reduce street disorder, protect the vulnerable and create safer communities. It is understood that enforcement may sometimes have a negative impact on the implementation of health-based harm reduction practices. The VPD will strive to manage and mitigate these impacts through communication with its partners in health services. However, it is understood that there will be some tension between the need of substance abusers to access harm reduction measures, and the rights of other citizens who simply want to freely access public spaces free of crime and disorder.

Though the local interpretation of harm reduction seems primarily associated to needle exchange and the Supervised Injection Site, the VPD has engaged in a number of initiatives that can clearly be characterized as “harm reduction”, for example:

- In the 1990s, rice wine which was responsible for some 100 deaths a year. This insidious product was readily available in convenience stores and was unregulated. The VPD was the primary partner and advocate in the efforts that led to rice wine being removed from these stores and placed in government liquor stores. This initiative clearly reduced harm to the community and helped protect the most vulnerable.
- More recently, “Project Haven” shed light upon illegal housing practices that harm drug users. Given that proper shelter supports public health objectives, including harm reduction and treatment, the VPD’s initiative can be described as harm reduction.
- Other examples are the overdose response policy, and the emergency fan-out system to inform users when potentially fatal mixtures of psychoactive substances are on the street.

The point is that harm reduction should not be perceived as solely within the realm of health authorities. When the definition and practice of harm reduction is confined to a few health initiatives, the harm reduction pillar is undermined. By expanding the definition to include all initiatives (and organizations) that reduce harm, this pillar becomes less controversial and subject to criticism, and more understood and supportable.

The very fact there is a need for harm reduction is a reflection of the failure of the other pillars. That a significant number of substance abusers need harm reduction shows that there were insufficient prevention, educational measures, and other supports in place to divert the user from abusing substances in the first place. The number of users and ready access to substances reflects poorly on the ability of the enforcement pillar to reduce the accessibility of psychoactive substances. Finally, the continual reliance and need of the substance abuser for harm reduction indicates that there is not enough access to effective treatment that ends the cycle of addiction.

Treatment

The VPD supports accessible and immediate treatment for substance abuse on demand by both adults and youth. Society as a whole has an obligation to provide whatever treatment tools and resources are necessary to end addiction to psychoactive substances. In principle, the VPD supports the treatment plan proposed by the Vancouver Coastal Health Authority (VCHA) in 2003.

Discussion

The VPD's public safety mission with respect to the treatment pillar is again related to the mission and values expressed throughout this document. Successful treatment will reduce the number of addicts and reduce their addiction-related behaviours that harm society, to which the police must respond. Clearly, the more accessible and comprehensive the treatment program, the more likely an addict to succeed in ending the harmful cycle of addiction. Arguably, treatment is more cost-effective than the current investment in police arresting and jailing addicts, and/or Emergency Health Services, hospitals and harm reduction practitioners responding to the addict without the core problem of the addiction being solved.

The VPD strongly supports criminal sanctions, such as drug court, that facilitate and enforce treatment programs. In fact, the drug court model should be expanded whereby drug users have jail sentences deferred and linked to attendance at treatment programs. This is one example where enforcement can contribute to the success of another pillar - treatment - by placing a given person in a position where they can access treatment in a structured, court sanctioned model.

Further, programs for incarcerated substance-addicted inmates should be researched for best practices, and considered. For example, mandatory treatment plans that include stringent conditions relating to psychoactive substance abstinence, and, testing for offenders who are provided early release.

The VPD has also identified a large number of substance-addicted persons who are chronic criminal offenders. These individuals are responsible for a disproportionate amount of property crime in Vancouver. A working relationship should be developed with VCHA to "fast-track" these individuals into treatment that operates adjacent to the drug court model. A civil law-based mandatory treatment model similar to that being tested in the Netherlands should also be researched and considered.

There is an ongoing debate within the health field regarding what models of treatment are the most effective. This relates specifically to abstinence- and non-abstinence-based programs as well as residential bed-based treatment versus out-patient, community-based treatment programs. Once again, the VPD is reluctant to engage in this debate as our expertise lies in policing, not health and treatment. The VPD's contribution to the dialogue is simply that there needs to be more effective treatment, whatever the delivery model, as this supports our mission and values and will contribute to a safer community.

Conclusion

The Vancouver Police Department is integral in establishing healthy communities and maintaining a safe and vibrant city. A recognized community leader, the VPD must have a clear public position on psychoactive substance abuse and drug policy that citizens and stakeholders can openly examine, critique, and debate. This drug policy position document is intended to provide a reference point for the VPD executive, managers, operational police and civilian members, the Police Board, the City of Vancouver, our partners in drug policy issues and initiatives, and the public.

The VPD has been, and will continue to be, a national leader in creating, implementing, and evaluating initiatives that complement and support the Four Pillars approach in the City of Vancouver.

Current and future dialogue about this complex and evolving problem is most welcome, as the VPD continually strives to work toward a safer community for us all.