

February 13, 2006

Mr. William Blair
Chief of Police
Toronto Police Service
40 College St.
Toronto, ON
M5G 2J3



Dear Chief Blair:

Re: Report of police destroying crack pipes

I write to you, on behalf of the Canadian HIV/AIDS Legal Network, to express our concern with recent public reports of Toronto police officers confiscating and destroying personal possessions, including drug use equipment, from people who use illegal drugs. We refer, in particular, to the story that appeared recently on the front page of *The Globe and Mail* (“New police strategy designed to blanket high-violence areas”, Feb. 13). In that story, it is reported that, under the aegis of the new Toronto Anti-Violence Intervention Strategy (TAVIS), “Eric the drug addict” was surrounded by police officers who compelled him to hand over various possessions, including two crack pipes, at least one of which was then “crunched underfoot” by police.

It is our understanding that the city’s new anti-violence strategy is intended to respond to newly heightened concerns about gangs and gun violence, including through the activity of the new Urban Organized Crime Squad whose particular focus is organized crime. Community safety is a concern for all residents of Toronto, but individual people who use drugs are not the threat at issue. We are concerned by any reports suggesting this new initiative will become another excuse to crack down on people who use drugs, many of whom are already among society’s most marginalized and vulnerable.

As a preliminary matter, we question whether police have any legal authority to simply destroy the personal possessions of people they may stop on the street, as is reported to have happened in this case. If, following legal proceedings, a court determines that property is possessed unlawfully, it may in some cases order its destruction. However, what legal basis is there for police officers to destroy individual’s property in the absence of any such judicial authorization following a judicial proceeding? Aside from this question of civil liberties, we fail to see how the objective of getting guns and other weapons off the street is advanced by gratuitous destruction of drug users’ personal property.

Moreover, we are concerned that such police practices undermine public health. Because sharing drug use equipment poses HIV and hepatitis C risks, among others, harm reduction measures such as needle exchange programs have operated for years, usually with government support. As recognized in the Toronto Drug Strategy approved by city council in October 2005, Toronto has had a progressive implementation of needle exchange programs since 1989. Such programs have been shown time and again to be among the most effective health protection interventions among people who inject illegal drugs, including a key measure in reducing the risk of HIV infection and transmission among this vulnerable population. In some cities, these programs have expanded or are

expanding to ensure access to sterile crack use equipment, because people who smoke crack can have burns, sores or cuts on the lips that increase the risk of HIV, and sharing crack pipes can contribute to this risk. If police confiscate or destroy pipes, an increase in sharing pipes is likely, with the health risks that entails. It could also encourage people to inject rather than smoke crack, which is even riskier in health terms.

The Toronto Drug Strategy is a comprehensive one based on four components: *prevention* of harmful substance use; *harm reduction* measures to minimize the harms for individuals and others affected by problematic substance use; *treatment* for addiction; and *enforcement* to protect communities from criminal harms associated with substance use. As stated in the Strategy, “[a]ll four components are needed to effectively reduce the harms of alcohol and other drug use.” The so-called “balanced approach” is unbalanced if the law enforcement pillar of the strategy is allowed to undercut the harm reduction approach.

Our organization promotes laws and policies that both respect the rights of people living with or vulnerable to HIV/AIDS and support effective HIV/AIDS prevention, care, treatment and support. As such, we have worked for many years on questions related to the HIV epidemic among people who use illegal drugs and have fully supported harm reduction measures as sensible and pragmatic responses that are both evidence-based and reflective of the human rights of people who use drugs. You will appreciate, therefore, our concern at reports of police practices that run counter to the goals of health protection and promotion, including practices that may contribute to greater HIV risk among people who use illegal drugs. Further criminalizing people with addictions, or degrading them by destroying their personal possessions on the street, will not solve Toronto’s gun violence problem, but it is likely to undermine their health and that of the public.

In light of the concerns raised by reports of police officers destroying crack pipes, we urge you, as Chief of Police, to investigate this matter. Furthermore, it would be consistent with the City’s stated commitment to reflecting harm reduction in its approach to drug use were you to direct police officers not to confiscate or destroy individuals’ pipes or syringes. There is no obligation to engage in such conduct, and it is the leadership of the city’s police force that must set a positive example of doing policing in a harm reduction-friendly way.

We look forward to your response to these concerns and to prompt action that will prevent in future such counterproductive conduct by officers of Toronto’s police service.

Sincerely,



Joanne Csete
Executive Director

cc: His Worship David Miller, Mayor, City of Toronto
Mr. Alok Mukherjee, Chair, Toronto Police Services Board
Dr. David McKeown, Medical Officer of Health, City of Toronto