

Document 5 – Evidence and Additional calls for alternatives to criminalization of people who use substances

Evidence

The Provincial Health Officers Report from B.C. discusses the harms experienced by the current criminal justice approach to substance use and possession and proposes alternatives to criminalization.¹ Public health models of decriminalization of people who use drugs require adaptation to local contexts and complement expanded harm reduction services. Toronto Public Health recommends a comprehensive program that would include: the expansion of safer supply and access to opioids; increased access to harm reduction programs and other treatment options; funding for grief and trauma supports for frontline workers, people who use drugs and family members; piloting virtual/phone supervised consumption services and in-person peer supervision in congregate settings; and establishment of a task force with healthcare workers, people with living experience and specialists on the topic.² Emphasizing the need to end stigma against people who use drugs, Vancouver recommends an early focus on public awareness and education for the general public. Additionally, a recent report by Health Canada's Expert Task Force on Substance Use includes a recommendation for bold actions, such as finding an alternative to the criminalization of people who use substances, and closely aligns with our recommended public health approach to substance use health.³

Countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results:

- In Portugal, there has been a reduction in drug use among at risk populations and increases in the number of people accessing treatment.⁴ There have been significant decreases in HIV transmission (85%), and drug-related deaths.⁵
- In the Czech Republic, HIV rates are less than 1% among people who inject drugs, one of the lowest rates in the region.⁶
- In California, there was \$1 billion in savings to the criminal justice system in the 10 years after the possession of cannabis was decriminalized in 1976.⁷
- Police in jurisdictions that have effectively decriminalized drug possession have reported improved community relations because of the reforms.⁸

There is a growing number of people and agencies calling for the decriminalization of people who use substances. In Canada, different sectors are recommending policy changes to prevent overdose hospitalizations and fatalities. Other public health units, such as Toronto Public Health, have put out similar calls to the Federal government as well as similar calls to those outlined in recommendation 2 addressed to the Provincial government.⁹

In August 2020, the Public Prosecution Service of Canada recommended prosecutors to pursue “non-criminal sanctions for simple possession of drugs.”¹⁰ Canada’s Chief Public Health Officer, Dr Theresa Tam, recently stated that decriminalizing people who use illicit substances should be discussed to address a spike in opioid overdose deaths.¹¹ A few months later, a spokesman for Health Minister Patty Hajdu said that “decriminalization was under consideration and that discussions with Vancouver were underway.”¹²

National organizations have also noted their support for decriminalizing people who use illicit substances including: Canadian Association of Chiefs of Police (CACP),¹³ the Canadian Public Health Association (CPHA) and the Centre for Addiction and Mental Health (CAMH). A letter submitted by the Canadian HIV/AIDS Legal Network, Canadian Drug Policy Coalition, and Pivot Legal Society to the federal ministries of Health, Public Safety and Emergency Preparedness, and Justice and the Attorney General was signed by 44 organizations, including the Canadian Nursing Association and the Canadian Public Health Agency.¹⁴

¹ [Stopping the Harm: Decriminalization of People Who Use Drugs in BC](#) – BC Office of the Provincial Health Officer

² A Public Health Approach to Drug Policy – Toronto Public Health, 2018

³ Health Canada Expert Task Force on Substance Use. (June 2021) [Recommendations on the Federal Government’s Drug Policy as Articulated in a Draft Canadian Drugs and Substances Strategy \(CDSS\)](#).

⁴ Hughes, C., & Stevens, A. (2010). What can we learn from the Portuguese decriminalization of illicit drugs? *British Journal of Criminology*, 50, pp. 999–1022.

⁵ Hughes, C., & Stevens, A. (2012). A resounding success of a disastrous failure: re-examining the interpretation of evidence on the Portuguese decriminalization of illicit drugs. *Drug and Alcohol Review* 31:108, as cited in: Global Commission on Drug Policy (2016) *Advancing Drug Policy Reform: A New Approach to Decriminalization*.

⁶ The National Monitoring Centre for Drugs and Addiction, *Annual Report: The Czech Republic Drug Situation 2013*, 2, as cited in: Global Commission on Drug Policy (2016) *Advancing Drug Policy Reform: A New Approach to Decriminalization*.

⁷ Aldrich, M.R. & Mikuriya, T. (1988) Savings in California Marijuana Law Enforcement Costs Attributable to the Moscone Act of 1976: A Summary. *Journal of Psychoactive Drugs*, 20 (1):75-81., as cited in: Global Commission on Drug Policy (2016) *Advancing Drug Policy Reform: A New Approach to Decriminalization*.

⁸ Magson, J. (2014) Drugs, Crime and Decriminalization: Assessing the Impact of Drug Decriminalization Policies on the Efficiency and Integrity of the Criminal Justice System, Winston Churchill Fellowship, 27, as cited in: Global Commission on Drug Policy (2016) Advancing Drug Policy Reform: A New Approach to Decriminalization.

⁹ Toronto Public Health. (June 2021) Toronto Overdose Action Plan: Status Report 2021.

¹⁰ CBC. (August 2019) [Federal prosecutors told to avoid drug possession charges when possible in new directive](#)

¹¹ Global News. (August 2020) [Discussion on decriminalizing drugs should be considered in wake of opioid deaths: Tam](#)

¹² News Hub. (January 2021) [Canada considering drug decriminalisation to fight overdose crisis](#)

¹³ The Courier Press. (July 2020) [Chatham-Kent police chief supports call for some drug decriminalization](#)

¹⁴ Canadian Centre on Substance Use and Addictions. (June 2018) [Decriminalization: Options and Evidence](#)