

# **Criminalizing Drug Use is Harming Canadians**

It has been one month since the Canadian Association of Chiefs of Police (CACCP) recommended the decriminalization of drug possession for personal use. Since then the editorial boards of The Toronto Star, The Globe and Mail and The National Post have all supported the call for decriminalization.

BC and the City of Toronto have recorded the highest numbers of fatal overdoses in the month of July (175 and 27 respectively) since they started keeping records. According to the Chief Coroner of Ontario, 55 people a week are dying from overdose in Ontario.

This continues a trend that began long before the COVID pandemic. In 2015, 1 in 9 deaths among youth (aged 15-24) in Ontario was opioid-related. By 2018, it was 1 in 6 deaths. Unlike the pandemic, the opioid epidemic is disproportionately affecting and killing youth. Indigenous people are also dying at an overwhelming rate, in 2017 representing 2.6% of Canada's total population, but 10% of overdose deaths. Racialized and marginalized populations are disproportionately criminalized for drug offences, reflecting the injustice of current drug policies.

This is clearly a health issue requiring evidence-based treatment and supported by harm reduction services, not a criminal record. Criminalizing people for drug use stigmatizes them and discourages those with problematic use from seeking treatment. Criminalization serves only to punish those who use certain drugs, labels them as criminals and overloads our criminal justice system where treatment is not prioritized. In particular, criminal charges forever blight our youth and racialized and marginalized communities. They are harmed for life with a criminal record that makes employment, housing, travel and other aspects of life difficult or impossible to achieve.

The stated purpose of sentencing under The Controlled Drugs and Substances Act is to contribute to the maintenance of a just, peaceful and safe society while encouraging rehabilitation and treatment. The evidence is clear that the Act is not achieving any of those objectives.

The intention of the Act to provide treatment has never been prioritized or realized. The majority of inmates with an opioid use disorder who could benefit from opioid agonist therapy are not receiving these life-saving medications. For the most part, inmates who are incarcerated because of addiction are not receiving any of the treatments they need. Further, the futility of criminalizing drug use has perhaps never been more evident as in the opening of a supervised consumption site at Drumheller Institution. It is hypocritical to criminalize drug use and possession and then allow it in correctional

facilities. More so, it is duplicitous to allow the same drug use that led to their incarceration and not have any support for rehabilitation and treatment perpetuating the exact illness that led to their criminalization.

It is time for Canada to follow Portugal's lead 19 years ago and decriminalize drug possession for personal use. It reduced stigma, problematic use, drug-related harms and criminal justice overcrowding. Now Portugal diverts people who use drugs away from the criminal justice system and directs those with problematic use towards treatment. Their criminal justice system fights crime, not illness.

The evidence is that the criminalization of drug use has been, and continues to be, an abject failure. The Canadian Society of Addiction Medicine (CSAM) joins an ever-growing chorus calling for the decriminalization of drug possession for personal use including the CAPC, the BC Provincial Health Officer, The Toronto Board of Health, The Canadian Mental Health Association, and The World Health Organization. It is time for our government to listen to the voices of people who are experts in dealing with drug-related problems.

Decriminalization is not a silver bullet and must be combined with enhanced funding of harm reduction services and recovery-oriented systems, as well as supports that address social determinants. The most vulnerable among us deserve nothing less.

## **David Martell**

### **Chair, Policy Committee**

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