

DECRIMINALIZATION OF DRUG POSSESSION TO PROTECT YOUTH USING SUBSTANCES

In 2015, one in nine deaths among youth (aged 15-24) in Ontario was opioid-related. By 2018, it was one in six. That is a health care issue, not a criminal justice issue.

Overdose deaths are only the tip of the iceberg. Many do not realize that **addiction is a pediatric illness**, with 90% of the cases developing during adolescence. **Between 70% and 90% of addicted youth have other mental health conditions.** Our children should receive treatment, not criminalization, for their illness.

REASONS TO DECRIMINALIZE

1. **Substance use is not inherently criminal behaviour.** If it were, then alcohol use would be prohibited. The primary purpose of criminal law is to protect people from other people, not to protect them from themselves. Addiction is the very definition of self-harm. It is compulsive alcohol or other drug use, in spite of adverse consequences. Those struggling with addiction can lose everything that matters to them, including their lives. It's clear that fear of punishment, such as incarceration, will not deter use.

By analogy, prior to 1972 it was illegal in Canada to attempt suicide. We look at that law today and think it's ridiculous. How could punishment ever help someone struggling with their mental health? It's time we realized it's the same for people struggling with addiction, whether to legal or illegal substances.

2. **The vast majority of people can use legal, illegal and prescribed substances without developing a problem.** How does society benefit by criminalizing non-problematic users? It is a waste of taxpayer dollars and extremely harmful to the person.

3. **Criminalization is not preventing Canadians, especially our youth and young adults, from using illegal substances.** According to The Canadian Tobacco, Alcohol and Drugs Survey (CTADS) for 2017, past-year use of at least one of five illegal drugs in Canada (excluding cannabis) was higher among youth aged 15 to 19 (4% or 81,000) and young adults aged 20 to 24 (10% or 241,000) than among adults aged 25 and older (3% or 665,000).

4. **Criminalization maximizes harms to those who use illegal substances.** If we criminalize drug use, are our children really going to come to us when they are considering use or once they have a problem? It sends a message to our children struggling with addiction that they are bad and deserve punishment instead of being ill and in need of treatment. A criminal record only harms them by putting a legal problem on top of a medical condition. It impedes recovery by affecting job prospects and cross border travel.

The key premise of criminalization, that it will protect our people, has been exposed for the fallacy that it is. The majority of persons with addiction do not seek treatment. They often cite stigma as the reason. **Once Portugal decriminalized drugs, those seeking treatment for addiction rose 60%.**

EFFECT OF THE PANDEMIC

It's a known fact: the pandemic has resulted in an increase in overdose rates across Canada due to the public health measures put in place to address the COVID-19 pandemic. You may have seen the [article on the front page of the Globe and Mail](#) that featured just 100 of the more than 5,000 lives lost to overdose in Canada in 2020. A recent [article in The Star](#) reported that in January 2021 the City of Toronto recorded the highest number of overdose deaths in a month since it started to keep track in 2017. There were 38 deaths, an increase of 36% from the 28 deaths in November, 2020.

It's painful to see how quickly society can mobilize to deal with the COVID pandemic (which disproportionately affects the elderly) when the response to the opioid overdose epidemic (which disproportionately affects our youth) has been so slow.

CALLS FOR DECRIMINALIZATION

In 2018, the Toronto Board of Health adopted the recommendations of the Toronto Medical Officer of Health in [A Public Health Approach to Drug Policy](#) to request the federal government to decriminalize the possession of drugs for personal use and to create a task force to look at the regulation of all drugs. The Canadian Mental Health Association also issued [Care not Corrections](#) in 2018 supporting decriminalization. In 2019, the BC Chief Medical Officer of Health issued [Stopping The Harm: Decriminalization Of People Who Use Drugs In BC](#) requesting decriminalization. [BC's Chief Coroner](#) has joined the chorus of health officials requesting decriminalization.

In June, 2020 with the overdose epidemic worsening in a number of provinces, the Toronto Board of Health adopted the recommendations in the [Toronto Overdose Action Plan: Status Report 2020](#) from the Toronto Medical Officer of Health, renewing the request to the federal government to decriminalize, at least during the pandemic, and to fund a safer supply of opioids for those who are dependent. Families for Addiction Recovery (FAR) supported these recommendations in a [deputation](#) before the Board.

In the last year we have seen these organizations, cities and a province call for the decriminalization of drug possession for personal use:

- [The Canadian Association of Chiefs of Police \(CACP\)](#)
- [The Globe and Mail](#)
- [The Toronto Star](#)
- [The National Post](#)
- [170 Organizations](#), including FAR, represented by the HIV/AIDS Legal Network
- [City of Vancouver](#)
- [City of Montreal](#)
- [Province of BC](#)

Other organizations calling for an end to the war on drugs include the World Health Organization (WHO), the Global Commission on Drug Policy, the Lancet Commissions, the American College of Physicians, the Canadian Public Health Association (CPHA) and the Canadian Society of Addiction Medicine (CSAM).

REQUEST

We acknowledge that constitutionally this is a federal matter. However, at this time the federal government is responding to requests made by cities rather than applying a Canada wide policy.

We are asking you to follow the lead of our public health experts, addiction physicians, chiefs of police and those most affected by our harmful drug policies and support the decriminalization of drug possession for personal use by requesting/supporting a motion of Toronto City Council that:

- a) calls on the federal government to decriminalize the possession of all drugs for personal use and support the scale-up of prevention, harm reduction, and treatment services; **and**
- b) requests that the federal Minister of Health grant, under section 56 of the *Controlled Drugs and Substances Act*, an exemption from section 4(1) of that Act decriminalizing the possession of controlled substances for personal use for all people in the City of Toronto.

Please help us ensure that young people struggling with addiction are not criminalized for being ill which harms them, their families and society as a whole. The sooner we treat alcohol and other drug use as the health issue that it is, rather than the criminal justice issue that it is not, the more lives (and taxpayer dollars) will be saved.

[Angie Hamilton](#)
Executive Director
[Families for Addiction Recovery](#)
angie@farcanda.org

Families for Addiction Recovery (FAR) is a grassroots Canadian charity founded by parents whose children have struggled with addiction from their teens. FAR was founded in 2016 because the needs of our families are not being met.