



Guardian of Public Trust

June 8, 2022

BRIEFING NOTE:

Purpose: Action Information

TO: Edmonton Police Commission

FROM: Matt Barker, Executive Director
 Edmonton Police Commission

SUBJECT: EPC Discussion on Drug Decriminalization

BRIEFING INTENT:

1. Obtain direction on how EPC wishes to proceed
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BACKGROUND:

On May 17, 2022 the issue of drug decriminalization was raised at a Council meeting related to Community Safety and Wellbeing and a question was directed to the Commission asking what its opinion was on the topic. The Commission committed to discussing the issue at a future meeting.

On a related note, a local news outlet, quoting a VICE news article, asked the same question in late April. They were provided with the following response:

Combatting systemic racism is a priority for the Edmonton Police Commission. The Edmonton Police Service was the first police agency in Canada to acknowledge systemic racism, and the Commission and EPS are working to eliminate it from all aspects of our work.

We know there is a nationwide discussion underway about re-examining Canada's drug laws as jurisdictions attempt to deal with the opioid crisis – and the effects this is having on a number of vulnerable Canadians. We should point out the Commission is not a decision-maker on health policy, or the application of federal drug laws.

Locally, the issue will be decided by Edmonton City Council and the provincial/federal government after hearing from Edmontonians, community groups, health experts, police and law enforcement organizations, and any other group they choose to consult with. We would

anticipate that decision makers take an approach that carefully considers input from community and health experts, as well as ensuring public safety needs are met.

COE Report Information:

In 2018, the Government of Canada established an independent Expert Task Force on Substance Use to explore potential alternatives to criminal penalties for the simple possession of controlled substances. In 2021, the Task Force released two reports to Health Canada which included recommending that criminal penalties related to simple possession and consumption of controlled substances be ended, in addition to recommending a number of other measures to provide a full spectrum of supports for people who use drugs or are in recovery.

A number of jurisdictions across Canada have similarly begun expressing and pursuing interest in decriminalizing small possession and consumption of drugs within their boundaries through a Section 56(1) exemption from the CDSA. In addition to Toronto Public Health, the City of Vancouver (with the support of the Vancouver Coastal Health Authority) and the Province of British Columbia have formally submitted exemption requests to Health Canada. Montreal, Ottawa, and Winnipeg are in earlier stages of exploring potential interest. At this time, Health Canada has not made any decision on the Toronto, Vancouver or British Columbia exemption requests.

On December 7, 2021, the federal government introduced Bill C-5 which among other actions would repeal certain mandatory minimum penalties and establish diversion measures for simple drug possession offenses. On December 15, 2021, a private member's Bill C-216 was introduced, which seeks to: repeal simple possession offenses; expunge certain drug-related convictions; and establish a national strategy on substance use. Both Bills are pending further debate, and if approved, could have a major bearing on any future section 56(1) exemption requests.

The Government of Alberta has established a special committee to examine the concept of safer drug supply which will report back to the Legislative Assembly with recommendations by June 30, 2022. While this committee's mandate does not include exploring the potential benefits and risks associated with decriminalization, that topic has been discussed. Administration will monitor for the completed report and evaluate how the recommendations can support an inclusive and compassionate Edmonton.

Given the differences in public health models, considerations for collaboration and alignment between municipalities and their respective provincial health authorities may vary across Canadian jurisdictions seeking a section 56(1) exemption.

City Council Decision:

On April 19, 2022 City Council made the following decision on the topic:

1. That Administration work collaboratively with stakeholders (including but not limited to Alberta Health Services, Alberta Health, Edmonton Police Services, public health and medical experts, people with lived experience, family and patient advocates, and Indigenous peoples) to:

- a. develop recommendations to reduce drug poisoning injuries and deaths in Edmonton, and
 - b. prepare a draft submission to Health Canada for a section 56(1) exemption to the Controlled Drugs and Substances Act to decriminalize simple personal possession (excluding trafficking) of illicit substances in Edmonton.
2. That Administration develop an intergovernmental advocacy strategy to reduce drug poisoning injury and deaths in Edmonton, including decriminalization of simple personal possession, safe supply, safe consumption sites, treatment and supportive housing.

Analysis

Public Narrative:

The issue of drug poisoning is a critically important topic across Canada as the outcomes desired by all groups is to reduce the death and harm, both to individuals and communities, realized by drug use.

The proposed solution of drug decriminalization can be viewed as a polarizing topic in communities across Canada as there are multiple strategies being advanced by different groups to achieve the shared outcome of reduced harms. The public narrative on different proposed strategies is often emotional and critical of alternate proposed strategies.

Topic Complexity:

Strategies on how to manage drug use, drug poisoning, injuries, deaths, and social disorder in a human centered compassionate manner are complex and difficult to develop. Mechanisms within strategies require significant amounts of data, analysis, expert advice, metrics, agreed outcomes, and significant engagement with communities to gather their thoughts and perspectives.

The City of Edmonton has directed staff to prepare an exemption request to be submitted to the provincial government to decriminalize simple possession of drugs. They are also moving forward on examining further interventions that could be successful on this issue.

The Alberta Association of Chiefs of Police (AACP) currently opposes decriminalization on the premise there are inadequate supports in health, housing, mental health, or other pathways to ensure positive outcomes can be realized with this strategy. The AACP has allocated resources to further study this issue so they can be prepared to offer feedback to the City of Edmonton or other governments as those entities move through their own analysis as they assess the best path forward.

Other groups such as not for profits or social agencies also have a diversity in perspectives on the best path forward that will lead to success.

Recommended Decision

The Governance Committee met to discuss this item. The recommend motion going forward is:

“That the Governance Committee recommend that the Commission approve not taking a position on drug decriminalization. The Commission will support decisions made by the responsible level of government.”

EPC is not a level of government holding statutory authority to seek or grant a decriminalization exemption. The decision makers for this topic are the three levels of government. All levels of government have, or soon will, engage robust processes for gathering information to inform their positions on this complex topic.

Council itself has chosen a path forward on how they will become informed on this topic and also decided to explore seeking an exemption from the federal government. They have correctly chosen to seek input from the police service along with other experts in the space. As of the date of this memo, no document exists suggesting they will be seeking input from EPC.