
City not ready to decriminalize – yet

By the end of March, council will have received a report on how Toronto applied for an exemption to the Controlled Drug and Substance Act

By Jack Farrell

EDMONTON COUNCIL is set to receive a report on the procedural steps Toronto took to request an exemption to the Controlled Drugs and Substances Act (CDSA), which, if approved, will decriminalize personal possession of illicit substances in the city.

Councillor Michael Janz moved the motion requesting the report Feb. 7.

“When we receive the report from Toronto and have a conversation about it,” he said in an interview, “and hear from local Edmonton experts, medical professionals, and people with lived experience, then I can move a motion to direct Edmonton to request a [subsection] 56 exemption from the federal minister Carolyn Bennett.”

[The CDSA](#) subsection in question states that Bennett — minister of mental health and addictions and associate minister of health — may grant exemptions to the CDSA “if, in the opinion of the Minister, the exemption is necessary for a medical or scientific purpose or is otherwise in the public interest.”

Vancouver, Toronto and the province of British Columbia have applied for this exemption for the purpose of decriminalizing personal possession, but Bennett has yet to decide on any of the applications. Vancouver was the first to apply in May, 2021.

“These things take time and, sadly and unfortunately, it’s playing politics with people’s lives,” Janz said. “I’m hoping the minister grants these as soon as possible, and we can move forward quickly.”

Why decriminalization?

Decriminalization is in the public interest and serves a medical purpose, Janz said.

“Decriminalization is not a magic wand by any means, but it can be one less barrier to people seeking treatment, avoiding stigma, and avoiding the negative repercussions of the criminal justice system.

“The further compounding trauma of a criminal justice charge can be a barrier to getting housing, to getting a job, to just moving on with your life.”

On his website, Janz [writes that](#) decriminalization is “also a way for us to tackle the police budget and direct policing services to more efficient and better things.”

According to the most recent [data](#) from the Canadian Centre on Substance Use and Addictions, the total criminal justice costs (policing and courts) for substance use, not including alcohol and cannabis, in Alberta was more than \$600 million in 2017.

Some 852 people were charged with possession under the CDSA in Edmonton in 2020, according to [StatsCanada](#). The Edmonton Police Service does not have publicly available crime statistics.

Alberta police chiefs don't support it

After Janz announced in January that he intends to pursue decriminalization, the Alberta Association of Chiefs of Police released [a statement](#) saying they “do not currently support the decriminalization of illicit drugs, without the required supports being in place.”

“Before decriminalization can be seriously considered, provincial regulations need to be established around key concerns such as consumption around minors, public consumption and disorder regulations, and operation of vehicles,” the statement reads.

The [Vancouver](#) and [British Columbia](#) exemption applications state that operating a vehicle, public consumption, and public intoxication will remain criminal offences. Toronto has not submitted its final exemption application yet.

The [Canadian Association of Chiefs of Police](#) and the [Ontario Association of Chiefs of Police](#) have stated they support decriminalization.

Janz said he expected to face significant pushback on seeking decriminalization in Edmonton.

“But honestly, I haven’t. I’ve actually received a ton of support.”

Different places, different policies

Although Vancouver and British Columbia applied separately for exemptions, there would be some

differences in what exactly is decriminalized.

British Columbia proposed that possession of 4.5 grams or less of opioids (including heroin and fentanyl), methamphetamine, and cocaine and crack cocaine) will qualify as personal possession. The application states that, “nobody found in possession would be subject to confiscation of drugs, arrest, or charge for simple possession.”

The proposed amount is cumulative, meaning that a person in possession of multiple types of drugs will only be allowed to possess a total of 4.5 grams.

Vancouver, however, proposed different amounts for different substances. To be considered personal possession, the amounts must not exceed: two grams of opioids, three grams of cocaine, one gram of crack cocaine, and 1.5 grams of methamphetamine. Vancouver’s application does not state if the proposed amounts are cumulative.

Both applications state that, if someone is found in possession of more than the decriminalized amount, law enforcement can confiscate the drugs and make arrests.

What's next for Edmonton

Edmonton city council will receive the Toronto report before the end of March.

Toronto’s exemption application is being submitted by that city's board of health – something Edmonton does not have. If Edmonton is to pursue decriminalization, city council will have to discuss who will be responsible for submitting the application, Janz said.

“Decriminalization is the bare minimum of what we should be doing.”

“We should be doing safe consumption sites, we should be doing safe supply, we should be doing everything we can to keep Edmontonians alive.”

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