

Public Safety Canada 4th Law Enforcement Roundtable on Drugs

Evolutions in Approaches to Drug
Cases: Diversion, Compassion, and
Decriminalization

March 11, 2021



OVERVIEW

- Relevant PPSC Deskbook Chapters
- Bill C-22
- Drug Treatment Court of Vancouver

PPSC Deskbook

5.13 - Prosecution of 4(1) Offences

- Resort to a criminal prosecution 4(1) offences should generally be reserved for the most serious manifestations of the offence
- In all instances, alternatives to prosecution should be considered unless they are inadequate to address the concerns related to the conduct
- Effective as of August 17, 2020

PPSC Deskbook

3.18 - Judicial Interim Release

- Cites new caselaw in reiterating the principle of restraint
- In exercising their discretion, Crown counsel must consider the appropriateness of all available alternatives to pre-trial incarceration
- Crown counsel must seek the least restrictive restrictions on the presumptive liberty of the accused only if such restrictions are reasonably anticipated to be required to address the primary, secondary and tertiary grounds
- Also deals with the exercise of discretion in bail matters as it relates to Indigenous accused
- Effective January 3, 2020
- Several recent cases from the SCC on the issue of bail

PPSC Deskbook

3.19 - Bail Conditions to Address Opioid Overdoses

- Seeks to minimize or eliminate the imposition of certain bail order conditions for individuals with a substance use disorder with the goal of minimizing short-term detentions for breaches of bail conditions.
- The conditions that should generally not be imposed include:
 - a) “not to be in possession of controlled substances”;
 - b) “not to be in possession of drug use paraphernalia”; and
 - c) broad area restrictions. Area restriction conditions, if imposed, must be carefully tailored to the specific offence and location.
- Where, despite this, such conditions having been imposed, and breach charges or new simple possession charges are being proposed as a result of an arrest, federal prosecutors should take steps to have the new charges dealt with on an out-of-custody basis unless public safety concerns require them to be dealt with on an in- custody basis.
- Updated March 3, 2020

PPSC Deskbook

Other Relevant Chapters

- 6.1 - Drug Treatment Courts
 - Updated March 3, 2020
- 3.20 - Judicial Referral Hearings
 - January 7, 2020
- 2.3 - Decision to Prosecute
 - Updated May 14, 2019
- 3.8 - Alternative Measures
 - March 1, 2014

Bill C-22

- An Act to Amend the Criminal Code and the Controlled Drugs and Substances Act (currently at 2nd reading in House of Commons)
 - The Bill proposes to repeal certain mandatory minimum penalties for certain offences to address the disproportionate impact of those penalties on Indigenous and Black offenders, as well as those struggling with substance misuse
 - Proposes to restore greater availability of conditional sentence orders
 - Proposes to require police and prosecutors to consider other measures for simple possession of drugs such as diversion to addiction treatment programs as opposed to laying charges

Drug Treatment Court of Vancouver

- Specialized court designed to treat substance misuse as a cause of criminal behaviour for those struggling with addiction
- Operating in Vancouver since 2001 out of BC Provincial Court at 222 Main Street
- Have seen a steady increase in demand for the program with the introduction of fentanyl to the drug supply and the ongoing opioid crisis

QUESTIONS?

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