



THE EMPOWERMENT COUNCIL
A Voice for the Clients of the
Centre for Addiction and Mental Health

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Written Submission to

Standing Senate Committee on Legal and Constitutional Affairs

On

Bill C-15, An act to amend the Controlled Drugs and Substances
Act and to make consequential amendments to other acts

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The Empowerment Council

The Empowerment Council (EC) is an organization funded by the Centre for Addiction and Mental Health (CAMH) to do systemic advocacy on behalf of mental health and addiction clients. Our members are either people living with mental health issues and/or addiction currently or in the past. Although we are based at CAMH, we also served people in the community. We provide educational events for clients, services providers and other members in the community.

Activities of The Empowerment Council:

- Consulting clients, through meetings, about people's needs, wants, experiences and thoughts.
- Advocating for what is important to clients to whatever body is most effective for achieving clients' priorities: CAMH, the government, the courts.
- Working at effecting change at CAMH by having a meaningful voice at committees, focus groups, working groups, etc.
- Educating clients and others about client rights, from the CAMH Bill of Client Rights and freedoms protected by the Canadian Charter.

Empowerment Council members' experience has taught them that Bill C-15 will be both harmful and ineffective. It will cost an enormous amount of taxpayer money and not reduce drug use or crime rates. It will primarily hurt people who are hurting themselves, but whose addiction is no more harmful than legal addictions such as alcohol, prescription medications, tobacco or gambling. Mandatory Minimum Sentences are not an humane or productive response to drug use and we urge the government to reconsider proceeding with Bill C-15. We ask that the budget that would be allocated to punishment instead be directed to helping people with addictions.

Bill C-15 (Mandatory minimum sentences for drug offenses)

- Six months in prison for possession of 1 marijuana plant
- One year term for dealing drugs linked to organized crime
- Two years minimum for selling hard drugs to young people
- Increased sentences for growing 5 – 100 marijuana plants
- The Conservative government introduced Bill C15 to reduce drug use and crime rates. The Bill was introduced by Justice Minister Rob Nicholson . The Justice Minister cannot provide proof from any country in the world that mandatory jail time deters drug use or improves public safety. Look at the U.S.; the war on drugs has completely failed, so why follow them?
- Justice Minister Rob Nicholson has responded: "I can tell you, there is support for this bill from many ordinary Canadians who are quite concerned about drug abuse."

He was asked for concrete information and he provided none: no research documenting the benefits of harsh drug sentencing laws, no jurisdiction where they'd cut crime. However, there is considerable research showing that Mandatory Minimum Sentences do not work and cause social harm.

What are the problems with C-15?

- Increases prison population
- Increases costs
- Multiplies HIV/Hepatitis C infections
- Creates/furtheres a black market
- Increases crime rates
- Criminal records

Putting more people into an already over populated prison system will create chaos in the prisons. Prisons are isolating, violent and contain drugs. It will only make people's issues worse. The prison population could increase 10% in the coming years just because of this Bill. Many of the prisoners will be people who were selling at the street level to support their own habit; what they really need is treatment and social programs to help them break the cycle of addiction.

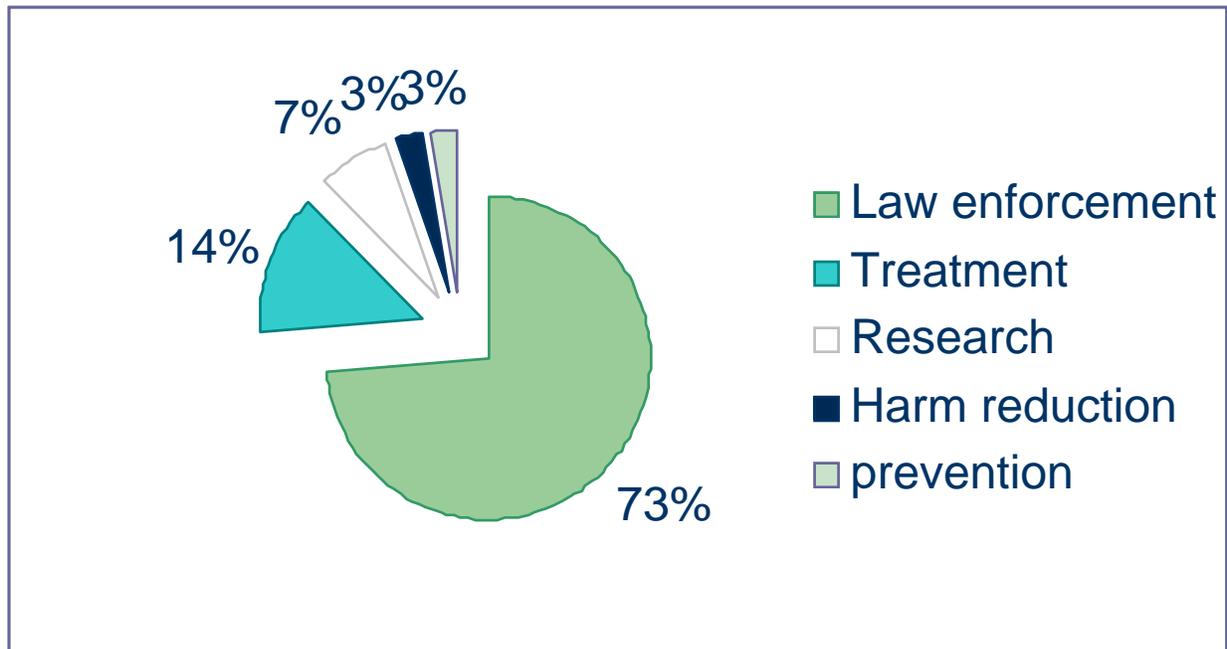
Two decades ago in the U.S. a mandatory minimum law compelled a judge to sentence a 19 yr old man who pleaded guilty to bringing 5 marijuana cigarettes into Canada to 7 years in prison. A young man with no record, a university student. In the U.S. the majority of inmates in federal prisons are first time offenders, are non-violent, and were, at most, street level dealers.

The Costs of Incarceration

2004-2005	Federal Prison: Per day	Total: Per person/ year
Male	\$295.05	\$87,665
Female	\$548.00	\$150,000-
		\$3 billion

- Once you add the costs of policing and the courts, the drug related justice budget is over \$11 billion a year already. The costs of alternatives such as probation, bail supervision and community supervision are much lower.
- For provincial prison it costs \$145 per person per day
- The government wants to build more prisons for the preparation of the increasing demands in the future at a cost to taxpayers of billions of dollars. Building more prisons does not make the community safer, it wastes money.
- **The annual budget for prisons has grown from \$88.5-million in 2006-07 to \$195.1-million this year. It is projected to reach \$211.6-million in 2010-11.**
- Studies have proven that people with substance problems are affected by the social determinants of health such as lack of social and family support, employment, housing, history of abuse and more. It is more cost effective (in human and economic terms) to fund social programs and affordable housing so that people can have their issues addressed and live productive lives.
- If more prisons resulted in less crime, then the U.S would be the safest place in the world.
- This Bill will create a lifetime of problems for many people. Our members ask “Why am I being punished when I have been turned away when I have sought treatment?” Detox centres are often full. Treatment programs have long waits.

2004 – 2005 Drug Policy Budget



- Many cities in Canada are using the 4 pillars approach to drug use: prevention, treatment, harm reduction and enforcement. Each pillar is equally important and they must be integrated and jointly implemented to be effective. Sadly, we are not following the four pillars approach in Canada as a whole. In fact, we are doing the opposite.
- Canada spends 73% of the drug policy money on enforcement, 14% on treatment, 7% on research, 2.6% on prevention and 2.6% on harm reduction. These pillars clearly are not integrated and jointly implemented. They are clearly not even being valued equally by the government.
- If they were shared equally, there could be less waiting time for treatment, more detox beds and social programs and housing. We have a government that is solely focused on enforcement, which is only one piece of the solution.

Increased Rates of HIV & Hepatitis C

- There is copious injection drug use in Federal & Provincial prisons
- No needle exchange program
- Up to 10 people share 1 syringe
- HIV cases in prison increased 35% in 5 years
- 30% of Canada's inmates have Hep C
- Prison is not the place to kick the habit; according to Correctional Services of Canada 40% of inmates have used drugs in their institutions. With the increase, greater numbers of people in prison are sharing needles. There are no needle exchange programs in prison, so inmates use the same needle every time and share with others. It is reported up to 10 people use the same needles in prison, often using pens to inject drugs. Correctional Services of Canada reports that HIV rates for federal inmates is 7 to 10 times higher than the public, Hepatitis C about 30 times higher.
- The lack of prison needle exchange programs means transmission of blood borne diseases.
- Access to healthcare in prison is limited and can lead to people having infections and liver dysfunction from HIV/AIDS and Hep C. We are going to see people requiring more hospitalization, expensive medications and possibly liver transplants in the near future. Once the individuals are released, difficulty accessing medications and care creates further risks to their health.

Prohibition Creates the Black Market

Drug	Price per Kg
<u>Heroin</u>	
Farmgate (Opium)	\$50
Domestic wholesale	\$2,870
U.S wholesale	\$80,000
U.S retail	\$290,000

- It takes 10 kilo of opium to make 1 kilo of heroin.
- Criminalization creates a black market in the drug world and fosters organized crime.
- Economic laws defeat criminal laws. This is a waste of government resources. Prohibiting drugs drives the price up so the government is actually enhancing profits for drug sellers. This Bill is not going to stop this system, quite the contrary, it entrenches it. The real profiteers in the drug market are those who traffic in large quantities of drugs (the so called high level dealers). They are the ones who distance themselves from the visible drug trafficking activities and are rarely captured by law enforcement; instead it is the street level drug distributors who commonly end up being charged. Yet harsh minimum sentences are mandated for dealing in any quantity of drugs.
- The high level dealers almost never get caught because they are in a better position to trade - who will get hurt the most from this bill are the street level dealers, individuals who may be selling to support their own habit and/or because there is a lack of better jobs or educational opportunities for them. It's obvious they can make a big profit by selling drugs, but its only because there are no better opportunities for them.

What We Should Do

- Abandon criminal prohibition
- Fund treatment programs & social services
- Extend drug treatment court services
- Extend safe injection site & exchange program
- Support prevention programs for youth

The government introduced the Bill to look tougher on crime but it is proven to be ineffective in terms of improving health and reducing the fiscal costs associated with illegal drug use. It is counterproductive and costing the public massive dollars. As our members observe “This Bill neither prevents a problem nor presents a solution.”

- The drug problem should be seen as a social and health issue, not a criminal one.
- We need policy makers to reallocate funds to social programs, treatment programs and housing to support people to get the help they need. We need programs that will oversee social determinants of health for individuals. We also need services and programs to be accessible so people can get services in a timely manner.
- Drug treatment court is an excellent program for people with a non violent offense, not only helping with individual addiction issues but also helping to reconnect with family, employment, housing and setting goals for future. The government should continue funding this program and extend the programs in other cities as well.
- So far, Canada has funded one safe injection site in North America in Vancouver. It offer users a clean and safe place to use their drugs with nurses supervising. The main goal of the site is to avoid overdoses and the spread of HIV and Hep C. It serves 800 users per day. Toronto is studying having a similar program.
- More needles exchange programs are needed, in prison as well. The harm reduction approach works!
- We need funding to educate youth about drug use and mental health issues such as the effect of trauma, a widespread issue for people addicted to drugs.

Our members observe that addiction wants people isolated and self hating. Incarceration helps only the addiction, not the person with it.

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