



Evidence-Based Decriminalization

This document summarizes and supplements the report, *Decriminalization: Options and Evidence* (2018), available on the CCSA website.

Within the context of the current discussions in Canada, decriminalization refers to the removal of criminal sanctions for possession of small amounts of illegal substances. Diversion, on the other hand, retains criminal penalties, but provides options to avoid these penalties through fines or orders to health and social supports, such as treatment.

Evidence indicates that decriminalization promotes a health and social approach to substance use and is an effective way to mitigate the harms associated with substance use and substance use policies. Decriminalization removes the harms of a criminal record, such as stigma and barriers to future employment.

However, as is often the case with legislation, the devil is in the details. No one intervention, including decriminalization, can stand alone in addressing the complexity of substance use. Key considerations to guide an evidence-based and effective approach to decriminalization are discussed in the following paragraphs.

Continuum of Services

A continuum of services that are comprehensive and provide sustained social and healthcare capacity is a vital component of an effective response. This continuum includes grassroots community supports as well as more formal health system interventions that are evidence-informed and person-centred and available when and where they are needed.

Threshold Quantities

Thresholds provide clarity and consistency in the application of the law. However, threshold limits that are set too low result in reduced impact by limiting eligibility. Providing some flexibility can allow police to consider unique needs or circumstances, such as polysubstance use and people who buy in bulk due to geographical or financial constraints, but introduces the risk of inequitable application. Working with people with lived and living experience of substance use when setting thresholds can ensure that quantities realistically reflect patterns of substance use.

Equity

Indigenous and Black people, people from other minority groups, and their families and communities have disproportionately felt the social and health harms of the criminalization of drugs. Centring diverse voices through leadership opportunities and meaningful consultations supports effective policy that reduces inequities (Bain et al., 2021).



Stigma

Decriminalization of personal possession is a step towards destigmatizing addiction and substance use. It allows people who use substances to seek support without the fear of stigma and criminal or legal repercussions, which encourages a health and social approach to substance use.

Net Widening

Net widening is the term used to describe what happens when there is an increase of individuals caught in criminal justice processes following the implementation of a diversion or decriminalization scheme. Net widening usually occurs when the diversion option is easily administered, when there are incentives for police to issue higher numbers of administrative sanctions (e.g., performance targets) or when there are criminal justice sanctions for non-compliance.

People with Lived and Living Experience of Substance Use

People with lived and living experience of substance use provide valuable knowledge and experience and unique insight into both the current context and possible impacts of proposed options. Centring these voices through leadership opportunities and meaningful partnerships is essential to improving services and developing approaches that can be effectively implemented (Canadian Centre on Substance Use and Addiction, 2021).

References

- Bain, K., Kreps, T.A., Meikle, N., & Tenney, E. (2021). Amplifying Voice in Organizations. *Academy of Management Journal*, 64(4). <https://doi.org/10.31234/osf.io/cz6fk>.
- Canadian Centre on Substance Use and Addiction. (2021). *Guidelines for Partnering with People with Lived and Living Experience of Substance Use and Their Families and Friends*. <https://www.ccsa.ca/sites/default/files/2021-04/CCSA-Partnering-with-People-Lived-Living-Experience-Substance-Use-Guide-en.pdf>.

