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**INTER-AMERICAN DRUG ABUSE
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CICAD**

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**ALTERNATIVES TO INCARCERATION IN CANADA
DEPARTMENT OF JUSTICE, CANADA**



Government
of Canada

Gouvernement
du Canada

Alternatives to Incarceration in Canada

Presentation to

Inter-American Drug Abuse Control Commission
(CICAD)

April 2015

Canada The wordmark for Canada, with a small red maple leaf icon above the letter 'a'.



Government of Canada Approach

- The Government of Canada has a range of measures for dealing with drug-related crime, as set out in laws and supported by programs.
- The National Anti-Drug Strategy focuses on:
 - preventing illicit drug use and abuse of prescription drugs;
 - treating those with addictions; and
 - enforcing the law to address trafficking and production of illicit drugs.



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Presentation Outline

- Canada's laws and sentencing principles
- Alternative measures



Drug Policy Legislation in Canada

- *Controlled Drugs and Substances Act (CDSA)*
 - Main legislation for drug offences
 - Provides statutory basis to fulfil international drug convention obligations
- *Criminal Code*
 - Covers some drug-related offences
- *R. v. Shoker Act*



Youth and Criminal Justice

- *Youth Criminal Justice Act*
 - Separate laws for youth between 12 and 18 years old
 - Principles:
 - Protect the public
 - Hold youth accountable
 - Proportionate measures
 - Promote rehabilitation, reintegration, crime prevention



Sentencing Principles and Alternative Measures

- Proportionate sentences to the nature of the crime
- Judicial discretion in sentencing for less serious drug offences
- Mandatory minimum penalties for serious drug offences



Alternative Measures – Drug Treatment Courts

- Drug Treatment Court Funding program – agreements between the federal government, provinces and territories
- Builds on six pilot sites
- Participants are those accused of a non-violent offence – accused have to apply to the program
- Applicants are screened out for commercial drug trafficking, history of violence, involvement of a youth in an offence, or a break-and-enter charge



Alternative Measures – Restorative Justice

- Focus is on repairing the harm caused by a crime through the involvement of the community
- Included in Canadian legislation
- Some programs link to traditional Aboriginal justice practices and are supported through the Aboriginal Justice Strategy



Alternative Measures – Youth Offenders

- Jail is a last resort
- Law enforcement must consider alternative measures before charging a youth
- Broad-range of sentencing options
- Alternatives are supported through the Youth Justice Fund



Aboriginal Justice

- Special Gladue sentencing principles
- Principles recognize the unique systemic or background factors
- Sentencing procedures and sanctions respect what might be appropriate for an Aboriginal offender



Conclusion

- Alternative measure options are available through the law and programs
- Canada remains opposed to decriminalization
- Seek to punish production and trafficking, while working towards prevention and treatment