FIFTY-SEVENTH REGULAR SESSION
April 29 - May 1, 2015
Washington, D.C.

ALTERNATIVES TO INCARCERATION IN CANADA
DEPARTMENT OF JUSTICE, CANADA
Alternatives to Incarceration in Canada

Presentation to

Inter-American Drug Abuse Control Commission (CICAD)
April 2015
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.
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