

JHS Canada

The Senate's Report on Canadian Cannabis Policy: Leading the Way to Rational, Evidence-Based Drug Policies

Last week the Senate Special Committee on Illegal Drugs issued its final report on the status of cannabis in Canada. This report culminates two years of intensive study with the goal of assessing the effectiveness/rationality of current policy, and considering alternatives based on best available information. The Committee's overall conclusion is that current policy (prohibition) is both unjustified and ineffective, and that controlled legalization would be a better option for Canada at this time. This document is intended as a reaction to the Senate report from the perspective of the John Howard Society of Canada.

We believe that the Senate should be commended on its open, fact-based analysis of this important social issue. We are firmly convinced of the need for "evidence-based" analyses of social policy, and are impressed with the frankness and objectivity that the Committee employed as it confronted the multitude of myths that stand behind our current policies on cannabis. In accordance with our goal of "just, effective, and human responses to the causes and consequences of crime" we feel that the Senate report accurately assesses some of the most important problems associated with the prohibition of cannabis, and suggests meaningful and rational changes that would improve our ability to deal with this and other illicit drugs. Highlights of the report include:

- A frank discussion of the philosophical struggle between promoting individual autonomy and enabling social control that sits mostly unconsciously behind the issue of illicit drugs. We fully agree with the Committee's statements that: "The goal of governance is freedom, not control" (p. 11), and "Only offences involving significant direct danger to others should be matters of criminal law" (p. 12).
- Rejection of the "gateway theory" which says that use of cannabis leads to use of harder drugs like cocaine and heroin (p. 15). The gateway theory has long been used by those favoring the strict control of cannabis as justification for prohibition.
- Acknowledgment that the lack of up-to-date epidemiological data on cannabis use in Canada hinders the development of good evidence-based drug policy (p. 14).
- A recognition that the use of cannabis itself is not a cause of delinquency or violence (p. 15).
- The development of a more sophisticated "continuum" of cannabis use that includes experimental, recreational, at-risk, and excessive use. This moves away from the less discerning belief that "all use is abuse" which sits behind the failed prohibitionist paradigm and facilitates our ability to focus rehabilitative efforts on users in the at-risk and excessive use categories (pgs. 16, 26, and 44).
- A recognition that the consensual nature of drug crimes, coupled with the long standing monopoly on drug policymaking and implementation enjoyed by the "bureaucratic enforcement complex," has led to the dangerous expansion of enforcement powers that can threaten the basic Charter rights of Canadian citizens (p. 24).
- Acknowledgment that prevention is superior to enforcement; that we have generally under-funded prevention in favor of enforcement; that the focus of prevention should be self empowerment not control; and that using enforcement related assets (i.e., police) to deliver preventative drug education is counterproductive (p. 26).
- Recognition that treatment is more effective and less costly than incarceration (p. 28).

- Development of a systematic cost/benefit analysis of current cannabis laws that suggest that the costs associated with enforcement (\$300M/yr) probably greatly outweigh the social costs (externalities) associated with cannabis use (p. 29).
- Recognition that "The international drug control conventions are, at least with respect to cannabis, an utterly irrational restraint that has nothing to do with scientific or public health considerations" (p. 30), and "The international conventions constitute a two-tier system that regulates the synthetic substances produced by the North and prohibits the organic substances produced by the South, while ignoring the real danger the substances present for public health (p. 32).
- Recognition of the harms that have been perpetrated on those convicted of simple cannabis possession, and the call for amnesty for all those who have been convicted of this offense in the past (p. 46).

We find it encouraging that many of the findings of the Senate's report on Canadian cannabis policy support the basic position of the John Howard Society of Canada. Specifically, that overly punitive responses to crime often do more harm than good, especially in the long term. The Senate's report will be an invaluable tool as we attempt to demonstrate this fact to mainstream society and fashion lasting solutions to major social issues.

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