

MEDIA RELEASE

The Evidence is Clear: Bill S-10 Will Result in Expensive, Ineffective Sentencing

Health, research and academic leaders oppose proposed law's mandatory minimum prison terms, which do not reduce violence or drug use or improve public health and safety

Ottawa and Vancouver - Over 550 health professionals, including more than 260 physicians, researchers, and scientists, from across Canada have voiced clear opposition to proposed drug sentencing legislation in an open letter issued to the federal government this morning.

Canada's federal government has tabled Bill S-10, the *Penalties for Organized Crime Act*, which proposes a range of amendments to the *Controlled Drugs and Substances Act* and other Acts including introducing mandatory minimum prison sentences for drug offenses.

Canadian health professionals, researchers, and scientists, led by the Urban Health Research Initiative, a program of the BC Centre for Excellence in HIV/AIDS (BC-CfE), the Canadian HIV/AIDS Legal Network and the Canadian Public Health Association argue that "tough on crime" measures included in Bill S-10 are ineffective and expensive.

"The scientific evidence shows that mandatory minimum sentences will not cut violent crime, reduce drug use or improve public safety," said Dr. Thomas Kerr, Co-Director of the Urban Health Research Initiative. "To turn the tide on organized crime and drug use in Canada we need illicit drug policies based on the best available scientific evidence. Unfortunately, Bill S-10 turns its back on evidence-based research in favor of misguided political appeal."

Scientists, researchers, and health professionals signed an open letter explaining to the federal government that mandatory minimum sentences for drug crimes are a costly and ineffective response to drug use and organized crime in Canada. The letter also notes that Bill S-10 will have negative impacts on youth, people of Aboriginal ancestry, and the public health of Canadians.

"Mandatory minimum sentences neither prevent organized crime nor deter the use of illicit drugs," said Richard Elliott, Executive Director of the Canadian HIV/AIDS Legal Network. "The Canadian government is proposing a policy direction that has cost jurisdictions in the United States billions of dollars without achieving the desired benefits of lower crime and better public health."

Mandatory minimum sentence legislation is being repealed in New York, Michigan, Massachusetts, and Connecticut due to high costs to taxpayers and the disproportionate harms caused to ethnic minority communities.

"Bill S-10 will put small scale growers of marijuana in jail for a minimum of six months, even though the RCMP's study of some 25,000 cultivation files reveals that violence or the threat of violence among cultivators is rare," stated Neil Boyd, professor and Associate Director of the

School of Criminology at Simon Fraser University. “We will be spending tens of millions of dollars to imprison individuals who represent little if any real threat to the public.”

Bill S-10 comes at a time of growing consensus that drug policy approaches that prioritize public health are more effective at curbing drug use and drug-related harms than costly enforcement schemes, such as those proposed in Bill S-10. Data from Portugal, the Netherlands, Switzerland, and other settings suggest that public health-oriented illicit drug policies have resulted in positive and sustained reductions in a variety of harms from drug use, such as HIV infection, and have not resulted in increases in illicit drug use.

“Public health experts and academics recognize that ‘get tough’ policies such as mandatory minimum sentences do not achieve their intended goals and come with financial, social, and public health costs that Canadians are not prepared to accept,” said Dr. Julio Montaner, Director of the BC Centre for Excellence in HIV/AIDS. “It is time to abandon ineffective ‘get tough’ policies in favour of scientific, evidence-based policies. Let’s trade ‘get tough’ for ‘get smart’ policies.”

Bill S-10 will be before the House of Commons alongside the new federal budget. A full list of researchers, scientists, and health professionals who have signed the letter can be found online at www.uhri.cfenet.ubc.ca.

-30-

About the British Columbia Centre for Excellence in HIV/AIDS:

The BC Centre for Excellence in HIV/AIDS (BC-CfE) is Canada’s largest HIV/AIDS research, treatment and education facility. The BC-CfE is a program at St Paul’s Hospital, Providence Health Care, a teaching hospital of the University of British Columbia. Located in Vancouver, Canada, the BC-CfE is dedicated to improving the health of British Columbians with HIV through the development, monitoring and dissemination of comprehensive research and treatment programs for HIV and related diseases.

About the Urban Health Research Initiative:

The Urban Health Research Initiative (UHRI), established in 2007, is a program of the BC-CfE. UHRI’s mission is to improve the health of individuals and communities through research to inform policy. UHRI research programs are based on a network of studies that have been developed to help identify and understand the many factors that affect the health of urban populations, with a focus on substance use, infectious diseases, the urban environment and homelessness.

About the Canadian HIV/AIDS Legal Network:

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization.

MEDIA CONTACT:

Mahafrine Petigara

Edelman (on behalf of the BC Centre for Excellence in HIV/AIDS)

mahafine.petigara@edelman.com

604-623-3007 ext. 297



Why Oppose Bill S-10 & Mandatory Minimum Sentences?

Health, research and academic leaders from across Canada have signed an open letter to the Canadian federal government voicing their concerns over Bill S-10. This fact sheet explains Bill S-10 and reviews the reasons health-care experts oppose this bill—specifically, its introduction of mandatory minimum sentences for drug offences.

WHAT IS BILL S-10?

Bill S-10 is proposed federal legislation that seeks to introduce a range of amendments to the Controlled Drugs and Substances Act and related Acts, including the introduction of mandatory minimum sentences for a variety of drug-related offences. Formerly known as Bill C-15, it has been reintroduced as Bill S-10 and is currently being considered by the House of Commons. The stated intent of this legislation is to reduce and deter organized crime and serious drug offences.

WHY WON'T BILL S-10 WORK?

Under existing laws, large-scale traffickers of drugs such as cocaine or heroin can face sentences as high as life imprisonment. Mandatory one- to two-year sentences will likely have little effect in deterring serious drug traffickers and, instead, will likely disproportionately affect low-level street dealers and people who inject drugs and smoke marijuana. People who inject drugs and engage in drug dealing often live in poverty and suffer from severe addiction or mental illness. Low-level drug dealers perform the highest risk job of directly selling drugs so that large-scale traffickers remain out of the public eye.

WHY ARE THESE SPECIFIC SIGNATORIES OPPOSING BILL S-10?

Mandatory minimum sentences for drug crimes are a costly and ineffective attempt at reducing drug-related crime that will have disproportionate impacts on certain populations—in particular, individuals of Aboriginal ancestry—and negative consequences for the public health of Canadians.

Mandatory minimum sentences have already proven to be ineffective.

- Research from the US shows that mandatory minimum sentences for drug crimes are not effective in reducing drug use or drug-related crime.
- A report prepared for the Canadian Department of Justice concluded that: “Drug consumption and drug-related crime seem to be unaffected, in any measurable way, by severe MMS [mandatory minimum sentences].”¹
- Several states in the US (e.g., New York, Michigan, Massachusetts, Connecticut) are now considering repealing mandatory minimum sentencing regimes because of their ineffectiveness and high cost.

Over-emphasizing drug law enforcement negatively affects public health and rates of HIV transmission.

- According to the Correctional Service of Canada, approximately 1 in 20 inmates is HIV-positive and 1 in 3 has hepatitis C (HCV).²
- This legislation, if implemented, will result in additional prison overcrowding and can be expected to:
 - Contribute to further increases in HIV and HCV risk behaviour in prison;
 - Adversely affect health-care budgets, as the average medical cost of each case of HIV infection is estimated at \$250,000.³

Bill S-10 will cost taxpayers billions.

- Similar sentencing regimes introduced in the US have cost taxpayers billions of dollars.
 - The reasons given by US jurisdictions for repealing mandatory minimum sentencing legislation are: (1) the policy's ineffectiveness; (2) the disproportionate harms caused to ethnic minority communities; and (3) the extreme costs to taxpayers.
- The Canadian government has yet to produce detailed budget estimates on the potential costs of implementing mandatory minimum sentences.
 - Canadians are experiencing difficult economic times, increasing concern about the economy, and large, ongoing federal government budget deficits. This bill has been brought before the House of Commons despite the fact that complete, reliable cost estimates have not been provided.

Bill S-10 and mandatory minimum sentencing will have a disproportionately negative impact on people of Aboriginal ancestry and youth.

- In Canada, people of Aboriginal ancestry and youth are already disproportionately incarcerated.
- The proportion of Aboriginal persons admitted into correctional facilities has more than doubled over the past 30 years, and Aboriginal adults now account for about 17% of adults admitted, despite making up only 3% of the general population.⁴
- Mandatory minimum sentences will likely lead to higher levels of incarceration and worsening drug-related harms experienced by these groups, while doing nothing to address the underlying causes of addiction.

“Bill S-10 will put small-scale growers of marijuana in jail for a minimum of six months,” says Neil Boyd, Professor of Criminology at Simon Fraser University. “We will be spending tens of millions of dollars to imprison individuals who represent little if any real threat to the public.”

CONCLUSION

The challenges posed by substance use and organized crime do not warrant the implementation of non-evidence-based policies such as Bill S-10. These policies would place an enormous burden on taxpayers and cause considerable health-related harm, while failing to improve community health and safety.

The federal government must demonstrate leadership in addressing these challenging issues by abandoning Bill S-10. Signatories are calling on the government to reject ineffective and costly incarceration schemes for non-violent drug offenders and instead develop scientifically grounded policies that meaningfully address drug-related health and social harms, are fiscally responsible, and are “smart on crime.”

References

- ¹ Gabor T, Crutcher, N. Mandatory minimum penalties: their effects on crime, sentencing disparities, and justice system expenditures. Ottawa: Research and Statistics Division, Department of Justice Canada; 2002. Accessed January 20, 2011: http://www.justice.gc.ca/eng/pi/rs/rep-rap/2002/rr02_1/rr02_1.pdf.
- ² Canadian HIV/AIDS Legal Network. HIV and hepatitis C in prisons. Briefing paper. 2008. Accessed January 1, 2011: <http://www.aidslaw.ca/publications/publicationsdocEN.php?ref=842>
- ³ Canadian HIV/AIDS Legal Network. Mandatory minimum sentences for drug offences: why everyone loses. Toronto: Briefing paper; 2006. Accessed January 1, 2011: <http://www.aidslaw.ca/publications/interfaces/downloadFile.php?ref=1455>
- ⁴ Perreault, S. The incarceration of Aboriginal people in adult correctional services. Ottawa: Statistics Canada; 2009. Accessed January 20, 2011: <http://www.statcan.gc.ca/pub/85-002-x/2009003/article/10903-eng.htm#a1>