Minute No. 442
Report – Executive Policy Committee – May 18, 2022

Item No. 8 Decriminalization for Simple Possession of Illicit Drugs

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee, as amended, and adopted the following:

1. That Council place on record its support of the Canadian Association of Police Chiefs "four pillar approach", as outlined in Attachment A, including supervised consumptions sites, decriminalization of simple possession, safe supply, and diversion and treatment, and the Policy Brief on Indigenous Harm Reduction approach including their six policy and practice recommendations, as outlined in Attachment B.

2. That the Winnipeg Public Service be directed to:

   A. Communicate Council's support of Recommendation 1 to the Federal Minister of Public Safety and the Provincial Minister of Municipal Affairs.

   B. Request that the Federal and Provincial Governments take action that would financially support the four pillars and six policy and practice recommendations including treatment and diversion as part of the decriminalization of simple possession of illicit drugs, as outlined in Attachment A and B.

   C. Request an update from the Federal Government on the adoption of a framework that encompasses a comprehensive approach to address drug-related issues and obtain an update on fairness, affordability and accessibility of criminal record suspensions and the progress for Black and Indigenous Winnipeggers and report back to the Executive Policy Committee with this information.

3. That subject to the approval of Recommendation 1, to allow for a whole of government approach, that the Public Service be directed to report back in 120 days with a process to review requests for letters of support by Community Based Organizations in Winnipeg who wish to apply to Health Canada for an exemption from provisions of the Controlled Drugs and Substances Act. The process developed by the Public Service should not overburden organizations in their application process but rather afford the entire Public Service an opportunity to ensure organizations making an application have the resources they need to provide the support for the four pillars and six policy and practice recommendations, as outlined in Attachment A and B.

4. That the Proper Officers of the City be authorized to do all things necessary to fulfill the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,
Moved by His Worship Mayor Bowman,
Seconded by Councillor Rollins,

BE IT RESOLVED that Item 8 of the report of the Executive Policy Committee dated May 18, 2022 be amended by deleting Recommendation 3 in its entirety and replacing it with the following:

3. That subject to the approval of Recommendation 1, to allow for a whole of government approach, that the Public Service be directed to report back in 120 days with a process to review requests for letters of support by Community Based Organizations in Winnipeg who wish to apply to Health Canada for an exemption from provisions of the Controlled Drugs and Substances Act. The process developed by the Public Service should not overburden organizations in their application process but rather afford the entire Public Service an opportunity to ensure organizations making an application have the resources they need to provide the support for the four pillars and six policy and practice recommendations, as outlined in Attachment A and B.

The motion for the adoption of the amendment was put.

The Councillor Rollins called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Eadie, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 16

Nay: 0

and the amendment was declared carried.

The motion for the adoption of the item, as amended, was put.

The Councillor Rollins called for the yeas and nays, which were as follows:

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DECISION MAKING HISTORY (continued):

Yea: His Worship Mayor Bowman, Councillors Allard, Chambers, Eadie, Gilroy, Klein, Mayes, Orlikow, Rollins, Santos, Schreyer and Sharma 12

Nay: Councillors Browaty, Gillingham, Lukes and Nason 4

and the motion for the adoption of the item, as amended, was declared carried.

The following persons submitted communication in support of the matter:

- Dr. Lisa Lazarus submitted a communication dated May 25, 2022
- The Sex Workers of Winnipeg Action Coalition submitted a communication dated May 24, 2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2022, the Executive Policy Committee passed the following motion:

1. That Council place on record its support of the Canadian Association of Police Chiefs "four pillar approach", as outlined in Attachment A, including supervised consumptions sites, decriminalization of simple possession, safe supply, and diversion and treatment, and the Policy Brief on Indigenous Harm Reduction approach including their six policy and practice recommendations, as outlined in Attachment B.

2. That the Winnipeg Public Service be directed to:

    A. Communicate Council's support of Recommendation 1 to the Federal Minister of Public Safety and the Provincial Minister of Municipal Affairs.

    B. Request that the Federal and Provincial Governments take action that would financially support the four pillars and six policy and practice recommendations including treatment and diversion as part of the decriminalization of simple possession of illicit drugs, as outlined in Attachment A and B.

    C. Request an update from the Federal Government on the adoption of a framework that encompasses a comprehensive approach to address drug-related issues and obtain an update on fairness, affordability and accessibility of criminal record suspensions and the progress for Black and Indigenous Winnipeggers and report back to the Executive Policy Committee with this information.

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

3. That subject to the approval of Recommendation 1, if a Community Based Organization in Winnipeg applies to Health Canada for an exemption from provisions of the Controlled Drugs and Substances Act that the Winnipeg Public Service be directed to write a letter in support of the Community Based Organization in line with the support for the four pillars and six policy and practice recommendations, as outlined in Attachment A and B.

4. That the Proper Officers of the City be authorized to do all things necessary to fulfill the intent of the foregoing.

and submitted the matter to Council.

The following persons submitted communications in support of the matter:

- Janis Gillam submitted a communication dated May 11, 2022;
- Jonny Mexico submitted a communication dated May 16, 2022;
- Lorie English, Women's Resource Centre, submitted a communication dated May 16, 2022;
- Silas Koulack submitted a communication dated May 17, 2022

COUNCIL DECISION:

On April 28, 2022, Council ruled automatic referral of the following motion to the Executive Policy Committee:

WHEREAS overdose data of harms and death grow year after year indicating a drug poisoning crisis in Winnipeg and urgent need for a comprehensive public health approach by all levels of government;

AND WHEREAS Criminalization makes it difficult for people who use drugs to access harm reduction services, increasing risks and subjecting them to more health and/or social harms;

AND WHEREAS the decriminalization of small amounts of drugs that other jurisdictions are considering in consultation with Health Canada does not alter the illegality of all activities associated with drug trafficking such as production and sale, which remains illegal and subject to criminal investigation by law enforcement agencies under the Controlled Drugs & Substances Act;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS prosecution of drug crimes result in Black and Indigenous populations being over-represented in drug possession arrests in Canada, and convictions and resultant criminal records carries stigma that can block people from accessing housing, employment, and education;

AND WHEREAS in July, 2020, the Canadian Association of Police Chiefs issued a report titled "Decriminalization for Simple Possession of Illicit Drugs: Exploring Impacts on Public Safety and Policing" (the CAPC Report);

AND WHEREAS the CAPC Report recognizes substance abuse disorder as a public health issue and that decriminalization is a process "requiring integrated partnerships and access to diversion measures";

AND WHEREAS the CAPC Report endorses a "four pillar approach' which includes treatment, harm reduction, enforcement, and prevention;

AND WHEREAS the CAPC Report states that decriminalization does not exist in isolation, and that four elements are part of the required actions, including a) supervised consumption sites, b) decriminalization of simple possession, c) safe supply and d) diversion and treatment;

AND WHEREAS Policy Brief of Indigenous Harm Reduction written by the Indigenous Harm Reduction Advisory Committee contains six recommendations for Indigenous Harm Reduction Policy and Practice including: 1. Indigenous Community based leadership, 2. Peer lead Engagement and Support, 3. Multi-level and Multi sectoral approaches, 4. Diverse and inclusive, 5. Evidence and evaluation, and 6. Adequate sustained funding.

THEREFORE BE IT RESOLVED:

1. That Council place on record its support of the Canadian Association of Police Chiefs "four pillar approach", as outlined in Attachment A, including supervised consumptions sites, decriminalization of simple possession, safe supply, and diversion and treatment, and the Policy Brief on Indigenous Harm Reduction approach including their six policy and practice recommendations, as outlined in Attachment B.

2. That the Winnipeg Public Service be directed to:

    A. Communicate Council's support of Recommendation 1 to the Federal Minister of Public Safety and the Provincial Minister of Municipal Affairs.

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

B. Request that the Federal and Provincial Governments take action that would financially support the four pillars and six policy and practice recommendations including treatment and diversion as part of the decriminalization of simple possession of illicit drugs, as outlined in Attachment A and B.

C. Request an update from the Federal Government on the adoption of a framework that encompasses a comprehensive approach to address drug-related issues and obtain an update on fairness, affordability and accessibility of criminal record suspensions and the progress for Black and Indigenous Winnipeggers and report back to the Executive Policy Committee with this information.

3. That subject to the approval of Recommendation 1, if a Community Based Organization in Winnipeg applies to Health Canada for an exemption from provisions of the Controlled Drugs and Substances Act that the Winnipeg Public Service be directed to write a letter in support of the Community Based Organization in line with the support for the four pillars and six policy and practice recommendations, as outlined in Attachment A and B.

4. That the Proper Officers of the City be authorized to do all things necessary to fulfill the intent of the foregoing.