

March 3, 2023

To members of Region of Waterloo Council and the Waterloo Region Police Services Board:

Re: De facto decriminalization of drug possession: A cost-savings policy change for the Region of Waterloo

I write this letter in response to the January 26th letter sent to Regional Council by Mark Crowell, Chief of Waterloo Region Police Service (WRPS) in regard to my December 15th, 2022 letter to Regional Council and the Police Services Board, and following the January 18th, 2023 presentation at the Strategic Planning and Budget Committee Public Input Session on the topic of *de facto* decriminalization of drug possession. The proposal was included in the Committee's agenda package but to my knowledge, has not, to date, been made available to the Police Services Board. In essence, the proposal for *de facto* decriminalization would entail ending drug possession charges within Waterloo region in an effort to reduce the burden on publicly funded budgets, advance equity, and improve health and safety of all regional residents.

I am currently engaged in communication and meetings with WRPS Superintendent and Chair of the Waterloo Region Integrated Drug Strategy (WRIDS) Eugene Fenton on the topic of *de facto* decriminalization, among other pressing drug policy issues facing the Region and I am looking forward to our ongoing productive conversations and future research partnerships. However, it is important to respond specifically to the letter drafted by Chief Crowell. This response is an effort to surface and address misinformation and get to the crux of the issue so that we can move forward collaboratively and in a productive fashion.

On a surface level, a 54.4% reduction in the issuance of simple possession charges since 2020 may appear to be an admirable change. However, in 2021, Waterloo Region was still ranked the jurisdiction with **6th highest rate** of opioid-related offences nationally.¹ Analyses of national data for 2022 has not yet been published. Without comparison to other communities, and based on data provided by WRPS alone, approximately **one person is charged per day** in Waterloo Region for simple drug possession (n=359). This is also only a partial picture. It is not known how many individuals are investigated and arrested (but not charged) as well as how many drug confiscations occur annually, which we know leads to increased crime (e.g., theft to procure more drugs). The benefits of laying possession charges are unclear, particularly in an era of widespread support for equity-seeking approaches generally, and decriminalization specifically, including the former Regional Council, our current Medical Officer of Health, and local, provincial, and national entities with significant expertise in drug-related issues.

Chief Crowell indicates that there are inherent risks associated with *de facto* decriminalization without citing any peer-reviewed publications in this area. I requested this evidence 1-month ago but have yet to receive any additional communication on this matter. Chief Crowell cites public

¹ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm>

confusion around open drug use as the basis for these inherent risks – though this does not seem to justify a continued criminalization of our most vulnerable community members during an overdose epidemic solely on the grounds that the public may be confused.

It is tragic that over the last 4 years there has been an average of 1 drug poisoning death per year of a child under 5 years of age due to accidental/negligent exposure to illegal drugs. However, it is unclear how criminalizing simple possession will address this. Indeed, WRPS pursues other charges in these matters, including criminal negligence causing death,² and further, evidence suggests that criminalization obstructs health and social opportunities.³ Finally, Chief Crowell cites an increase in impaired driving (by alcohol or drug) charges in 2022 as justification for the criminalization of drug possession due to public safety risk. However, in his February 1, 2023, budget presentation to Council,⁴ Chief Crowell states: “As cannabis has become legalized, we are seeing a growth in drug impairment on our roadways,” which is about the use of cannabis (a legal substance). While data is not publicly available, I hypothesize that the overwhelming majority of impaired driving offences in Waterloo Region are the result of alcohol (not illegal drugs), and individuals can be charged with a variety of impaired driving charges for these offences.⁵

As the Co-Chair of the community-based Drug Action Team, I look forward to working in partnership to address drug policy misinformation and taking an evidence-based approach to advancing community health, safety and well-being; reducing budgets and taxes; and serving the public interests of the Region of Waterloo via *de facto* decriminalization of personal drug possession.

Sincerely,



Geoff Bardwell, PhD

Assistant Professor, School of Public Health Sciences, University of Waterloo
Co-Chair, Drug Action Team



Cc. Mark Crowell, Chief of Police
Eugene Fenton, WRPS Superintendent and WRIDS Chair
Bruce Lackner, CAO, Region of Waterloo

² <https://www.cbc.ca/news/canada/kitchener-waterloo/child-death-cambridge-drug-overdose-wrps-1.6227059>

³ <https://bit.ly/3PwSLOv>

⁴ Starts at 1:15:42; https://www.youtube.com/live/rRVj_e4yDQ?feature=share&t=4541

⁵ <https://www.justice.gc.ca/eng/cj-jp/sidl-rlcfa/>