

TIMES COLONIST

'A little baloney' in claim decriminalizing pot wouldn't help youth, stop crime

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OTTAWA - "It is important to understand that decriminalization does not achieve either of our objectives, which are, one, to keep marijuana out of the reach of young people and two, to take profits out of the hands of organized crime." — Michel Picard, parliamentary secretary to the minister of public safety.

For three years, Prime Minister Justin Trudeau has argued that legalizing marijuana is the best way to keep the drug away from children.

His 2015 election platform promised to legalize, regulate and restrict access to marijuana because the current prohibition against the drug is not keeping it away from children and causes too many Canadians to end up with criminal records for possessing even a small amount of pot. Legislation is expected next spring.

But last month, the New Democrats called on the Liberal government to decriminalize simple possession of small amounts marijuana until legalization comes into effect.

Attorney General Jody Wilson-Raybould said that was not on.

"Canadians, both adults and youth, would continue to purchase a product of unknown potency and quality while fuelling the profits of organized crime," Wilson-Raybould said in the House of Commons June 13.

That is the same message Picard spoke of last week, explaining why the law remains the law and will continue to be enforced until a new law is enacted.

Does decriminalization really work against the goals of keeping marijuana out of the hands of young people and deterring organized crime?

Spoiler alert: The Canadian Press Baloney Meter is a dispassionate examination of political statements culminating in a ranking of accuracy on a scale of "no baloney" to "full of baloney" (complete methodology below).

This one earns a rating of a little baloney — the statement is mostly accurate but more information is required. Here's why.

THE FACTS

— Health Minister Jane Philpott told the United Nations in April that the Liberal government would introduce legislation to legalize marijuana in the spring of 2017.

— According to Statistics Canada, 57,314 people were charged with possession of cannabis in 2014, the most recent year for which numbers were available.

— Decriminalization of marijuana is most commonly understood to mean no arrest, jail time or criminal record for anyone caught with a small amount of the drug intended for personal use, sometimes restricted to the first offence.

— There are several jurisdictions around the world that have decriminalized, or plan to decriminalize, marijuana in one way or another, including Portugal and about 20 American states, a few of which have gone on to bring in legalization.

WHAT THE EXPERTS SAY

On the face of it, says Eugene Oscapella, the statement is accurate because decriminalizing possession does nothing to address the supply side of the equation.

"As long as your source of supply remains criminalized, then it is going to remain in the hands of criminal organizations and people who are willing to flout the law to produce the drug and sell it," said Oscapella, a lawyer who lectures on drug policy in the criminology department at the University of Ottawa.

That would include selling it to youth, he said.

The idea that decriminalization is only a "half measure" is the reason the Centre for Addictions and Mental Health (CAMH) in Toronto calls for legalization in the cannabis policy framework it released in 2014.

The policy paper concludes that while there are significant advantages to decriminalization — including keeping more people out of the criminal justice system and bringing down enforcement costs — the model does not address some of the other harms of prohibition.

If marijuana is unregulated, the framework says, users will still know little about the potency or quality of the drugs they are using.

It is also harder for health care professionals to focus on prevention and it might also encourage the commercialization of cannabis production without creating the regulatory tools to mitigate those effects.

Choosing a model such as imposing fines — like the ticketing regime the Canadian Association of Chiefs of Police proposed in 2013 — could also lead to unintended consequences such as casting a wider net that affects a greater number of people even if the penalty is less severe, the paper argued, and do little to improve the inequity that comes from racialized minorities being more often charged with cannabis offences.

"You're not solving the key problems of illegality, but you're also creating a whole slew of new ones that are really not helping the public health objectives," said Dr. Benedikt Fischer, a senior scientist at CAMH who helped develop the framework.

In a statement emailed Wednesday, Joanne Ghiz, a spokeswoman for Wilson-Raybould, cited this framework as support for the government's position.

But does the statement really serve as a complete answer to the question of why the federal government has decided not to decriminalize as one step on the path to legalization?

Not entirely, as research on other jurisdictions that have decriminalized the drug did not find a huge or lasting impact on usage rates.

A study published in the Journal of Public Health Policy in 2000, for example, looked at the impact of decriminalization measures in Australia and the United States — where a number of states decriminalized possession of the drug in the 1970s.

"The available data indicate that these decriminalization measures substantially reduced enforcement costs, yet had little or no impact on rates of use," said the article, referencing statewide evaluations in Oregon, Maine, Ohio and California.

Harvard economics professor Jeffrey Miron, who thinks all drugs should be legalized, said decriminalization would do little to exacerbate the problems the Liberal government is trying to solve with the legalization of cannabis.

"There is no good reason to avoid decrim(inalization) as a short-term measure," said Miron, who is also director of economic studies at the Cato Institute, a libertarian-leaning think tank based in Washington, D.C.

"It's a silly halfway house, but it's not a harmful halfway house," he said.

THE VERDICT

The Liberal government might be right when it says that decriminalization does not do much to keep marijuana away from youth and profits away from criminals, but the statement does not do enough to explain why the government refuses to bring it in as an interim measure.

There are some who argue that decriminalization would be too much work for a such a short period of time. But others, including Oscapella, have said Wilson-Raybould could simply issue a directive under the Public Prosecutions Act ordering Crown counsel to avoid proceeding with prosecution for simple possession offences.

For that reason, Picard's statement earns a ranking of a little baloney: the statement is mostly accurate but more information is required.

METHODOLOGY

The Baloney Meter is a project of The Canadian Press that examines the level of accuracy in statements made by politicians. Each claim is researched and assigned a rating based on the following scale:

No baloney - the statement is completely accurate.

A little baloney - the statement is mostly accurate but more information is required.

Some baloney - the statement is partly accurate but important details are missing.

A lot of baloney - the statement is mostly inaccurate but contains elements of truth.

Full of baloney - the statement is completely inaccurate.