



Research and Statistics Division



questions & answers

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Drug Use and Offending

by:

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Q1. How has drug legislation changed recently?

Since May 1997, the *Controlled Drugs and Substances Act* governs all drug offences in Canada.

Prior to 1997, the two most important federal statutes dealing with illicit drugs were the *Narcotics Control Act* (NCA) and the *Food and Drugs Act* (FDA). The *Narcotics Control Act* governed over 120 different types of drugs such as cocaine, heroin, opium, and cannabis. The NCA did not distinguish one drug from another. For example, cannabis and cocaine offenders were subject to the same criminal procedures and penalties. The *Food and Drugs Act* governed the regulation of pharmaceutical drugs, food, cosmetics, and medical devices. Two parts most specifically dealt with the non-medical use of specific drugs: Part III governed "controlled drugs" (such as amphetamines, barbiturates, testosterone) while Part IV governed "restricted drugs" (such as LSD, and other hallucinogenic drugs). The maximum penalties were less strict under the FDA than the NCA.

The *Controlled Drugs and Substances Act* (CDSA)

In May 1997, the *Controlled Drugs and Substances Act* (CDSA) was adopted in Parliament to replace both the NCA and the FDA. This new legislation does the following:

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- 1) Consolidates the illicit drug legislation into one comprehensive act;
- 2) Creates a new offence - Production of a controlled substance;
- 3) Expands the scope of the offences - offences include not only the substances listed in the act but also those substances having similar chemical structure as a controlled substance;
- 4) Decreases some of the previous maximum sentences but increases others - for example, the maximum penalty for trafficking cannabis and possession of cannabis for the purpose of trafficking was reduced from life imprisonment to imprisonment of five years minus one day, but only if 3kg or less was involved;
- 5) Incorporates some changes triggered by decisions under the *Charter of Rights and Freedoms* - for example, the minimum sentence under the NCA for importing and exporting narcotics was seven years. The Supreme Court ruled that such a high minimum sentence of imprisonment violated the *Charter of Rights and Freedoms*.

Major Offence Types

The *Controlled Drugs and Substances Act* consists of six common drug offences as well as two drug-related offences:

- 1) Possession
- 2) Trafficking
- 3) Possession for the purpose of trafficking

- 4) Production
- 5) Importation and Exportation
- 6) Prescription Shopping (also known as "double doctoring" which consists of obtaining a prescription from a practitioner without disclosing that a prescription for that same controlled drug had been obtained within the previous 30 days)

Federal Drug Offence Penalties

The maximum penalties under the *Controlled Drugs and Substances Act* for most of the offences are severe. For instance, for offences such as trafficking, possession for the purpose of trafficking, production, importation and exportation, the maximum penalty is life imprisonment, when it involves any Schedule I¹ drug. The maximum penalties for cannabis offences, if lesser quantities are involved are significantly lower than for cocaine or heroin. However, importation and exportation of cannabis remains a serious offence and the maximum penalty remains life imprisonment. Depending on the drug types (Schedules I to IV), the penalties differ considerably as penalties for Schedule III and IV drugs are lower than for Schedule I and II drugs.

Source: *Criminal Code of Canada, Controlled Drugs and Substances Act.*

Q2. What are the most recent Canadian statistics on drug use?

Recent drug use surveys were done in Ontario with a sample of high school students, as well as a national study of university students was undertaken recently in Canada. Worldwide statistics also are available through the United Nations' Office for Drug Control and Crime Prevention (ODCCP).

Ontario Student Drug Use Survey (1999)

The Ontario Survey is the longest ongoing study of youth drug use in Canada done by the Centre for Addiction and Mental Health. This survey has been conducted every two years since 1977. In 1999, close to 5,000 high school students participated in this survey, administered by the Institute for Social Research at York University. All students from grades 7 to 13 inclusively were surveyed about their consumption patterns of alcohol, cigarettes, and licit or illicit drugs. These data are available by

¹ See Appendix A for a list of all scheduled drugs under the CDSA.



gender, by grade and by region. For more information on this study, please visit http://www.camh.net/addiction/ont_study_drug_use.html.

The most common drugs used by students in this survey were cannabis, hallucinogens and stimulants. The results showed that almost one-third (29%) of students in Ontario had used cannabis in the past year: 34% of males and 25% of females. Almost one-half (48%) of grade 11 students had used cannabis in the past year compared to 4% of grade 7 students. For hallucinogens, one-in-six (16%) males and 11% of females had used this drug type in the past year, and proportions varied between 1% for grade 7 students and 25% for grade 13 students. Higher proportions of females than males had used stimulants in the past year (10% versus 6% respectively), and proportions varied between 13% of grade 13 students to 2% of grade 7 students (see Appendix B, Table 1 for more information).

Canadian Campus Survey (1998)

The Centre for Addiction and Mental Health also conducted, in the fall of 1998, the Canadian Campus Survey among 7,800 university undergraduate students in 16 universities across Canada. Students were asked about their alcohol and other drug use, alcohol problems, consequences of alcohol consumption, and the context and characteristics of drinking occasions. Data are available by gender, years of study, living arrangements and region.

As with results shown above, the most common illicit drug used by university students was cannabis. Almost one-third (29%) of university students had reported using cannabis during the previous 12 months, while one-in-ten (10%) reported using illicit drugs other than cannabis during the same period. Men reported slightly higher rates of cannabis use (30% versus 28%) and of other illicit drugs (12% versus 9%) in the past twelve months compared to women. And finally, students living away on campus (36%) or off campus (31%) reported higher rates of cannabis use compared to students living with their family (25%). For more information on this survey, please visit : http://www.camh.net/press_releases/can_campus_survey_pr29300.html

World Drug Report (2001)

The latest United Nations Drug Control Program (UNDCP) results in their World Drug Report estimate that the extent of drug abuse in the world involves about 180 million people, which represents 3% of the global population. The majority of drug users (80%) used cannabis, followed by amphetamine-type stimulants such as methamphetamine, amphetamine and substances of the ecstasy group (16%), cocaine (8%), heroin (5%) and other opiates (2%).²

An analysis of prevalence estimates of specific drug types was undertaken using data collected in the late 1990s.

Cannabis Use

Of the estimated 144.1 million users of cannabis, the UNDCP estimates that the highest proportion lives in Asia (37%), followed by Africa (19%), North America (15%), Western Europe (12%), South America (10%), Eastern Europe and Oceania (3% each). These users represent almost 20% of Oceania's population aged 15 and over followed by North America (7%), Africa (6%) Western Europe (5%), South America (5%), Asia and Eastern Europe (2% each).

Amphetamine Use (methamphetamine, amphetamine and substances of the ecstasy group)

It was estimated that there were 24 million users of amphetamines in the world in the late 1990s. Of these, 58% lived in the Americas³, 14% in Western Europe, 11% in Africa, 10% in Asia, 5% in Eastern Europe and 3% in Oceania. They represent 2.9% of Oceania's population, 0.8% in Western Europe, 0.7% in Asia, 0.5% (each) in the Americas and Africa, and 0.4% in Eastern Europe.

Of the estimated 4.5 million users of ecstasy, 51% lived in Western Europe, 27% in North America, 9% in Oceania, 7% in Eastern Europe, 4% in Asia, 2% in Africa and less than 1% in South America. These users represented 1.6% of Oceania's population aged 15 and over, 0.6% in Western Europe, 0.4% in North America, 0.1% in Eastern Europe, 0.02% in Africa, 0.01% in South America and 0.01% in Asia.

² It should be noted that frequently, drug users take more than one substance, therefore, total exceeds 100% or 180 million users.

³ Data was not available separately for North and South America.

Heroin Use

Of the estimated 9.2 million heroin users in the world, 61% lived in Asia, 15% from Europe, 13% from the Americas⁴, 6% in Oceania and 5% in Africa. These represent between 0.12 % and 0.22% of the population of these continents.

Cocaine Use

Of the estimated 14 million cocaine users in the world, 50% lived in North America, 22% in South America, 16% in Western Europe, 9% in Africa and 1% (each) lived in Asia, Oceania and Eastern Europe. Those users represented 2.2% of the population aged 15 and over in North America, 1.1% of the population in South America, 0.9% in Oceania, 0.7% in Western Europe, 0.3% in Africa, 0.04% in Eastern Europe and 0.01% in Asia.

This report is available at :

http://www.undcp.org/global_illicit_drug_trends.html.

Sources:

Gliksman, L., Demers, A., Adlaf, E. M., Newton-Taylor, B., Schmidt, K. (2000). *Canadian Campus Survey 1998*. Centre for Addiction and Mental Health.

Adlaf, E.M., Paglia, A., Ivis, F.J. (2000). *Drug Use Among Ontario Students 1977-1999 - Findings from the OSDUS*. Centre for Addiction and Mental Health, Research Document Series No. 5.

United Nations Office for Drug Control and Crime Prevention (2001). *Global Illicit Drug Trends 2001*. ODCCP Studies on Drugs and Crime, New York, ISBN 92-1-148140-6.

Q3. What is the public attitude towards decriminalization of drugs?

One-in-three Canadians believe that possession of a small quantity of marijuana should not be a criminal offence.

Possession should result in a fine

In a poll conducted in March 2002 by *Gallup*, 37% of Canadian were in favour of decriminalizing possession of a small quantity of marijuana. Four-in-ten (40%) believed that possession should result in a fine, while 22% believed that possession should be a criminal offence. While the proportion of respondents who believed that possession should be a criminal offense decreased 13 percentage

⁴ Ibid.

points since the first time the question was asked by Gallup in 1977, the proportion of respondents who are in favor of decriminalization has significantly increased by 14 percentage points from 1977 to 2002. The proportion of Canadians who agree that possession should result in a fine has decreased from 48% in 1999 to 40% in 2002.

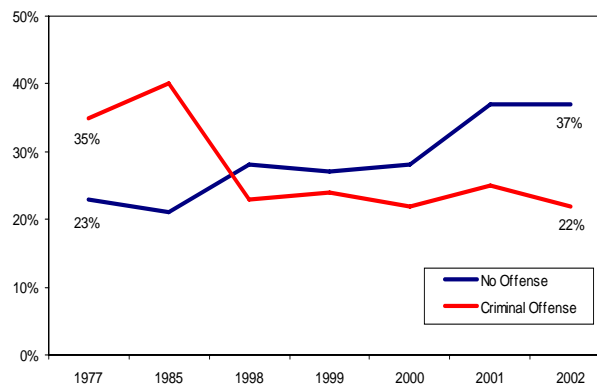


Figure 1 : Public Support for Marijuana Possession 1977-2002

Source: *The Gallup Poll*, April 19, 2002, Volume No.62, No.22.

Gender differences in opinions toward decriminalization

Men were more likely than women to believe that possession should not be an offence (43% versus 31% respectively) while Canadians aged 50 to 64 years old were most favourable (44%) to decriminalizing possession of small quantities, followed by respondents aged 18-29 (41%), 30-39 (35%), 40-49 (35%) and 65+ (26%).

British Columbia respondents are most favourable towards decriminalization

Public opinion on whether possession should be an offence varies from one region to another. Four-in-ten (44%) British Columbia respondents favoured decriminalizing the possession of marijuana, followed by Quebec (41%), the Atlantic provinces (38%), Ontario (35%), and the Prairies (29%).

Source: *The Gallup Poll*, April 19, 2002, Volume No.62, No.22.



Q4. What do Canadians think about the medical use of soft drugs?

Eight-in-ten Canadians are in favour of the legalization of marijuana use for medicinal purposes.

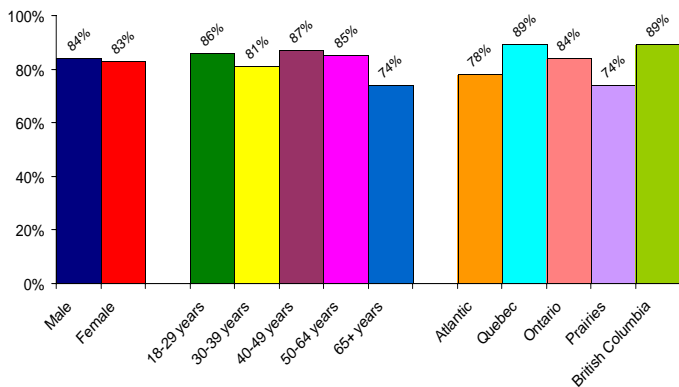
Support is high in Quebec and British Columbia

In a recent poll conducted in March 2002 by *Gallup*, support for the legalization of marijuana for medicinal purposes was highest among Quebec and British Columbia residents (89% each), followed by Ontario (84%), the Atlantic region (78%) and the Prairie provinces (74%).

High support for medical use of marijuana in all age groups

There is considerable support for the medical use of marijuana in all age groups and men and women support legalization in similar proportions.

Figure 2 : Characteristics of Public Support for Legalization of Marijuana for Medicinal Purposes 2001



Source: *The Gallup Poll*, April 19, 2002, Volume No.62, No.22.

Q5. How is the health care system affected by drug use and abuse?

Of the 3.2 million admissions to hospitals and deaths recorded in Canada in 1998/1999, less than 1% involved illicit drug poisoning.

Drug-related suicide attempts cause a majority of hospitalization due to poisoning

Of the 30,423 hospitalizations for illicit drug poisoning in Canada in 1998/1999, the majority of hospitalizations were related to a suicide attempt (57%). Poisoning and accidental poisoning constituted a little over one-fifth (22%) of hospitalizations while one-in-ten (9%) individuals admitted to a dependence or abuse of illicit drugs. Drug psychosis constituted 7% of all hospitalizations for illicit drug poisoning while less than 5% of hospitalizations were for non-dependent abuse of drugs.

Over the past three years, there has been a 10% decrease in the total number of hospitalizations due to drug poisoning in Canada (from 33,818 hospitalizations in 1996/97 to 30,423 hospitalizations in 1998/1999). Decreases were reported for most of the categories reported above. The largest decrease was reported for suicides (-13%) while a small increase for non-dependent abuse of drugs was reported (+2%) (See Appendix B, Table 2 for more information).

The majority of illicit drug-related deaths are suicides

In 1998, almost 900 deaths in Canada were attributed to illicit drug use or abuse, the majority of which were related to suicide (55%), followed by illicit drug poisoning (42%). Less than 3% of all deaths attributed to poisoning involved drug psychosis and drug dependence/abuse.

Between 1996 and 1998, there has been an 18% increase in the total number of drug-related deaths in Canada (from 752 to 886). While drug poisoning deaths increased 74% between those years, drug-related suicides decreased only 7%. Deaths related to drug dependence/abuse increased from 11 deaths in 1996 to 24 deaths in 1998 (See Appendix B, Table 3 for more information).

Source: Canadian Institute for Health Information, Hospital Morbidity Database (1996/97, 1997/98 and 1998/1999) and Statistics Canada. *Causes of Death 1996, 1997 and 1998*.

Glossary

Actual incidents:	When a crime is reported to the police, the incident is recorded as a “reported” incident. Police then conduct a preliminary investigation to determine the validity of the report. Occasionally, crimes reported to the police prove to be unfounded. Unfounded incidents are subtracted from the number of reported incidents to produce the number of “actual incidents”.
Incidents Cleared by Charge:	When a police investigation leads to the identification of a suspect, an “information” is laid against that person (i.e. the person is formally charged). From a statistical point of view, the laying of an information means that at least one actual incident can be “cleared by charge”.
Incidents Cleared Otherwise:	In some cases, police cannot lay an information even if they have identified a suspect and have enough evidence to support the laying of an information. Examples include cases of diplomatic immunity, instances where the complainant declines to proceed with charges against the accused, or cases where the alleged offender dies before he or she can be formally charged. Such incidents are considered to be “cleared otherwise”, that is, other than by the laying of a charge.
Adult/ Youth Charged:	The UCR Survey also records the number of persons charged. For incidents that are cleared, the survey collects the number of adults charged by sex as well as the number of youth (aged 12 to 17 years) charged by sex. The “persons charged” category includes the number of people charged (not the number of charges laid) or recommended for charges by the police. A person who is simultaneously charged with more than one offence is counted according to the most serious offence, even if the offences occurred in more than one incident. In addition, persons may be counted more than once throughout the year, that is, individuals are counted on each occasion that they are charged by police.

Source: Canadian Centre for Justice Statistics. Canadian Crime Statistics 2000. Statistics Canada, Catalogue number 85-205-XPE, pp. 72-74.

Q6. How many drug offences were reported by the police in 2000?

There were 87,945 actual offences reported which accounted for almost 4% of all offences reported by the

police in 2000 (Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics).

Majority of drug offences are possession

The majority of drug offences (62%) reported by the police were for possession, while 25% were related to drug trafficking⁵. The remaining 13% consisted of drug importation and drug production offences (see Appendix B, Table 4 for more information). This has remained consistent with the numbers reported in 1998.

Drug possession rate is higher

Drug offence rates also varied per offence type. For instance, the drug possession rate was almost 3 times higher than the drug trafficking rate (178 versus 70 per 100,000 population), and almost 5 times higher than the drug importation/production (178 versus 38 per 100,000 population) (see Appendix B, Table 4 for more information).

Cannabis is the most prevalent drug

Overall, three-quarters of all drug offences involved cannabis, 15% involved cocaine, 9% involved other drugs, 1.4% involved heroin and less than 1% involved restricted and controlled drugs. This is consistent with drug consumption patterns examined earlier in Question 2 (see Appendix B, Table 5 for more information).

Different drug types for different offence types

Eight-in-ten (83%) possession offences reported by the police involved cannabis while one-in-ten (9%) involved cocaine. Heroin comprised 1% of all drug possession charges reported by the police.

Drug trafficking offences showed different patterns according to the drug type reported. One-in-two trafficking offences involved cannabis while 35% involved cocaine and 13% involved other drugs. Heroin (3%) and restricted and controlled drugs (1%) trafficking offences were reported in a considerably lower proportion.

The majority of importation/production offences involved cannabis (87%). One-in-ten (9%) importation offences involved other drugs, 3% involved cocaine and less than 1% involved heroin (see Appendix B, Table 5 for more information).

⁵ Includes trafficking as well as possession for the purpose of trafficking.



Q7. Are offenders always charged by the police when drugs are involved?

A criminal charge was laid in more than one-half of all drug incidents reported by the police.

Drug offences and violent offences have the lowest reported/charged ratio

In 2000, for every 2 drug offences reported, one resulted in a charge laid by the police. This ratio is identical to violent offences. However, property offences have a lower charge ratio of 7:1, which means that for 7 property offences reported, one charge is laid by the police (see Appendix B, Table 6 for more information).

Low ratio for drug trafficking

Of the different types of drug charges reported by the police, importation/production is the least likely offence to result in the laying of a criminal charge (3:1) while virtually all trafficking offences result in a charge (1:1) (see Appendix B, Table 7 for more information).

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics.

Q8. Over the past 20 years, has there been a change in the drug offence rate reported by the police?

The drug offence rate decreased by 5.6% from 1980-2000, from 303 offences per 100,000 population in 1980 to 286 offences in 2000. The most recent rate however, represents a 9% increase from 1999.

Consistent decline over the years

Despite a 44% increase since 1993, the long term trend has shown a consistent decline in the drug offence rate from 1978 to 2000, with a high of 303 offences per 100,000 population in 1980 to a low of 198 offences per 100,000 population in 1993.

Decrease in possession drives the trend

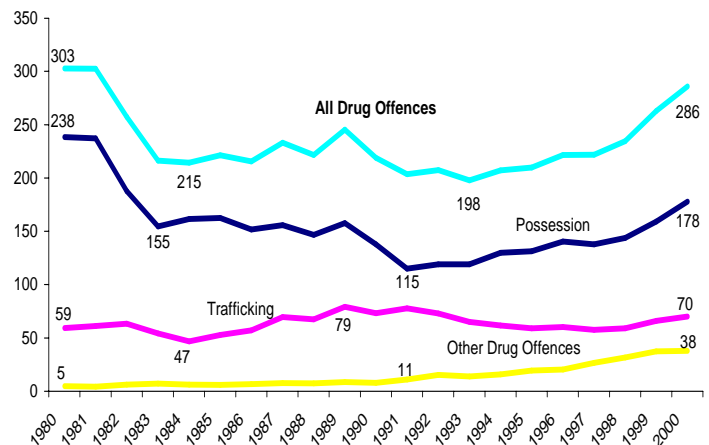
The drug possession rate affected the overall drug offence rate. Possession decreased considerably (25%) between 1980 and 2000. It decreased by 35% in 1983 and kept decreasing to its low of 115 offences per 100,000

population in 1991. Since 1991 however, it increased by 55% to 178 drug possession offences per 100,000 population.

The trend over the past 20 years was slightly different for drug trafficking offences. It increased by 19% from 1980 to 2000. However, the fluctuations were not as drastic as drug possession offences (from 59 offences in 1980 to 79 offences in 1989). It has been in slow decline since 1991, going from 78 offences per 100,000 population to 70 in 2000.

For other drug offences (importation and cultivation), the rate has steadily increased over the past 20 years, from 5 offences per 100,000 population in 1980 to 38 offences in 2000.

Figure 3 : Drug Offence Rate by Drug Offence Type (per 100,000 population) Canada, 1978-2000



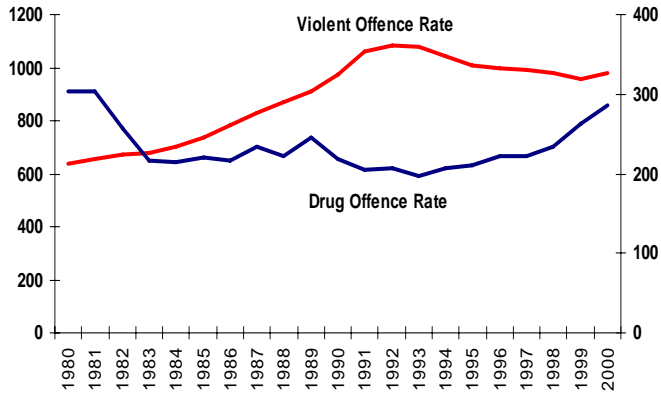
Source: *Uniform Crime Reporting Survey*, Canadian Centre for Justice Statistics.

As violent and property offence rates decrease, drug offence rates increase

A correlation analysis was done to determine the influence of other offence types on the overall drug trend. The results obtained were statistically significant, meaning that there is a negative correlation between police reports of violent or property offences and police reports of drug offences, that is, drug offence rates increase with the decrease of violent offence rates, and vice versa. The correlation coefficient was -0.49697, out of maximum of 1.0. More specifically, from 1980 to 2000, violent offence rates slowly increased from 636 per 100,000 population to a peak of 1,084 per 100,000 population in 1992 only to decrease consistently until the last year to a rate of 982 per 100,000 population. During

that same period, drug offence rates decreased from 303 offences per 100,000 population to a low of 198 per 100,000 population in 1993, only to increase significantly since to 286 drug offences per 100,000 population in the year 2000.

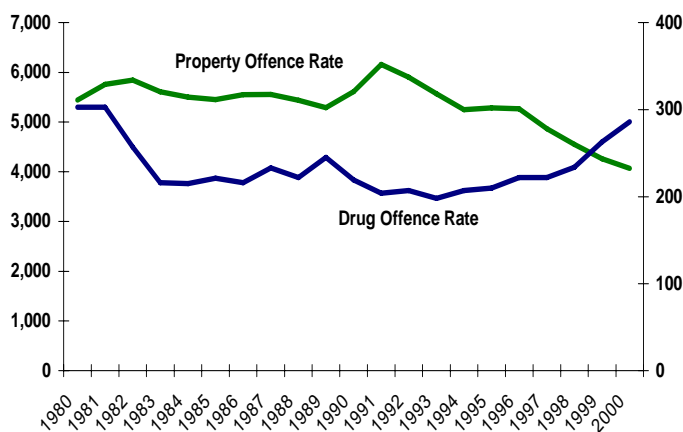
Figure 4: Violent and Drug Offence Rate (per 100,000 population) Canada, 1980-2000



Source : Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Similarly, property offence rates were also negatively correlated with the drug offence rate during that same period. The correlation coefficient was -0.32601, out of a maximum of 1.0. More specifically, property offence rates increased from 5,444 offences per 100,000 population in 1980 to a high of 6,160 offences per 100,000 population in 1991, only to decrease to a low of 4,070 offences per 100,000 population in the year 2000.

Figure 5: Property and Drug Offence Rate (per 100,000 population) Canada, 1980-2000

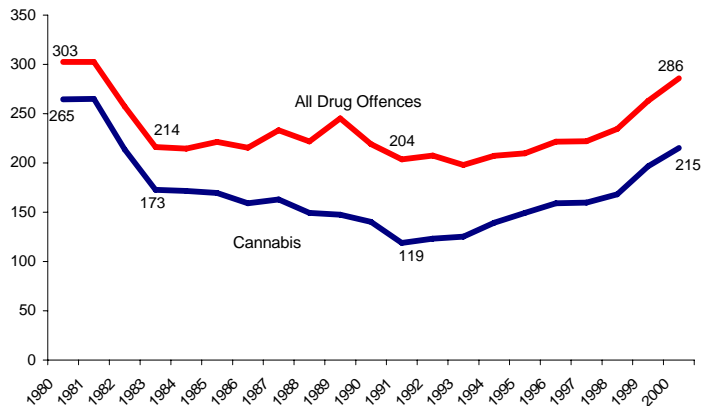


Source : Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Cannabis Rates follow Overall Trend Rate

Cannabis offence rate affected the overall drug offence rate as seen in the figure below. The cannabis offence rate is 19% lower in 2000 compared to 1980. It decreased drastically between 1980 and 1983 (-35%) and kept decreasing to its low of 119 offences per 100,000 population in 1991. Since 1991 however, it increased considerably to 215 drug possession offences per 100,000 population in 2000 (+81%).

Figure 6 : Total Drug Offence and Cannabis Offence Rates (per 100,000 population) Canada 1980-2000



Source : Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

For other drug types, cocaine and other drugs followed similar patterns, where those offence types increased considerably from 1980 to 1989 (cocaine rate in 1989 was almost 8 times higher than 1980 - for other drugs, the rate was 3 times higher), only to decrease slowly up until 2000. The rate reported in 2000 was however, six times higher than 1980 for cocaine, and almost 3 times higher for other drugs.

Heroin rates remained fairly consistent through the 20-year period examined while controlled/restricted drug offences decreased 95% from 19 per 100,000 population in 1980 to 1 per 100,000 population in 2000.



Q9. Are there provincial/territorial differences in the proportions and rates of drug offences reported by the police?

In 2000, British Columbia reported the highest drug offence rate among the provinces.

Majority of drug offences reported in Ontario

Of the 87,945 drug offences reported by the police in Canada, 33% were reported in Ontario, 25% in British Columbia and 22% in Quebec. The Atlantic provinces accounted for 7% of the volume reported in Canada, while the Prairie provinces reported 13% of all drug offences. The territories reported less than 1% of all drug offences in 2000. This is similar to the numbers reported in 1999.

Among the provinces, the highest drug offence rates were recorded in British Columbia with 538 drug offences per 100,000 population. Prince Edward Island (232) and Manitoba (182) reported the lowest drug offence rates per 100,000 population (see Appendix B, Table 8 for more information).

Among the provinces, most have experienced increases in the overall drug offence rate from 1999 to 2000. The largest increases have been reported in Alberta (+19%) and Newfoundland (+13%) while the largest decreases were reported in Saskatchewan (-10%).

Q10. How often are youth and females charged with drug offences?

Of all drug charges laid by the police in 2000, one-in-seven accused was a youth and one-in-seven was a female.

Youth are less often charged with a drug offence

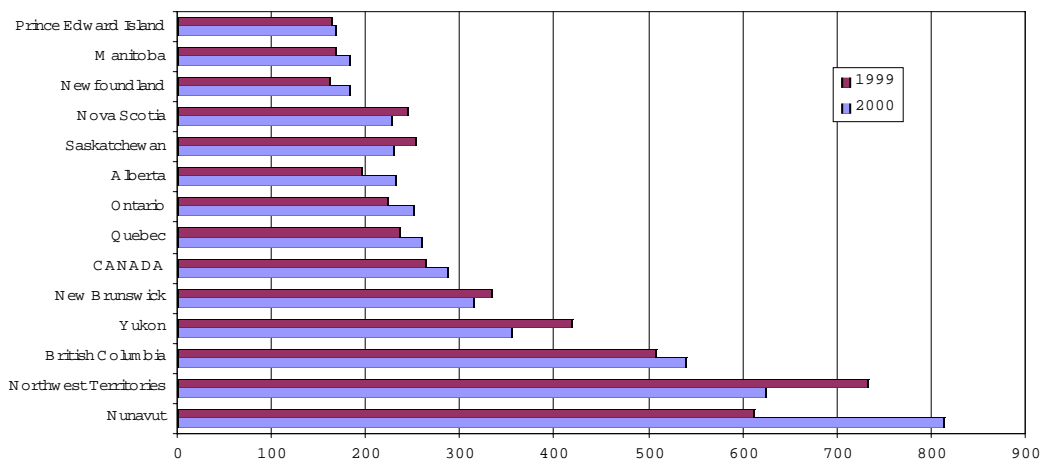
Youth comprised 14% of the total number of individuals accused of drug offences which is less than the overall proportion of youth (21%) charged with a *Criminal Code* offence.

Two-thirds (69%) of all drug charges against youth were for drug possession. This is higher than the proportion of adults charged with a possession offence (54%). Moreover, adults are more likely to be charged with trafficking than youth (35% versus 29%), and with importation/production (11% versus 2%) (see Appendix B, Table 9 for more information).

Youth account for a higher proportion of individuals charged with cannabis possession and heroin and cocaine trafficking

Three-quarters (74%) of youth charged with a cannabis offence were charged with possession, compared to almost two-thirds (62%) of adults charged with a cannabis offence. In contrast, 15% of adults charged with a cannabis offence were charged with cannabis importation/production compared to 2% of youth.

Figure 7 : Drug Offence Rate for Canada and the provinces/territories (Rate per 100,000 population) 1999 and 2000



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Three-quarters of youth charged with a cocaine (75%) or heroin (77%) offence were charged with trafficking, compared to two-thirds of adults (65% and 67% respectively). However, adults were more likely than youth to be charged with other drug trafficking offences (44% versus 38%) while youth were more likely than adults to be charged with other drug possession (59% versus 49%) (see Appendix B, Table 10 for more information).

Females less often charged than males

Women account for 14% of all drug-related charges reported by the police which is less than the overall proportion of women (19%) charged with a *Criminal Code* offence.

Females are more likely to be charged with drug possession

As with males, females are most often charged with drug possession. Almost one-half (44%) of all drug charges laid against women were drug possession offences. However, the numbers indicate that women are more likely than men to be charged with drug trafficking (39% versus 33%) and drug importation/production (16% versus 9%) (see Appendix B, Table 11 for more information).

Males account for a higher proportion of individuals charged with cannabis possession

Almost two-thirds (66%) of males charged with a cannabis offence were charged with cannabis possession compared to one-half (50%) of females. In contrast, females were more likely than males to be charged with a cannabis trafficking offence (28% versus 23%) and cannabis importation/production (23% versus 11% respectively).

For cocaine, heroin and restricted drug offences, the patterns among males and females are similar.

For other drug offences, males were more likely than females to be charged with possession (52% versus 47%), females were slightly more likely to be charged with importation/production (9% versus 6%) (see Appendix B, Table 12 for more information).

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics.

Q11. How are drug offences disposed of in adult and youth courts?

In 2000/2001, one-in-two drug cases⁶ in both youth courts and adult courts⁷ resulted in a conviction.

High proportion of guilty verdicts for drug possession

Adult Court

In 2000/2001, of the 23,104 drugs cases appearing before adult courts, the majority resulted in a guilty verdict. However, even though a conviction was recorded in 56% of drug cases in adult courts, there are differences across different types of drug offences. For instance, drug trafficking offences had lower proportions of guilty verdicts (49%) than did possession offences (59%), but higher proportions of transfers to Superior Courts (5% versus less than 1%). Still, four-in-ten (41%) drug offences resulted in the charges being withdrawn and less than 1% resulted in an acquittal (see Appendix B, Table 13 for more information).

Youth Court

In youth courts, guilty verdicts were pronounced in similar proportions than in adult courts. In 2000/2001, of the 6,702 cases involving a drug offence in youth courts, slightly more than one-half (57%) resulted in a guilty verdict. Trafficking offences resulted in guilty verdicts in two-thirds of the cases compared to 52% of cases involving possession. Still, two-in-five (40%) drug charges were withdrawn and very few cases were dismissed (2%) or acquitted (1%) (see Appendix B, Table 14 for more information).

Sources: *Adult Criminal Courts Survey 2000/2001* and *Youth Court Survey 2000/2001*, Canadian Centre for Justice Statistics.

⁶ A case is one or more charges against an accused person or corporation where the charges receive a final disposition in the same court and level on the same date.

⁷ Eight provinces and territories are participating to the Adult Criminal Courts Survey (Newfoundland, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, the Yukon and the Northwest Territories).



Q12. What types of sentences are given to drug offenders?

The most frequent sentence imposed on adult offenders was a fine (45%), followed by prison (23%) and probation (19%). In youth courts, the most common sentences were probation (56%), open or secure custody (19%) and fines (12%).

Fines for drug possession or prison for drug trafficking are commonly given to adult offenders

Almost one-half of drug offenders found guilty of a drug offence in adult provincial courts were given a fine as a sentence. Adults found guilty of drug possession were more likely than those found guilty of drug trafficking to receive a fine (57% versus 17%). In contrast, drug traffickers were more likely than those accused of possession to be given a prison sentence (49% versus 12%). Probation was imposed in somewhat similar proportions for trafficking and possession offences (21% and 14% respectively) (see Appendix B, Table 15 for more information).

Youth account for a higher proportion of individuals sentenced to probation

Contrary to adult courts, the most common disposition in youth courts for drug-related offences was probation. Over one-half (56%) of youth found guilty of drug possession were sentenced to probation. For other drug offences (production, import/export and proceeds of crime), this proportion increased to 58%.

Overall, one-in-five (19%) youth convicted of a drug offence were sentenced to an open or secure custody, and that proportion increased to one-in-four for trafficking offences. Probation and fines were most often imposed in possession charges (see Appendix B, Table 16 for more information).

Sources: *Adult Criminal Courts Survey 2000/2001* and *Youth Court Survey 2000/2001*, Canadian Centre for Justice Statistics.

Q13. What kinds of sentence lengths/fines are given to adult offenders for drug offences?

In 2000/2001, prison sentences were generally shorter than the probation sentences.

Three-quarters of adults sentenced to prison received a sentence of less than 6 months while 22% of adults sentenced to a probation term were ordered to report to a probation officer for a period between 12 and 24 months.

Prison sentences are shorter for drug possession

Eight-in-ten adults sentenced to a prison term for a possession offence received a sentence of less than 6 months and less than 1% were sentenced to more than 12 months. Two-thirds (66%) of adults charged with drug trafficking received a sentence of less than 6 months while 17% received a sentence of more than 24 months. The median prison sentence for adults convicted of drug trafficking was five times higher than the median sentence for adults convicted of drug possession (87 days versus 19 days respectively) (see Appendix B, Table 17 for more information).

Average fine for drug possession was \$300

Two-thirds (66%) of all drug offenders sentenced to a fine were to pay less than \$300. The median fine was higher for individuals found guilty of trafficking (\$548) compared to those found guilty of drug possession (\$179).

Drug offenders are on probation for at least one year

The majority (70%) of individuals were given a probation sentence from 6 to 24 months. However, a higher proportion of individuals found guilty of drug trafficking were sentenced to more than 12 months of probation compared to those found guilty of drug possession (33% versus 14% respectively) (see Appendix B, Table 18 for more information).

Source: *Adult Criminal Courts Survey 2000/2001*, Canadian Centre for Justice Statistics.



Appendix A: *Controlled Drugs and Substances Act* Scheduled Drugs

Schedule I

1. Opium Poppy (*Papaver somniferum*), its preparations, derivatives, alkaloids and salts, including:
 - (1) Opium
 - (2) Codeine (methyldorphine)
 - (3) Morphine
 - (4) Thebaine (paramorphine)
2. Coca (*Erythroxylon*), its preparations, derivatives, alkaloids and salts, including:
 - (1) Coca leaves
 - (2) Cocaine
 - (3) Ecgonine
3. Phenylpiperidines, their intermediates, salts, derivatives and analogues and salts of intermediates, derivatives and analogues
4. Phenazepines, their salts, derivatives and salts of derivatives
5. Amidones, their intermediates, salts, derivatives and salts of intermediates and derivatives
6. Methadols, their salts, derivatives and salts of derivatives
7. Phenalkoxams, their salts, derivatives and salts of derivatives
8. Thiambutenes, their salts, derivatives and salts of derivatives
9. Moramides, their intermediates, salts, derivatives and salts of intermediates and derivatives
10. Morphinans, their salts, derivatives and salts of derivatives

11. Benzazocines, their salts, derivatives and salts of derivatives
12. Ampromides, their salts, derivatives and salts of derivatives
13. Benzimidazoles, their salts, derivatives and salts of derivatives
14. Phencyclidine, its salts, derivatives and analogues and salts of derivatives and analogues
15. Piritramide, its salts, derivatives and salts of derivatives
16. Fentanyl, their salts, derivatives, and analogues and salts of derivatives and analogues
17. Tilidine, its salts, derivatives and salts of derivatives

Schedule II

1. Cannabis, its preparations, derivatives and similar synthetic preparations, including:
 - (1) Cannabis resin
 - (2) Cannabis (*marihuana*)
 - (3) Cannabidiol
 - (4) Cannabinol
 - (5) Nabilone
 - (6) Pyrahexyl
 - (7) Tetrahydrocannabinol
- but not including
- (8) Non-viable Cannabis seed, with the exception of its derivatives
 - (9) Mature Cannabis stalks that do not include leaves, flowers, seeds or branches; and fiber derived from such stalks

Schedule III

1. Amphetamines, their salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues
2. Methylphenidate and any salt thereof
3. Methaqualone and any salt thereof
4. Mecloqualone and any salt thereof
5. Lysergic acid diethylamide (LSD) and any salt thereof
6. N,N-Diethyltryptamine (DET) and any salt thereof
7. N,N-Dimethyltryptamine (DMT) and any salt thereof
8. N-Methyl-3-piperidyl benzilate (LBJ) and any salt thereof
9. Harmaline and any salt thereof
10. Harmalol and any salt thereof
11. Psilocin and any salt thereof
12. Psilocybin and any salt thereof
13. N-ethylamine (PCE) and any salt thereof
14. 1-piperidine (TCP) and any salt thereof
15. 1-propylcyclohexanamine and any salt thereof
16. 1-pyrrolidine and any salt thereof
17. Mescaline and any salt thereof, but not peyote (lophophora)
18. 4-Methylaminorex and any salt thereof
19. Cathinone and any salt thereof
20. Fenetylline and any salt thereof
21. 2-Methylamino-1-phenyl-1-propanone and any salt thereof
22. 1-piperidine and any salt thereof
23. 4-dimethoxybenzeneethanamine and any salt, isomer or salt of isomer thereof

24. Flunitrazepam

25. 4-hydroxybutanoic acid (GHB) and any salt thereof

Schedule IV

1. Barbiturates, their salts and derivatives
2. Thiobarbiturates, their salts and derivatives
3. Chlorphentermine and any salt thereof
4. Diethylpropion and any salt thereof
5. Phendimetrazine and any salt thereof
6. Phenmetrazine and any salt thereof
7. Pipradol and any salt thereof
8. Phentermine and any salt thereof
9. Butorphanol and any salt thereof
10. Nalbuphine and any salt thereof
11. Glutethimide
12. Clotiazepam and any salt thereof
13. Ethchlorvynol
14. Ethinamate
15. Mazindol
16. Meprobamate
17. Methypylon
18. Benzodiazepines, their salts and derivatives
19. Catha edulis Forsk., its preparations, derivatives, alkaloids and salts
20. Fencamfamin
21. Fenproporex
22. Mefenorex and any salt thereof
23. Anabolic steroids and their derivatives
24. Zeranol



Schedule V

1. Phenylpropanolamine and any salt thereof
2. Propylhexedrine and any salt thereof
3. Pyrovalerone and any salt thereof

Schedule VI

1. Benzyl methyl ketone (P2P)
2. Ephedrine
3. Ergometrine
4. Ergotamine
5. Lysergic acid
6. Pseudoephedrine

Schedule VII

Substance Amount

1. Cannabis resin 3 kg
2. Cannabis (marihuana) 3 kg

Schedule VIII

Substance Amount

1. Cannabis resin 1 g
2. Cannabis (marihuana) 30 g



Appendix B: Tables

Table 1: Non-medical use of drugs in the past year among Ontario students, 1999

Drug	Grades									
	Total	Male	Female	7	8	9	10	11	12	13
Cannabis	29.3	33.5	25.1	3.6	14.9	25.5	36.4	48.1	39.4	43.3
Hallucinogens	13.8	16.2	11.4	0.9	6.7	10.2	19.3	22.7	18.1	24.7
Stimulants	7.8	6.1	9.5	1.8	6.3	6.9	8.4	10.7	10.0	12.8
Solvents	7.1	6.1	8.1	12.1	11.2	8.4	4.6	4.9	3.9	1.4
LSD	6.8	8.0	5.5	1.2	3.9	6.8	10.4	10.7	7.8	6.9
Methamphetamines	5.3	6.6	4.0	1.5	3.1	3.5	6.1	8.2	8.4	8.4
Ecstasy	4.4	4.5	4.2	0.6	1.9	2.3	4.4	9.8	4.8	7.8
Barbiturates	4.4	4.1	4.7	2.5	4.4	3.2	5.2	7.0	3.9	4.9
Cocaine	3.7	4.2	3.2	2.5	2.0	3.2	3.8	5.4	3.6	6.4
Glue	3.6	3.7	3.5	6.8	6.3	4.3	1.1	2.1	2.0	1.2
PCP	3.0	3.2	2.8	0.7	2.7	3.1	3.5	5.4	2.3	3.0
Tranquilizers	2.4	2.3	2.5	-	1.9	1.7	1.3	3.1	4.1	5.8
Crack	2.4	2.9	1.8	0.6	1.6	3.0	3.8	3.6	0.4	1.1
Heroin	1.9	2.4	1.3	0.5	2.8	2.5	1.5	1.8	2.2	1.6
Ice (crystal meth.)	1.4	2.0	0.8	-	1.2	1.1	0.9	3.2	1.6	0.9

Source: 1999 Ontario Student Drug Use Survey, Centre for Addiction and Mental Health.

Table 2: Hospitalizations attributed to illicit drug poisoning, Canada 1996/1997 - 1998/1999

	1996/97	1997/98	1998/99	% change 1996/97-1998/99
Drug psychosis	2,104	2,072	2,101	-0.1%
Dependence/abuse	3,033	3,069	2,733	-10%
Non-dependent abuse of drugs	1,381	1,388	1,414	2%
Accidental poisoning	4,769	4,854	4,460	-7%
Poisoning ¹	2,537	2,516	2,348	-7%
Suicide ²	19,994	19,574	17,367	-13.1%
Total	33,818	33,473	30,423	-10%

¹ Undetermined if poisoning was accidental or purposely inflicted.

² This variable includes but is not exclusive to illicit drugs.

Source: Canadian Institute for Health Information, Hospital Morbidity Database.

Table 3: Deaths attributed to illicit drug poisoning, Canada 1996 - 1998

	1996	1997	1998	% Change 1996-1998
Drug psychosis	1	2	-	-
Dependence/abuse	11	14	24	+118%
Accidental poisoning	215	217	375	+74%
Suicide ¹	525	456	487	-7%
TOTAL	752	689	886	+18%

¹ This variable includes but is not exclusive to illicit drugs.

Source: Statistics Canada. *Causes of Death 1996, 1997 and 1998*.

Table 4: Number and Rate of Drug Offences by Offence Type, Canada, 2000

Offence Type	Actual Incidents		Rate per 100,000 population
	N	%	
Drug Possession	54,727	62.2	178
Drug Trafficking	21,587	24.5	70
Drug Importation/Production	11,631	13.2	38
TOTAL	87,945	100.0	286

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

**Table 5: Actual Drug Offences Reported to the Police by Drug Type, Canada, 2000**

Drug Type	Possession		Trafficking		Importation/ Production		Total	
	N	%	N	%	N	%	N	%
Cannabis	45,350	82.9	10,686	49.5	10,135	87.1	66,171	75.2%
Cocaine	4,928	9.0	7,486	34.7	398	3.4	12,812	14.6%
Heroin	582	1.1	604	2.8	40	0.3	1,226	1.4%
Controlled Drug	-	-	181	0.8	-	-	181	0.2%
Restricted Drug	91	0.2	28	0.1	-	-	119	0.1%
Other Drug	3,776	6.9	2,602	12.1	1,058	9.1	7,436	8.5%
TOTAL	54,727	100	21,587	100	11,631	100	87,945	100%

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 6: Number and Ratio of Actual Incidents and Incidents Cleared by Charge, by Offence Type, Canada, 2000

Offence Types	Actual Incidents	Incidents Cleared by Charge	Ratio
Violent Offences	301,875	147,327	2:1
Property Offences	1,251,667	176,259	7:1
Other CC Offences	800,384	217,829	4:1
Drug Offences	87,945	49,709	2:1
Other Federal Statutes	34,649	13,053	3:1
Total	2,476,520	604,177	4:1

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 7: Number and Ratio of Actual Incidents and Incidents Cleared by Charge, by Drug Offence Types, Canada, 2000

Offence Type	Actual Incidents	Cleared by Charge	Ratio
Drug Possession	54,727	29,960	2:1
Drug Trafficking	21,587	16,024	1:1
Drug Importation / Production	11,631	3,725	3:1
Total	87,945	49,709	2:1

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 8: Number, Percentage and Rate of Drug Offences, Canada and the Provinces/Territories, 2000

Jurisdiction	Total		Rate ¹
	N	%	
Newfoundland	985	1.1	183
Prince Edward Island	232	0.3	167
Nova Scotia	2,136	2.4	227
New Brunswick	2,383	2.7	315
Quebec	19,134	21.8	260
Ontario	29,210	33.2	251
Manitoba	2,089	2.4	182
Saskatchewan	2,338	2.7	228
Alberta	6,965	7.9	232
British Columbia	21,876	24.9	538
Yukon	109	0.1	355
Northwest Territories	263	0.3	625
Nunavut	225	0.3	812
TOTAL	87,945	100%	286

¹ Rates were calculated using population estimates from Statistics Canada (July 1st, 2000).

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.



Table 9: Adults and Youth Charged by the police for drug offences, Canada, 2000

	Adults Charged		Youth Charged	
	N	%	N	%
Possession	25,131	54	5,454	69
Trafficking	16,360	35	2,255	29
Importation/Production	5,236	11	144	2
Total	46,727	100	7,853	100

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 10: Adults and Youth Charged by Drug Type and Drug Offence, Canada, 2000

Drug Type	Possession		Trafficking		Importation/ Production		Total N
	N	%	N	%	N	%	
Cannabis – Total	24,927	64	9,261	24	4,912	13	39,100
Adult	19,947	62	7,676	24	4,787	15	32,410
Youth	4,980	74	1,585	24	125	2	6,690
Cocaine – Total	3,442	32	6,980	66	218	2	10,640
Adult	3,312	33	6,572	65	213	2	10,097
Youth	130	24	408	75	5	1	543
Heroin – Total	304	30	695	68	26	3	1,025
Adult	292	30	654	67	26	3	972
Youth	12	23	41	77	0	0	53
Controlled Drug - Total	-	74	100	-	-	74	
Adult	-	-	63	100	-	-	63
Youth	-	-	11	100	-	-	11
Restricted Drug - Total	28	76	9	24	-	-	37
Adult	22	73	8	27	-	-	30
Youth	6	86	1	14	-	-	7
Other Drug – Total	1,884	51	1,596	43	224	6	3,704
Adult	1,558	49	1,387	44	210	7	3,155
Youth	326	59	209	38	14	3	549
Total	30,585	56	18,615	34	5,380	10	54,580

- : Data not available.

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 11: Male and Female Charged by the Police for Drug Offences, Canada, 2000

	Males Charged		Females Charged	
	N	%	N	%
Possession	27,109	58	3,476	44
Trafficking	15,543	33	3,072	39
Importation/Production	4,102	9	1,278	16
TOTAL	46,754	100	7,826	100

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.

Table 12: Male and Female Charged by Drug Type and Drug Offence, Canada, 2000

Drug Type	Possession		Trafficking		Importation / Production		Total N
	N	%	N	%	N	%	
Cannabis - Total	24,927	64	9,261	24	4,912	13	39,100
Male	22,427	66	7,872	23	3,766	11	34,065
Female	2,500	50	1,389	28	1,146	23	5,035
Cocaine - Total	3,442	32	6,980	66	218	2	10,640
Male	2,826	33	5,709	66	141	2	8,676
Female	616	31	1,271	65	77	4	1,964
Heroin - Total	304	30	695	68	26	3	1,025
Male	239	29	567	68	25	3	831
Female	65	34	128	66	1	1	194
Controlled Drug - Total	-	-	74	100	-	-	74
Male	-	-	62	100	-	-	62
Female	-	-	12	100	-	-	12
Restricted Drug - Total	28	76	9	24	-	-	37
Male	24	75	8	25	-	-	32
Female	4	80	1	20	-	-	5
Other Drug - Total	1,884	51	1,596	43	224	6	3,704
Male	1,593	52	1,325	43	170	6	3,088
Female	291	47	271	44	54	9	616
Total	30,585	56	18,615	34	5,380	10	54,580

Source: *Uniform Crime Reporting Survey 2000*, Canadian Centre for Justice Statistics, Statistics Canada.



Table 13: Cases by Disposition, Adult Criminal Courts, Canada, 2000/2001

Drug Offence Types	Total Cases	Guilty		Superior Court		Other		Stay/ Withdrawn		Acquitted	
		N	%	N	%	N	%	N	%	N	%
Trafficking	7,859	3,884	49	414	5	101	1	3,416	44	44	0.6
Possession	15,245	9,054	59	17	0.1	182	1	5,968	39	24	0.2
Total	23,104	12,938	56	431	2	283	1	9,384	41	68	0.3

Note: Excludes importation/exportation (n=24) and cultivation (n=29) offences.

Source: Adult Criminal Courts Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.

Table 14: Cases by Most Significant Decision, Youth Courts, Canada, 2000/2001

Drug Offence Types	Total Cases	Guilty		Not Guilty		Stay/ Withdrawn		Dismissed		Other ¹	
		N	%	N	%	N	%	N	%	N	%
Trafficking	1,790	1,230	69	34	2	474	27	38	2	14	0.8
Possession	4,831	2,523	52	37	0.8	2,162	45	91	2	18	0.4
Other ²	81	41	51	0	0	38	47	2	3	0	0
Total	6,702	3,794	57	71	1	2,674	40	131	2	32	0.5

¹ Includes Transfers to Adult Courts, Transfers to Other Jurisdictions and Other.

² Includes importation/exportation, production and proceeds of crime).

Source: Youth Court Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.

Table 15: Cases by Most Serious Sentence, Adult Criminal Courts, Canada, 2000/2001

	Total Cases	Prison		Probation		Fine		Other ¹		Unknown	
		N	%	N	%	N	%	N	%	N	%
Trafficking	3,882	1,904	49	547	14	650	17	781	20	24	1
Possession	9,054	1,130	12	1,869	21	5,205	57	850	9	60	1
Total	12,936	3,034	23	2,416	19	5,855	45	1,631	13	84	7

¹ Other includes absolute and conditional discharge, suspended sentence, payment of legal costs, and suspension of drivers license.

Source: Adult Criminal Courts Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.

Table 16: Cases by Most Significant Disposition, Youth Courts, Canada, 2000/2001

Drug Offence Types	Total Cases	Open/Secure Custody		Probation		Fine		Other ¹	
		N	%	N	%	N	%	N	%
Possession	2,526	405	16	1,288	51	427	17	403	16
Trafficking	1,230	315	26	824	67	27	2	64	5
Other ²	41	9	22	28	68	2	5	2	5
Total	3,797	729	19	2,140	56	456	12	469	12

¹ Includes compensation, pay purchaser, compensation in kind, community service, restitution, prohibition/seizure/forfeiture, detention for treatment, absolute discharge and conditional discharge and other dispositions such as essays, apologies and counselling programs.

² Includes production, importation/exportation and proceeds of crime.

Source: Youth Court Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.

Table 17: Cases by length of prison, Canada, 2000/2001

	1 month or less		1-6 months		6-12 months		12-24 months		More than 24 months		TOTAL		
	N	%	N	%	N	%	N	%	N	%	N	Mean	Median
Trafficking	447	25	740	41	178	10	112	6	321	18	1,798	332	87
Possession	778	80	176	18	11	1	2	0	0	0	967	35	19
TOTAL	1,225	44	916	33	189	7	114	4	321	12	2,765	228	41

Source: Adult Criminal Courts Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.

Table 18: Cases by length of probation, Canada, 2000/2001

	3 month or less		3-6 months		6-12 months		12-24 months		More than 24 months		TOTAL		
	N	%	N	%	N	%	N	%	N	%	N	Mean	Median
Trafficking	113	8	132	10	665	49	376	28	62	5	1,348	208	265
Possession	164	8	541	25	1,119	53	279	13	25	1	2,128	195	215
Total	277	8	673	19	1,784	51	655	19	87	3	3,476	200	232

Source: Adult Criminal Courts Survey 2000/2001, Canadian Centre for Justice Statistics, Statistics Canada.