



Premier of Alberta

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Office of the Premier, 307 Legislature Building, Edmonton, Alberta T5K 2B6 Canada

February 7, 2025

Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada

Honourable Arif Virani  
Minister of Justice and Attorney General of Canada

Dear Prime Minister Trudeau and Minister Virani:

We are writing on behalf of Albertans who continue to be concerned about the proliferation of drugs and drug-related crime in Canada. These concerns have been further underscored by recent positions taken by the United States government, in response to the impacts these problems have on their country. Unfortunately, the problem of drugs and drug-related crime in Canada has been seriously exacerbated by policies adopted by the federal government.

We are particularly concerned by the approach taken by both the federal government and the Public Prosecution Service of Canada (PPSC) to the prosecution of offences under the *Controlled Drugs and Substances Act* (CDSA), and the reduced discretion afforded to prosecutors when dealing with these insidious crimes.

On August 17, 2020, the Director of Public Prosecutions issued a guideline to prosecutors for drug possession charges under Section 4(1) of the CDSA. This guideline directs federal prosecutors to divert cases away from the criminal justice system and pursue alternative measures and diversion programs, leaving criminal prosecutions for only the most serious cases that raise public safety concerns. However, reserving drug prosecutions only for the “most serious manifestations of the offence” leaves out most of the problematic criminal activity that needs to be addressed.

Adding to the damage created in our communities by this PPSC directive, the passage of Bill C-5 has further weakened our justice system and increased potential for harm to our citizens by:

1. Eliminating all mandatory minimum sentences of imprisonment for CDSA offences;

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2. Eliminating many mandatory minimum sentences for serious weapons and substance-related offences under the *Criminal Code of Canada*;
3. Removing limitations placed on the use of conditional sentences;
4. Forcing both police and prosecutors to first consider referring people to treatment and support programs rather than charging or prosecuting drug possession offences;
5. Continuing to emphasize an approach to drug possession that fails to address the death, disorder and victimization caused by the drug-crime nexus, by focusing narrowly on diversionary measures.

These changes under Bill C-5 have further lessened meaningful and impactful enforcement and prosecution of serious crimes. As a result of these changes, our justice partners, including police, have lost their ability to effectively deal with these crimes.

Instead of facing real consequences, drug dealers are able to prey upon our most vulnerable populations knowing that if caught, their charges are likely to be dismissed. Even if charges are not dismissed, drug dealers might only face a conditional sentence order, allowing them to continue to profit from illegal activities from the comfort of their home. While substance abuse is a public health concern, the related criminality and public safety issues cannot be ignored. To deal with the drug crisis in Canada, we must support a strong justice system along with a strong health system and avoid downloading the problems of one system onto the other.

The current federal practices surrounding the prosecution of drug offences are contrary to the public interest and public safety, and Canadians are dying in the streets because of it. Moreover, the failure of the federal government and its prosecutors to effectively address the fentanyl crisis has led the United States government to threaten tariffs against Canada.

In order to immediately address this ongoing crisis, we demand the following:

1. That as Attorney General you exercise your authority under s. 10 of the *Director of Public Prosecutions Act* to direct that the PPSC immediately rescind their August 2020 directive in relation to s. 4(1) offences.

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2. That Bill C-5 be repealed in its entirety, with the reintroduction of mandatory minimum sentences for drug traffickers, the elimination of conditional sentences for offences involving trafficking and importation of controlled substances under the CDSA, and the reintroduction of police and prosecutorial discretion in the appropriate use of diversion.

If these steps are not taken immediately, Alberta must be given federal funding to permanently take over all CDSA prosecutions.

Sincerely,



Honourable Danielle Smith  
Premier of Alberta



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Honourable Mickey Amery, KC  
Minister of Justice and  
Attorney General of Alberta