

Background / Analysis / Considerations / Next Steps

In response to the Commission's direction, the following report will outline current expectations and practices related to officer response to open drug use.

It is important to note that, under Canadian law, police officers are afforded discretion in determining the most appropriate enforcement action in any given circumstance. This discretion applies across Criminal Code offences, as well as provincial and municipal bylaw infractions, and cannot be directed or removed by the Commission or the Chief of Police.

Based on this, the Commission's October 29, 2025, endorsement of a "zero tolerance" approach has been interpreted operationally not as a directive to mandate specific enforcement outcomes (e.g., automatic charges in every instance), but rather as an expectation that officers will not ignore or overlook instances of open drug use. Instead, officers are expected to actively respond and address such situations using the full range of tools available to them, including enforcement, referral to health and social supports, and other appropriate interventions based on the totality of the circumstances.

The forthcoming report will further clarify how this expectation has been applied and monitored within the Service along with identified challenges.

Implementation of Focused Operations

In 2025, the Community Engagement Response Teams partnered with Transit and Bylaw Peace Officers under a joint initiative known as Safer Calgary. From February to July 2025, these efforts were expanded through Operation CERTainty, followed by quarterly deployments under Operation Order beginning in November 2025, followed by February 2026 and most recently May 2026.

These operations are data-led strategies to address crime and disorder hot spots, particularly downtown and on transit routes. Open air drug consumption was the reason most cited for behaviour requiring the removal of individuals and impacting public safety and the public's perception of safety.

Addressing Open Air Drug Use via CDSA 4(1) through CERT Engagement

To date, laying criminal charges for Possession under Section 4(1) of the Controlled Drugs and Substance Act (CDSA) has not yielded positive outcomes, with most charges subsequently stayed or withdrawn by the Crown.

While this is a criminal offence, the enforcement of CDSA 4(1) was not previously supported by the courts, limiting the abilities of law enforcement action. For the purposes of Safer Calgary, dedicated support was sought and obtained from both the provincial and federal Crown.

Court outcomes for CDSA 4(1) charges, along with related ancillary offences, were tracked throughout 2025 and Q1 2026 for both Operation CERTainty and Operation Order. Despite enhanced coordination and prosecutorial support, the results have been less than favourable.

Court Outcomes

To date, 89% of CDSA 4(1) charges from Operation CERTainty have been stayed or withdrawn, with 12 charges still before the courts. For Operation Order, 6 of 13 charges (46%) have similarly been stayed or withdrawn to date.

1. Operation CERTainty (February to July 2025):

- There were 66 total CDSA 4(1) charges laid. 34 were standalone charges and 32 were CDSA and ancillary charges.
- As of June 2, 2026, 54 charges have been concluded before the courts with 89% stayed or withdrawn and 9% with a guilty plea.
 - 37 CDSA 4(1) withdrawn
 - 11 stayed
 - 5 guilty pleas
 - 1 sentence
 - 12 charges are still before the courts.

2. Operation Order 1.0 (November 2025)

- There were 8 total CDSA 4(1) charges laid
- As of May 28, 2026, 2 were stayed, 1 withdrawn, 1 sentenced (4 days) and 4 remain active

3. Operation Order 2.0 (February 2026)

- There were 3 total CDSA 4(1) charges laid
- As of May 28, 2026, 1 was stayed, 2 withdrawn

4. Operation Order 3.0 (May 2026)

- There were 2 total CDSA 4(1) charges laid
- As of May 28, 2026, both remain active

Legal Requirements

When considering charging an individual with a simple possession of drug charge pursuant to section 4(1) of the Controlled Drug and Substances Act (CDSA), peace officers are required to consider Section 10.1 of the CDSA to reduce the stigma around those with addiction issues and use consideration of community initiatives to help.

Section 10 of the CDSA states:

10.1 The following principles apply in this Part:

(a) problematic substance use should be addressed primarily as a health and social issue;

(b) interventions should be founded on evidence-based best practices and should aim to protect the health, dignity and human rights of individuals who use drugs and to reduce harm to those individuals, their families and their communities;

(c) *criminal sanctions imposed in respect of the possession of drugs for personal use can increase the stigma associated with drug use and are not consistent with established public health evidence;*

(d) *interventions should address the root causes of problematic substance use, including by encouraging measures such as education, treatment, aftercare, rehabilitation, and social reintegration; and*

(e) *judicial resources are more appropriately used in relation to offences that pose a risk to public safety.*

Officers are to consider other measures prior to laying CDSA 4(1) charges.

Warnings and referrals

10.2 (1) *A peace officer shall, instead of laying an information against an individual alleged to have committed an offence under subsection 4(1), consider whether it would be preferable, having regard to the principles set out in section 10.1, to take no further action, to warn the individual or, with the consent of the individual, to refer the individual to a program or to an agency or other service provider in the community that may assist the individual.*

Section 10.1(e) states that charges should be considered when the offence **poses a risk to public safety**.

To meet this threshold, officers must include the following in a report:

1. Information about the incident.
2. A description regarding the decision to charge, including aggravating circumstances, previous interactions/history, compassionate intervention attempts, and any other information to help meet the 10.1 criteria.
3. Any referral recommendations.

Articulating #2 for Section 10.1 (e) can be challenging for officers if this is their first interaction with the individual. Even though the Officer Toolkit readily provides the number of interactions and recency, there is no record of compassionate intervention attempts readily available for officers.

Challenges

1. Downtown Street Engagement Team (DSET) Staffing

DSET staffing is currently sitting at approximately 55%. Minimum staffing numbers directly affect the team's ability to effectively address ongoing social disorder in the downtown core. DSET impact is also affected by an increase in demonstrations and protests.

There are measures being taken to increase the staffing of DSET temporarily throughout Operation Restore, which is scheduled to commence on June 25, 2026 and carry forward until October 31, 2026. During this operation, CPS resources and partner agencies will be

strategically deployed to the identified 'hot spots' of the East Village, and Stephen Avenue within District 1, to conduct high visibility proactive enforcement related to criminal activities, social disorder, municipal/provincial/federal offences, as well as community engagement.

The objectives are to focus on minimizing, disrupting, and suppressing Criminal Behavior, Social Disorder, Traffic offences, and Bylaw offences, while increasing safety and the perception of public safety in these areas. Additionally, providing support and wrap around services to the unhoused, vulnerable or transient population.

2. Lack of a stabilization location

The Service continues to face significant challenges due to the limited availability of immediate and accessible stabilization locations. In many instances, officers encounter individuals who would benefit from immediate support, stabilization, outreach, or diversion from the criminal justice system; however, the absence of accessible and adequately resourced facilities, combined with existing facility restraints such as limited capacity, restrictive intake criteria, and hours of operation, significantly limits these options.

As a result, officers are often left with few practical alternatives, including transport to the CPS Arrest Processing Section (APS) which is not designed for this purpose; lack appropriate capacity for advanced medical care, not equipped to provide effective monitoring, stabilization, or connection to services at high volumes. The use of custodial settings can also have unintended negative impacts, as being brought into a jail environment may increase stress, reduce receptiveness to support, and undermine opportunities for meaningful engagement with health and social resources. This gap can lead to an overreliance on enforcement or short-term interventions that do not address underlying needs. Expanding the availability and accessibility of stabilization locations is therefore critical to enabling more effective, consistent, and compassionate responses that prioritize both public safety and the well-being of vulnerable individuals.

This is notwithstanding transportation to APS for people who are under lawful arrest. Those individuals can be connected to the Social Mental Health Addiction Resource Team (SMART) during their stay at APS.

3. Lack of open-air drug use bylaw

Calgary currently lacks a specific bylaw addressing open-air drug use, which presents a gap in available enforcement and diversion tools. The implementation of such a bylaw would provide officers with an additional, more flexible mechanism to address these situations, including the ability to direct individuals into community court. This approach would establish a lower threshold for intervention compared to the evidentiary and legal requirements associated with charges under sections 4(1) and 10(1) of the Controlled Drugs and Substances Act (CDSA).

As a result, officers would be better positioned to intervene earlier and more consistently, while supporting diversion from the traditional criminal justice system and

facilitating access to community-based supports and accountability measures. This initiative is scheduled to come before City Council in the 3rd quarter of 2026.

4. Observations of drug paraphernalia

Some community members believe that drug paraphernalia is illegal; however, in Canada, the possession of drug paraphernalia is not a criminal offence.

That said, regulating the use or display of drug paraphernalia could be considered in the future through an introduction into our municipal bylaws. For example, Kingston, Ontario has implemented a community standards bylaw that prohibits the use or display of drug paraphernalia in a park, or in any public place within 15 meters of a park.¹

Conclusion

Historically, we have not consistently captured or documented the full scope of our interactions with the unhoused population. Many routine but meaningful actions, such as checking on someone, offering resources, arresting on warrants, or exercising officer discretion have occurred without being systematically recorded. As a result, our overall understanding of engagement patterns, service delivery, and enforcement actions has remained incomplete.

Operation Reorder addresses this gap by embedding mechanisms specifically designed to track and document these interactions in a structured and consistent manner. By doing so, it enables us to build a comprehensive and accurate picture of how we engage with this population across all touchpoints. This increased visibility not only strengthens accountability and transparency but also supports informed decision-making.

Continuing to provide appropriate tracking measurements during focused initiatives such as Operation Reorder will ensure that this approach remains consistent and measurable over time. By maintaining disciplined documentation and reinforcing aligned practices across all members, we can more effectively monitor trends, evaluate outcomes, and adapt strategies as needed.

Ultimately, the enhanced tracking and data collection that will be provided through Operation Reorder reinforces a coordinated, evidence-based approach that aligns with and demonstrates a zero-tolerance and 100 percent engagement enforcement strategy.

¹ <https://www.cityofkingston.ca/bylaws-and-animal-services/commonly-requested-bylaws/bylaw-library/community-standards-by-law/>

Attachments (if any)

n/a

Approval signatures

AUTHOR signature:



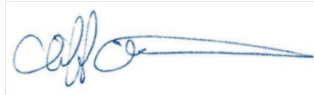
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