
From: Pecknold, Clayton PSSG:EX
Sent: Tuesday, September 12, 2017 11:06 AM
To: Anderson, Lisa R PSSG:EX; Shaw, Mary A PSSG:EX; Mas, Sophie B PSSG:EX
Subject: Fw: Submissions on Bill C-45
Attachments: CACP Bill C-45 Paper- Final 5 Pages.pdf; FinalCACPOpeningRemarksBill C-45 Cannabis Act FinalSept9.pdf

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: CACP
Sent: Tuesday, September 12, 2017 11:04 AM
To: CACP
Subject: Submissions on Bill C-45

Message to CACP Members:

The CACP Drug Advisory Committee, Organized Crime Committee and Law Amendments Committee presented to the Standing Committee on Health this morning regarding Bill C-45 An Act respecting cannabis and to amend the Controlled Drugs and Substances Act.

The documents attached were presented to the committee and articulate the CACP's position in relation to the legalization of cannabis.

Regards,

Timothy M. Smith

Government Relations and Strategic Communications

Canadian Association of Chiefs of Police



Written Brief to the Standing Committee on Health

C-45 - An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts - Short Title - Cannabis Act

By: D/Chief Mike Serr (Chair, CACP Drug Advisory Committee), D/Chief Thomas Carrique (co-Chair, CACP Organized Crime Committee), OPS Legal Counsel Lara Malashenko (CACP Law Amendments Committee)

September 12, 2017

Introduction

In light of their role as law enforcement agencies, Canadian police services will undoubtedly be impacted by the proposed legalization of cannabis. Accordingly, the Canadian Association of Chiefs of Police ("CACP") is sharing its expertise to help mitigate the risk and impact of the proposed *Cannabis Act* (hereinafter, "the Act") from a public safety and policing perspective.

The goal of this paper is to identify concerns related to several key provisions of the Act, and to provide recommendations in order to achieve the objectives of the proposed legislation. This paper will address the following major themes outlined in the CACP's opening remarks in detail: Training and the Impact on Police Resources, Personal Cultivation and Possession, Organized Crime, Medical Marijuana, Packaging and Labeling, Return of Property, and Youth and Public Education.

Training and the Impact on Police Resources

The CACP submits that Canadian police services will not be equipped to provide officers with the training and resources necessary to enforce the new regime within the existing contemplated timeframe. With the July 2018 legalization date quickly approaching, resource constraints and adequate training of officers are areas of concern for all Canadian police services. Accordingly, the CACP submits that guidance and direction regarding resource allocation, and sufficient time to train front line officers to implement the proposed legislation are critically needed, either through explicit regulations prior to legalization, or through the postponement of the legalization date.

Further, the CACP requests that a standardized approach be implemented in advance to avoid gaps and disparities and to ensure an equal distribution of resources and federal funding across provinces and territories. Examples of training and preparation that will be required include: the training of front line officers on their specific duties vis-à-vis the legislation such as their roles in assisting inspectors, seizing plants, assisting in the implementation of public education on marijuana through School Liaison Officers, and providing details in relation to the ticketing regime (i.e. what will the tickets look like? How will police be able to differentiate licit and illicit cannabis?)

Finally and in light of resource constraints, the CACP requests that under Part 7 of the Act, inspectors be provided with broad powers to investigate, lay charges and issue tickets to offset some of the numerous responsibilities that will be downloaded on police following legalization.

Personal Cultivation and Possession

The CACP strongly recommends against in-home production and that any provisions related to personal cultivation be removed. It is expected that personal cultivation will result in over production and the manipulation of growth patterns thereby placing a greater demand on police resources, including increased calls for service and investigations. Section 8(1)(e) of the Act states that individuals may possess up to four budding cannabis plants. From an enforcement perspective, this provision is problematic as monitoring the precise amount of plants produced in personal dwellings is restricted and cannot be managed. Secondly, section 12(6) of the Act states that the plants may not be more than 100 centimeters in height. This provision leaves many unanswered questions and does not address the ability to produce marijuana by manipulating the growth of the plant. It is likely that growers will circumvent the rules and processes will be developed to grow plants wider since there is no restriction on width. In sum, it is recommended that the in home production provisions be removed to mitigate risks of over production.

Drawing from the experiences of Colorado and Washington, it is clear that the ability of law enforcement to successfully police personal cultivation has proven to be an arduous task. Concerns regarding cultivation identified by these states include: Significant workload/resource increases and challenges with police agencies following legalization, increase in cannabis seizures due to over production by residential growers, large scale marijuana grows, and an increase in time dedicated to enforcing new laws.

Furthermore, given that cannabis will now be readily accessible in homes, there are risks that this may lead to increased exposure and consumption amongst youth. The CACP submits that the personal cultivation provisions are counter to the Bill's stated objective of protecting youth.

The personal cultivation provisions and section s. 8(1)(b) in particular, also raise concerns of having to prove knowledge of the possession of illicit cannabis. Conceivably, persons in possession may argue a lack of awareness as to what constitutes budding or flowering plants. In addition, since the Act remains silent as to the quantity of cannabis that may be possessed in the home, this leaves open the possibility that individuals can store cannabis that is sourced both legally and illegally, making it challenging for police to determine whether it was acquired lawfully.

In sum, training and education will be required in order to enable police and members of the public to identify between licit and illicit cannabis, to allow for effective enforcement and compliance. Given these challenges, the CACP requests further reconsideration of the personal cultivation provisions.

Organized Crime

Giving consideration to the simple theory of supply and demand and having had the opportunity to learn from the involvement of organized crime in illicit tobacco, as well as experiences from jurisdictions that have already legalized cannabis, ensuring the regulated cannabis pricing scheme discourages competition from criminal organizations will be critical for deterring organized crime. Accordingly, the CACP requests clarification on behalf of the Federal Government regarding the pricing of cannabis in the legal market and assurance that producers with

criminal backgrounds will be prevented from entering the legal market through adequate security clearance measures.

Criminal Intelligence Service Canada has identified more than 300 organized crime groups involved in the production, distribution, importation and/or exportation of illicit cannabis in Canada. A number of these groups are well established with national, and international criminal networks involved in facilitating and enabling their criminal enterprises. In fact, there have been a number of shootings and homicides across Canada where the victims were actively conducting what would be considered legal business within the medical marijuana framework. At the time of these incidents, the victims were also associated to criminal organizations that are known to traffic in illicit drugs, including cannabis.

Similarly to the Canadian government's objectives in introducing this Act, Colorado and Washington legalized cannabis in order to keep profits out of the hands of criminals; however, according to the 2016 Colorado Department of Public Safety's report entitled *Marijuana Legalization in Colorado: Early Findings* and the 2016 *Washington State Marijuana Impact Report*, individuals and criminal organizations continue to manufacture, distribute, divert and traffic marijuana illegally.

Evidence from these jurisdictions indicates that legalization does not necessarily eliminate the prevalence of organized crime in the production, distribution and sale of cannabis. However, in the event the Act is successful in reducing the presence of organized crime in the illicit cannabis market, it will result in decreased profits for these groups. We fear that consequently, organized crime groups may turn their attention to competing with the legal market by undercutting the regulated pricing scheme and attempting to infiltrate the legally regulated medical marijuana industry as a licensed producer.

Furthermore, we are concerned that the Act will result in increased cannabis consumption, thereby creating an increase in demand and an opportunity for organized crime to profit from an illicit black market by trafficking cannabis with higher tetrahydrocannabinol (THC) content at lower cost to the consumer.

The CACP submits that an approach similar to what is seen in the provincial alcohol and gaming regulations would be beneficial in the cannabis context. Current alcohol and gaming regulations provide the Minister with the discretion to revoke licenses and permits where individuals seeking licenses are associated with criminals and/or criminal organizations, and impose a thorough security clearance requirement. Assessments are comprised of criminal record checks, intelligence checks, local law enforcement indices checks and financial audits. Such a process would ensure that individuals with ties to criminal organizations are not licensed in the legal cannabis regime.

Medical Marijuana

The CACP proposes merging of the current medical marijuana regime – the *Access to Cannabis for Medical Purposes Regulations* (hereinafter, "ACMPR") – with the legal cannabis regime. As detailed above, police forces across Canada have observed a link between licensed and designated producer provisions that came into force under the ACMPR following the Federal Court of Canada decision in *Allard*, and the illicit sale of cannabis and organized crime.¹

¹ The November 2016 final report of the Task Force on Cannabis Legalization and Regulation, entitled "A Framework for the Legalization and Regulation of Cannabis in Canada", estimated that the illegal trade of marijuana in Canada generates an "estimated \$7 billion in income annually for organized crime".

The CACP is concerned with the potential inclusion of organized criminals as licensed growers and distributors within the new cannabis regime. Section 158(1) of the Act states that every license issued under section 35 of the ACMPR that is in force immediately prior to the commencement day will be deemed to be a license issued under section 62 of the *Cannabis Act*. This provision is troubling for the CACP, as the regime will automatically license all personal and designated growth licensees, without the need to satisfy conditions for a license set out in section 62 of the Act. As such, the legislation has the potential of capturing criminal organizations into the legal market, allowing for exploitation within the regime, as is presently occurring in the medical marijuana industry.

It is the position of the CACP that the existing medical marijuana regulations will no longer be needed with the introduction of this Act. Combining the regulatory framework associated to the production, distribution and legal access to cannabis under the new Act for both recreational cannabis and medical marijuana would:

- 1) Reduce the risk of confusion between the two systems and the associated burden placed on frontline police officers who have to interpret the relevant legislations;
- 2) Align the efforts of Health Canada officials and law enforcement agencies responsible for enforcing the associated legislation;
- 3) Limit the number of corporations authorized to produce and distribute marijuana thereby allowing for more robust vetting and quality control.
- 4) Provide an opportunity to go beyond reducing the risks associated to diverting legal cannabis and/or medical marijuana by mitigating the capabilities of organized crime to money launder within the current medicinal marijuana framework and the proposed Cannabis Act.

Whether under a combined regulatory framework, or if only addressed within the regulations of the Act, including forensic financial audits within the initial security clearance process and at regular ongoing intervals would assist with identifying the connection of organized crime to an applicant or designated entity.

Packaging and Labeling

Although the CACP agrees with the Bill's aim to dissuade youth consumption of cannabis through plain packaging, concerns from a law enforcement perspective nevertheless exist. The CACP recommends that that packaging requirements be sufficiently stringent, providing clear labeling to allow police to identify between legal and illegal cannabis, and giving adult users adequate information to make informed decisions by specifying the strain and THC content that is being displayed/marketed for purchase and to help protect youth. We further recommend that

Police agencies across Canada have witnessed increasing abuse of Health Canada authorizations (personal and designated production licenses) to grow marijuana for medical purposes. Excessive amounts of marijuana grown under Health Canada authorizations is diverted to the illicit market by organized crime groups and sold by street level traffickers or directly to illegal dispensaries. The size and scale of these grow operations generates profits for organized crime groups into the hundreds of millions of dollars. In some cases, the number of plants being grown exceeds the prescribed limits in extraordinarily high volumes.

Ontario and British Columbia are home to the majority of medical marijuana personal production activities under the existing medical marijuana schemes. In the past three years, police services in Ontario have investigated numerous incidents of medical marijuana overproduction, for example:

- During an investigation into a medical marijuana grow operation in Oxford County police seized **12,232** marijuana plants from 15 greenhouses, 600lbs of marijuana bud, and a loaded handgun. It was revealed that the Health Canada authorizations only allowed for **684** plants to be produced at the location; and,
- Police seized 1025 marijuana plants weighing a total of 30,000lbs from an industrial medical marijuana grow operation in Simcoe County; including one plant with over 10lbs of marijuana bud. In this instance the plants reached over twelve feet tall; this height and yield are not uncommon. It is estimated that these plants had a potential yield of \$9.2 million

adequate labeling include notice regarding the severe penalties for providing cannabis to youth.

Return of Property

Of major concern to law enforcement is the requirement to return seized property and the impact on police resources. Without question, police services across Canada are in no position to effectively house, store, maintain and care for cannabis plants or provide compensation to owners. Accordingly, the CACP requests that the Act address these concerns by relieving municipal and provincial police forces of any responsibilities associated with the deterioration of seized cannabis plants, their return or the need for compensation.

Under several return of property provisions under the Act such as sections 99(6) and 103, the Minister must, on application from a person with a valid property interest in a particular cannabis plant or plants, direct that the property be returned to the applicant or compensate them the appropriate amount. These provisions create an onerous financial burden and resource capacity issue since presumably, police will now be required to house, provide proper maintenance, or compensate the owner for the value of the property where necessary. The CACP submits that this is a significant issue for police as there are no current facilities or available funding to maintain these plants nor are there any means to provide compensation.

Alternatively, the CACP requests that adequate funding to cover these costs be distributed to police services to ensure that care and maintenance issues and compensation are sufficiently addressed.

Youth and Public Education

In light of the social share provisions whereby youth are permitted to possess five grams of cannabis or less, the CACP proposes that a more rigorous educational system be implemented across the provinces and territories as this would assist in crime prevention and encourage social responsibility in our local communities. In the interest of mitigating the risk to youth and maintaining the long-term quality of life in our communities, police services will need to amend their crime prevention and social responsibility initiatives to incorporate elements that address the public safety and quality of life risks associated to the use of cannabis. This creates an added resource concern that will require specific training and funding.

While the goal is not to criminalize or sanction minor possession, as this would only contribute to further delays in the system, the CACP recommends that the proposed legislation target youth education and awareness regarding cannabis consumption, and prohibition of use in schools to further safeguard against distribution and illicit sales.

Conclusion

Given the complexities of the Act and the impact it will have on enforcement, resourcing, funding and training issues, there remain many unanswered questions. It is hoped that an extension of time will be carefully considered to allow for law enforcement officials to perform their roles in an effective, solution-oriented and responsible manner.

The CACP supports the goals of the act which is to protect youth, disrupt organized crime and to eliminate the criminalization of minor marijuana offences. To do this however, we need to ensure that everyone across all levels of government are well aligned in the implementation of the new regime. Additionally, police services must be fully apprised of the new regime with sufficient time to train their members and allocate sufficient resources.



Canadian Association of Chiefs of Police
Association canadienne des chefs de police

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Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité

Presentation to the Standing Committee on Health

C-45 - An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts - Short Title - Cannabis Act

Remarks by: D/Chief Mike Serr (Chair, CACP Drug Advisory Committee), D/Chief Thomas Carrique (co-Chair, CACP Organized Crime Committee), Lara Malashenko (CACP Law Amendments Committee)

Canadian Association of Chiefs of Police

September 12, 2017

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David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques



- Distinguished members of this Committee, on behalf of Directeur Mario Harel, President of the Canadian Association of Chiefs of Police, I am pleased to be given the opportunity to meet with each of you today.
- In addition to my role as Deputy Chief of the Abbotsford Police Department, I am Chair of the CACP Drug Advisory Committee. I am joined by York Regional Police Deputy Chief Thomas Carrique, Chair of the CACP Organized Crime Committee, and Lara Malashenko, a member of the CACP Law Amendments Committee and Legal Counsel for the Ottawa Police Service.
- The mandate of the CACP is “safety & security for all Canadians through innovative police leadership”. This mandate is accomplished through the activities and special projects of some 20 CACP committees and through active liaison with various levels of government. Ensuring the safety of our citizens and our communities is central to the mission of our membership and their police services.
- Bill C-45 is a comprehensive Bill and we will address it from a high level in our opening statement. In addition to our appearance today, we are providing you with a detailed written brief for your consideration.
- Our role from the beginning has been to share our expertise with the government to help mitigate the impact of this legislation on public safety. Extensive discussions within the CACP membership and various Committees formed the basis of our advice.
- We participated in a number of government held consultations and provided a submission to the Federal Task Force.
- We produced two discussion papers entitled “CACP Recommendations of the Task Force on Cannabis Legalization and Regulation” on February 8, 2017, and “Government Introduces Legislation to Legalize Cannabis” on April 28, 2017. Themes from both discussion papers have been included in our written brief.

- Police leadership across Canada identified 7 key themes specific to this Bill which impact policing:
 - Training and the Impact on Police Resources
 - Personal Cultivation and Possession
 - Organized Crime
 - Medical Marijuana
 - Packaging and Labeling
 - Return of Property
 - Youth and Public Education
- Police leadership also identified that drug impaired driving and our ability to effectively manage it will impact policing; however, we will leave this theme to be addressed under Bill C-46
- We would like to acknowledge the announcement made by the Federal Government on September 8, 2017 with respect to the allocation of funding. We are interested in learning the details related to the distribution of funds dedicated to federal, provincial and municipal police resources. We wish to emphasize that municipal police services require the necessary training, tools and technology to assist with addressing public safety concerns and disrupting the involvement of organized crime in the illicit cannabis market.
- In order to support the successful implementation of this comprehensive legislation, the CACP urges the Government of Canada to:
 - Consider extending the July 2018 commencement date to allow police services to obtain sufficient resources and proper training both of which are critical for the successful implementation of the Cannabis Act. In addition, we ask that an established legislative framework be put in place prior to legalization that will provide law enforcement with clear direction and assistance regarding funding and training
 - Provide sufficient details to allow law enforcement to assess the availability of funding, recognizing the need :

- For a more standardized and consistent approach amongst provinces/territories vis-à-vis the implementation of police resources necessary for the legalization of marijuana.
 - And the need to obtain further guidance regarding the training of front line officers which would include: plant seizure and identification of illicit cannabis, increased funding for public education and youth programs and the issuance of tickets under the ticketing provisions of the Act.
- Due to foreseeable concerns surrounding personal cultivation and enforcement, we ask that the provisions permitting adults to grow up to four marijuana plants be revoked. The CACP predicts that these provisions will be problematic to enforce, will provide for additional opportunities for the illegal sale of marijuana, and will pose a further risk to youth due to increased exposure and accessibility.
- We were pleased to see in the September 8, 2017th announcement that Finance Canada will consult on a new tax regime on cannabis. This is critically important because despite the Cannabis Act, organized crime will continue to look for opportunities to exploit the market and profit. We will continue to advocate that the cost of legal cannabis remain as low as or lower than cannabis sold on the “black market”, in order to discourage price undercutting and illicit sales. We would also ask the Federal Government to enact strict security clearance requirements which would ensure that criminal organizations do not become licensed growers as has been observed in the medical marijuana regime.
- Police agencies must prioritize drug investigations on the basis of public safety. It is well documented that many policing agencies are currently concentrating on opioids which is responsible for an unprecedented amount of overdose deaths. However, it is important that as we move to a regulated regime for cannabis, that strict

enforcement is necessary at the onset to protect youth and disrupt organized crime.

- While the commitment made on September 8, 2017th to provide funding to policing to enforce the proposed Cannabis Act is positive, questions still remain in regards to how this money will be allocated. We wish to reiterate that dedicated police cannabis enforcement teams are necessary to disrupt organized crime and keep cannabis out of the hands of youth.
- Given the infiltration of organized crime into the medical marijuana industry, the CACP recommends merging the Cannabis Act with Access to Cannabis for Medical Purposes Regulations (ACMPR) to avoid confusion and to align efforts of Health Canada and other law enforcement agencies and to limit organized criminal activity by reducing the number of licensed producers and distributors.
- The CACP recommends that packaging requirements be stringent, providing clear labeling to allow police to identify between legal and illegal cannabis and to give users adequate information to make informed choices about cannabis consumption. We further recommend that labeling include notice regarding penalties for providing cannabis to youth as a further protection mechanism and deterrent.
- The CACP has concerns regarding the return of property provisions which appear to require the police to maintain and return seized cannabis plants. Police services across Canada do not have the facilities or resources to accomplish this. Accordingly, we ask that the Act address these concerns by relieving police services of any responsibilities associated with the deterioration of seized cannabis plants or from having to provide compensation.
- Lastly, continue to focus on protecting youth through education and other non-Criminal Code means. The Cannabis Act, for example, would permit youth to possess or 'social share' 5 grams or less, which is inconsistent with the Bill's intended objectives. Examples of Colorado and Washington have demonstrated that legalization may encourage increased marijuana consumption amongst youth.

Therefore, police-driven education on the effects of marijuana use is critical to discourage consumption by youth.

Our recommendations are not intended to dispute the government's intention of restricting, regulating and legalizing cannabis use in Canada. Instead, we bring these issues forward because the answers remain unknown. We are concerned about the impact of this Act and, as previously stated, we all have a responsibility to mitigate the impact on public safety which is our primary goal from a policing perspective.

We certainly commend the government for its commitment to consultation of stakeholders and the public. We also commend the efforts of Ministers, Parliamentarians and public servants who are dedicated to bringing forward the most comprehensive legislation, with a mutual goal of putting forward a responsible framework prior to legalization and recognizing that the world is watching Canada throughout this process.

In the interest of public safety and preserving the quality of life that we are fortunate to enjoy in Canada, we appreciate the opportunity to share our crime prevention and law enforcement experience with the Government. We recognize that illicit drugs are a global issue that dramatically affect local communities, families and individuals. As the world watches Canada throughout this complex process, we are committed to working with the government and the Canadian public to ensure comprehensive regulations that mitigate the public safety concerns associated to cannabis are established prior to its legalization.

We support many of the overall goals of the Act, while recognizing that other stakeholders are better equipped to provide specialized knowledge in areas of public health and social service sectors. We also support efforts to deter and reduce criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import or export cannabis, or provide cannabis to our youth.

Sincere thanks are extended to all members of this Committee for allowing the Canadian Association of Chiefs of Police the opportunity to offer comments and suggestions on Bill C-45. We look forward to answering your questions. Thank you.

From: Anderson, Lisa R PSSG:EX
Sent: Wednesday, October 11, 2017 8:23 AM
To: Anderson, Lisa R PSSG:EX
Subject: FW: Executive Summary re: Marijuana Legalization, Concerns and Best Practices
Attachments: Executive Summary Marijuana Legalization.pdf

Importance: High

From: MSerr@abbypd.ca [<mailto:MSerr@abbypd.ca>]
Sent: Tuesday, July 4, 2017 2:17 PM
To: Anderson, Lisa R PSSG:EX
Subject: Fwd: Executive Summary re: Marijuana Legalization, Concerns and Best Practices
Importance: High

Hi Lisa

As discussed here is the marijuana report for the BCAMCP. We will be discussing next week at our meeting. Any questions or concerns let me know.

Thanks

Mike

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Tracy Mueller <TMueller@abbypd.ca>
Date: 2017-07-04 12:54 (GMT-08:00)
To: 'Chief Neil DUBORD' <ndubord@deltapolice.ca>
Cc: Bob Rich <brich@abbypd.ca>, "nlipinski@deltapolice.ca" <nlipinski@deltapolice.ca>, Mike Serr <MSerr@abbypd.ca>, 'Alisha Hagan' <ahagan@deltapolice.ca>
Subject: Executive Summary re: Marijuana Legalization, Concerns and Best Practices

Good Afternoon,

The attached Executive Summary, prepared by DCC Serr, is intended to identify post marijuana legalization concerns and best practices, specific to public safety, in Washington and Colorado State and to propose recommendations for the BCAMCP.

Sincerely,
Tracy

Tracy A. Mueller
Executive Assistant to

Deputy Chief Constable Mike Serr
Direct: (604) 864-4872



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Marijuana Legalization

Concerns and Best Practices

Deputy Chief Constable Mike Serr
July 05, 2017



"Protecting with Pride"

Abbotsford Police Department

2838 Justice Way, Abbotsford, BC V2T 3P5 Phone (604) 859-5225 Fax (604) 864-4809

Mike Serr

Deputy Chief Constable

Chief Neil Dubord
President, British Columbia Municipal Chiefs of Police (BCAMCP)

INTRODUCTION

The following Executive Summary is intended to identify post marijuana legalization concerns and best practices, specific to public safety, in Washington and Colorado State and to propose recommendations for the BCAMCP.

BACKGROUND

At the May 2017 BCAMCP meeting Lisa Anderson, the Executive Director for Cannabis Legalization and Regulation Secretariat and Deputy Director of Police Service advised that she had received a significant amount of literature pertaining to the legalization of cannabis. The BCAMCP decided, at that time, that it was important to review this literature and prepare an overview of the lessons learned from those jurisdictions in the United States that have legalized cannabis. As we prepare for the legalization of cannabis in Canada, which is anticipated for July 1, 2018, it is important that BC police leaders have an informed understanding of the potential issues in order to appropriately influence policy decisions and ensure public safety.

The BCAMP requested the overarching policy review to be a concise overview of only those issues pertaining specifically to public safety. In total nine (9) individual reports were reviewed which detailed the current state of legalization and lessons learned in Colorado and Washington State. In addition, the two supplemental reports have been included to round out Ms. Anderson's list as follows: 1) Canadian Centre on Substance Abuse's report; *Cannabis Regulation: Lessons Learned in Colorado and Washington State*; and 2) Canadian Association of Chiefs of Police discussion paper; *Recommendations of the Task Force on Cannabis Legalization and Regulations* both were included in order to provide a more fulsome overview of concerns from a Canadian law enforcement perspective in terms of public safety threats.

ANALYSIS

As noted in the CACP discussion papers there are several areas of concern for police leaders with the legalization of cannabis. Many of these concerns are to date unresolved and will be impacted by decisions made at the provincial level. Most notably, mode of sale, age restrictions, taxation, and drug impaired driving (immediate roadside prohibitions). Other issues remain at a federal level which include, cultivation, diversion, taxation, medical grow regulations, drug impaired driving (DRE and oral screening devices) youth use and organized crime infiltration.

To interpret the statistics it is important to note the precise timing of legalized cannabis in both Colorado and Washington State as follows:

- **Colorado** - On November 6, 2012, Colorado passed Amendment 64 opening the door for the retail sale of recreational cannabis. The commercial sale of cannabis commenced on January 1, 2014. Medical marijuana was permitted in Colorado in 2000.
- **Washington State** - After an election on November 1998, Washington first permitted the sale of medical marijuana. In November 2012, Washington State voters passed Initiative 502 opening the door for a recreational retail marijuana market. On July 8, 2014 retail sales of marijuana commenced in Washington State.

This Executive Summary will identify issues concerning public safety that have been identified with the legalization of cannabis in both Colorado and Washington State. Additionally, the Summary will provide recommendations for the BCAMP for consideration as we move towards a legal regime.

Cultivation

The CACP advocated against allowing personal production of marijuana as this could lead to over production and diversion. However, the Task Force has recommended for the personal cultivation of four (4) plants per residence to a maximum height of 100 cm. Additionally, the CACP wished to see a merger of the medical and retail production models and the elimination of personal and designated medical production licences. The rationale is that history has shown that these types of producers frequently overproduce and divert any excess product to the black market. Therefore, utilizing government vetted Licensed Producers as sole producers of both retail and medical cannabis will aid law enforcement in addressing illicit grow operations.

Key issues identified from the Colorado and Washington State experiences include:

- Denver Police Department's (DPD) Marijuana Team has seen their workload increase significantly after legalization.
- DPD has seen a significant increase in marijuana seizures after legalization (Note: Much of the diversion is to surrounding States):
 - 2013 – 524 lbs.
 - 2014 (legalized) – 9504 lbs.
 - 2015 – 4738 lbs.
- In Colorado an individual can cultivate 12 plants for personal use – DPD has received an increased number of complaints for residential marijuana grows.
- DPD had to increase staffing on their Marijuana Team after legalization.
- Many police agencies in Colorado are struggling with increased workload.
- Police agencies that had the resources had to assign a member strictly to marijuana enforcement.
- Police agencies reported spending an increased amount of time enforcing new laws related to marijuana.
- Colorado saw a proliferation of large scale marijuana grows after legalization – the State Marijuana Enforcement Division does not have authority over home grows.
- Reports provided from Washington State did not speak to cultivation.

Key Recommendations for BCAMCP Consideration:

1. Request federal and provincial funding to establish marijuana enforcement teams.
2. Develop training for front line officers on how to manage illegal and over production investigations.
3. BCAMCP to advocate for no home grows and for Licensed Producers to supply both medical and retail markets.

Organized Crime

Organized crime groups have historically had a strong foothold in the illicit drug markets; because these markets have been extremely lucrative and it is unlikely that they will leave these markets voluntarily. In the 2016 CISC *National Criminal Intelligence Estimate on the Canadian Criminal Marketplace* report, it was noted that 54 organized crime groups are involved in the marijuana market in British Columbia. Marijuana is estimated to be a \$7 billion industry for organized crime groups in Canada; therefore, if marijuana remains profitable due to high taxation, lax enforcement and by an increasingly popularized marijuana extract market, then organized crime groups will continue to be prominent. Key issues identified in Colorado and Washington State includes the following:

Colorado

- Organized crime still has a foothold in illegal market
- Estimated that when marijuana was legalized in 2014 demand was 130 metric tons; however, store sales only accounted for 77 metric tons. Black and grey markets believe to have accounted for 53 metric tons
- Organized crime groups are undercutting store prices
- Taxation may be fueling black market – consumer pays 21.2% tax for retail marijuana
- An ounce of marijuana purchased on the street ranges between: \$160 to \$300; the average retail price for an ounce of marijuana after taxes is \$242.

Washington State

- Statistical records did not address organized crime.
- A 2016 National Post Article, *Black Market to Grey*, noted that retailers, licensed producers and processors are required to pay a 25% excise tax on marijuana products – these duties are passed on to consumers leading to a gram of marijuana selling for \$30 which is approximately four times higher than the black market.
- As a result of this issue taxation changed to a single 37% excise tax to aid in disrupting the black market – bringing retail gram prices down to \$9.
- Taxation changes helped with black market sales; however, the black market still accounts for 28% of total marijuana sales in the State.

Key Recommendations for BCAMCP Consideration:

1. Advocate for a taxation policy that will dissuade the illicit market.
2. Advocate for federal and provincial funding to re-establish provincial marijuana enforcement teams to target organized crime groups engaged in illegal marijuana distribution.

Drug Impaired Driving

This is a significant public safety issue for both the CACP and the BCAMCP. Impaired driving continues to be the leading criminal cause of death in Canada and introducing legalized marijuana will undoubtedly lead to a spike in documented impaired driving offenses.

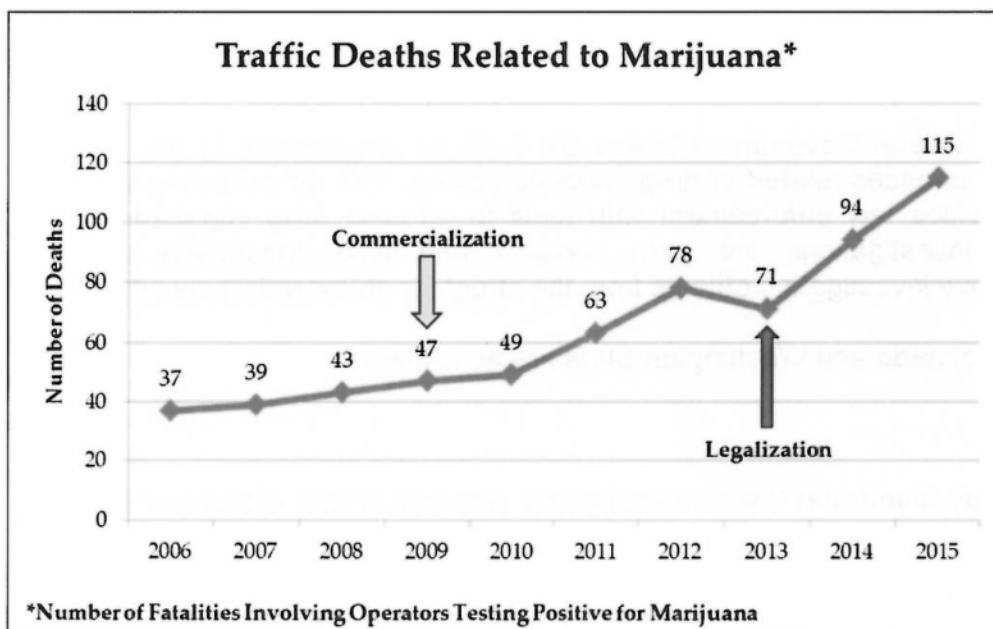
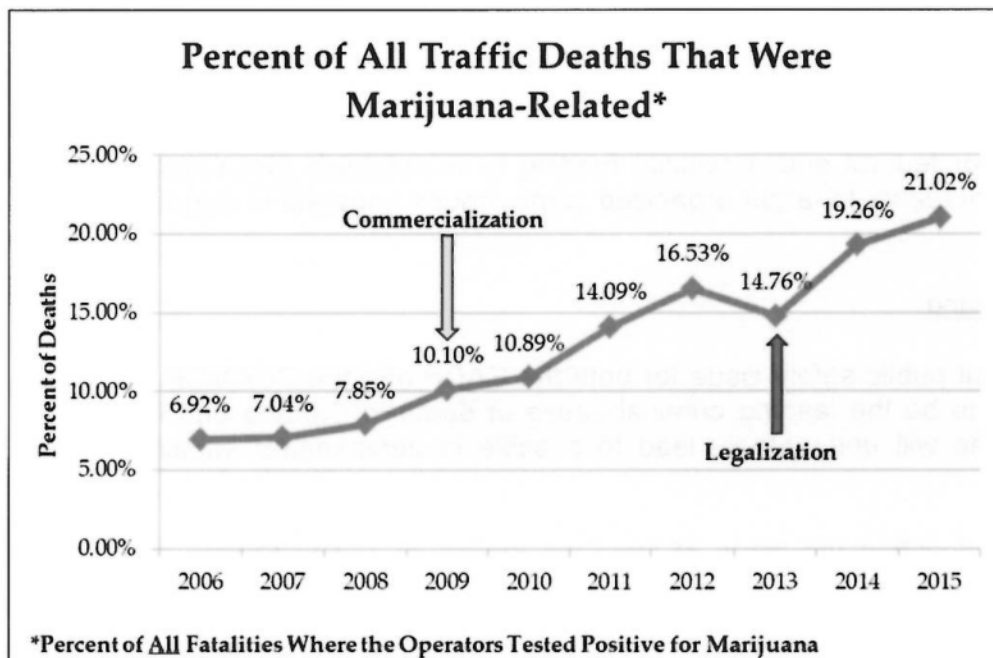
The Task Force identified the issue of impaired driving as a significant public safety concern and recommended a comprehensive public messaging strategy to send a clear message to Canadians. At the time of this report, the recommended strategy has not yet been completed; however, I have been advised that Health Canada is proceeding shortly with a messaging campaign. The Task Force also recommended the development of roadside screening devices and an investment in law enforcement capacity, which included DRE and SFST training and staffing.

In April 2017, the Liberal Government tabled Bill C-46 an amendment to the *Criminal Code* dealing with offences related to drug impaired driving. This bill proposes strict *per se* limits and provides law enforcement with tools to address drug impaired driving. However, these investigations are both complex and time consuming and will unfortunately remove investigating officers from the street for an extended period of time.

Key issues from Colorado and Washington State are as follows:

Colorado:

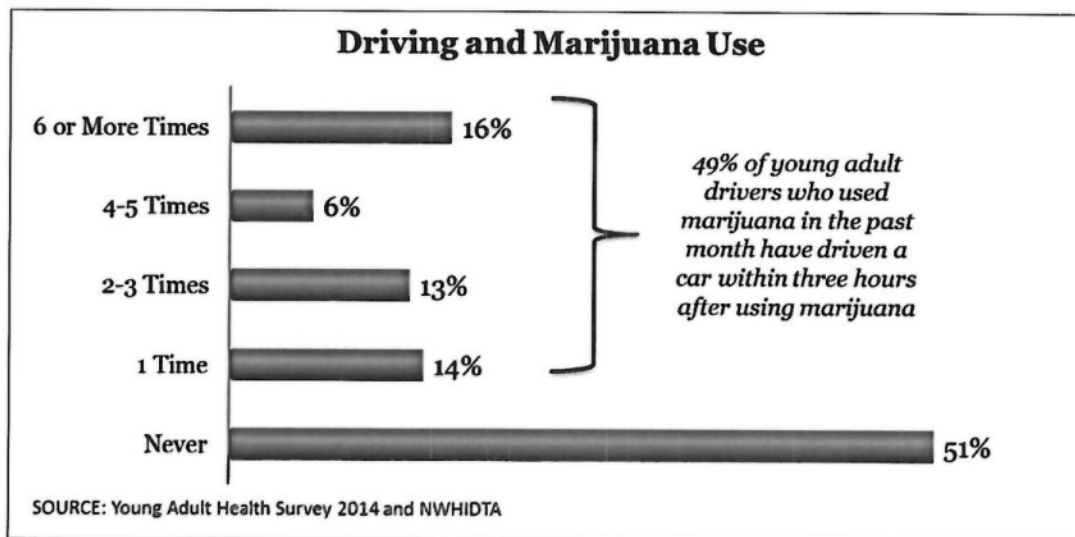
- A 2015 study found that 9% of respondents reported driving within two hours of consuming marijuana.
 - In the same study 16% of adults aged 18 to 34 reported driving within two hours of consuming marijuana.
 - 13% responded that they can drive safely after consuming marijuana.
- Determined the need for additional Drug Recognition Experts (DRE).
- Reported seeing an increase in motor vehicle deaths related to marijuana impairment.
- Charges for driving under the influence of drugs increased in Denver from 33 charges in 2013 (pre-legalization) to 66 in 2014 and 73 in 2015.



Washington State:

- Identified that the average median time to draw blood from a suspected drug impaired driver is 165 minutes.
- Determined that on average in the first 120 minutes after contact with police THC blood levels declined by 5 nanograms/ml (5 ng/ml).
- The legal level of impairment in Washington States is 5 ng/ml.
- Persons who had blood drawn in less than two hours - 26% tested with a blood level over 5 ng/ml compared to 10% for those tested after two hours.
- Significant challenge for enforcing drug impaired driving laws and highlights need for point of contact testing.
- Between 2010 and 2014 an average of 10% of all drivers involved in fatal crashes in had THC in their blood.
- Spokane found that in 2014 64% of all marijuana DUIs involved youth.

The graph below is from a recent youth driving and marijuana survey:



- A State sponsored survey found that 61.9% of respondents reported that marijuana does not affect their ability to operate a motor vehicle.
- In 2014, the Washington State Traffic Commission found that drivers involved in fatal accidents who had THC in their system increased 122% (16 to 23).

Key Recommendations for BCAMCP Consideration:

1. Immediately commence training new DRE and SFST.
2. Advocate for a federal and provincial funding to support training.
3. Advocate for a local DRE course – currently only available in the US.
4. Advocate for Immediate Roadside Prohibitions for drug impairment.
5. Develop infrastructure and an expedited process for taking blood samples.
6. Require immediate provincial messaging campaign to warn about the dangers of driving under the influence of cannabis.
7. Develop training program to educate frontline officers on the new laws related to drug impaired driving.
8. Advocate for the Criminal Justice Branch and Superintendent of Motor Vehicles to cover legal costs for defending *215 Motor Vehicle Act* suspensions for impairment by drugs.

Human Resource Issues

Police leaders will have to address marijuana use by police personnel post legalization. Both Colorado and Washington State prohibit their staff from using recreational marijuana; however, as its use becomes more accepted in society, it is conceivable police departments will have to address this issue more frequently. Additionally, this will have an impact on hiring practices.

- Colorado Attorney General supported a zero tolerance policy for police and fire to consume recreational marijuana.
- In Colorado the pool of qualified candidates for law enforcement agencies is shrinking as a result of marijuana use.

- The reports provided for Washington State did not contain information pertaining to resourcing issues; however, during a visit to Washington State I was advised that law enforcement personnel are not permitted to consume recreational marijuana.

Key Recommendations for BCAMCP Consideration:

1. BCAMCP to develop consistent policy pertaining to recreational marijuana use by police personnel.
2. BCAMCP to develop consistent policy surrounding pre-employment marijuana use.
3. Develop training for Human Resource staff to better understand this complex human resource issues (**The CACP Drug Advisory Committee and Human Resources and Learning Committee have asked Steven Boorne to prepare webinar for CACP on this issue – scheduled Fall 2017).

Youth

The federal Task Force on Cannabis Legalization and Regulation recommended that the federal government set the national minimum age at 18 years. However, this poses a challenge because provinces and territories have the autonomy to set their own minimum age. This poses a challenging question; if the age is too high it criminalizes a large segment of potential marijuana consumers, whereas if it is set too low and it endangers the health and safety of youth and young adults. For law enforcement, the determined age will have a significant impact on not only law enforcement resourcing but also with respect to general enforcement of the marijuana laws.

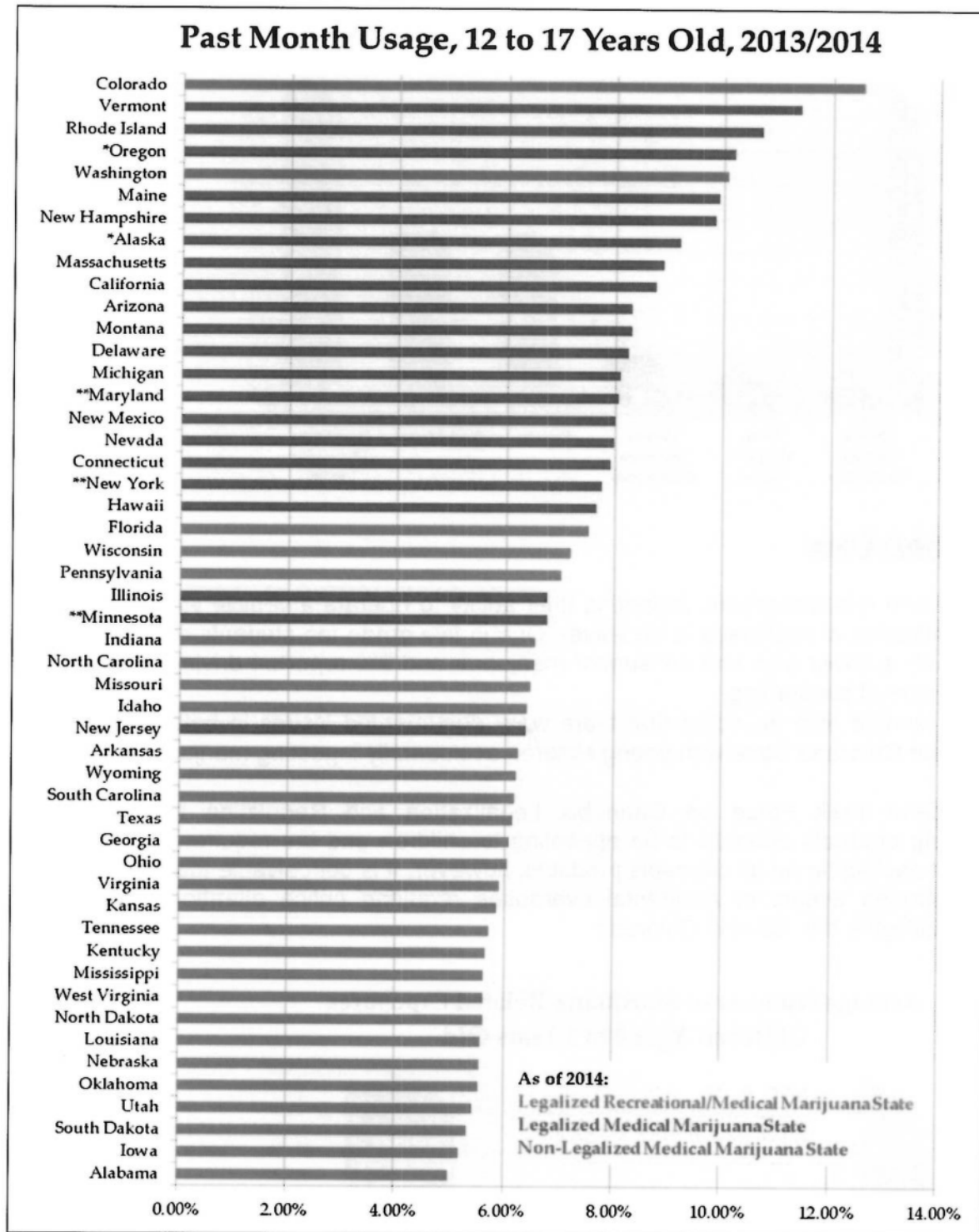
Other Task Force recommendations include strict penalties for trafficking marijuana to youth. This will be a significant area of concern for law enforcement at the onset of legalization. Additionally, the Task Force recommended that the criminal justice system not be utilized for simple possession of marijuana by youth. Identifying a system to manage illegal youth use while at the same time not over burdening law enforcement is important.

Key issues identified from Colorado and Washington State includes:

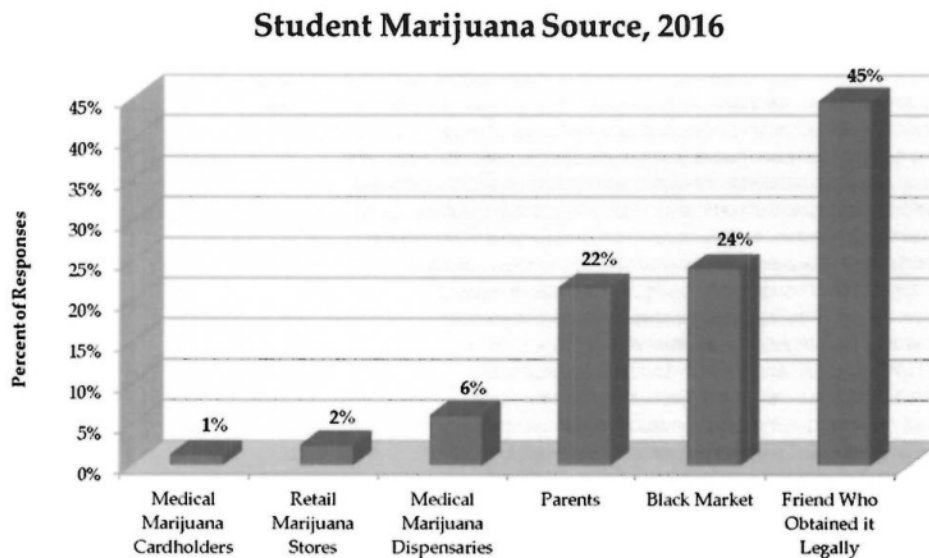
Colorado:

- Denver allocates \$1.5 million dollars from marijuana tax revenue to youth services organizations annually.
- Found that they needed more public education campaigns directed to youth.
- Observed concerning trends for youth use after legalization.
- Also found that school liaison officers required additional tools and training related to youth marijuana use.
- Denver observed an increase in suspensions from school as a result of marijuana use.
- Found that between 2013 to 2014 (legalization) youth use increased 20% while during that same period it declined 4% nationally.

The graph below clearly depicts youth use for each respective US State:



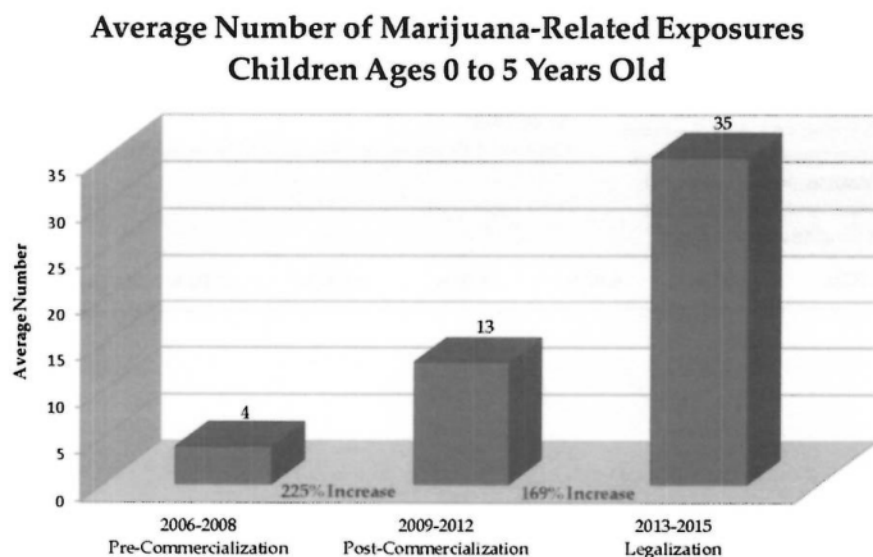
The graph below depicts the various methods used by youth in Colorado to obtain marijuana:



Washington State:

- Youth misconceptions regarding their ability to operate a vehicle while under the influence of marijuana is an issue— One in five grade ten students reported riding with a driver who had consumed marijuana and 9% reported driving within three hours of consuming.
- It should also be noted that there were documented issues in both Washington and Colorado State with young children accidentally ingesting marijuana products.

The federal Task Force on Cannabis Legalization and Regulation recommended prohibiting products deemed to be appealing to children and the requirement for child-resistant packaging on all cannabis products; however, it is conceivable that there will be more reported events of accidental overdoses requiring police attention. The graph below highlights this issue in Colorado:



Key Recommendations for BCAMCP Consideration:

1. BCAMCP to advocate for the immediate dissemination of educational messaging for parents and youth regarding marijuana.
2. Develop training for school liaison officers who will in turn assist in the education of teachers and youth.
3. Develop training for frontline officers to ensure they fully understand the new legislation in relation to youth possession, social sharing and youth trafficking.
4. Advocate for appropriate tools for addressing youth marijuana use – being mindful that a ticketing scheme could have the unintended consequence of increased warrants for police to manage.
5. Advocate for federal and provincial funding to staff marijuana enforcement teams who as part of their responsibilities will address trafficking to youth.

Enforcement

During my visit to Washington State one police leader stated that many law enforcement agencies felt that once marijuana was legalized they could essentially, “wash their hands” of the issue. Later they determined that they needed to proactively enforce the new marijuana regulations more than ever to ensure compliance with the new legalized model.

Key issues from Colorado and Washington State include:

Colorado:

- Denver took a collaborative approach to managing cannabis regulations which includes:
 - Enforcement
 - Education
 - Public Health
 - City Regulators/Bylaws
- Officer safety issue –hash oil not available in retail stores therefore it is being produced illegally for black market.
 - In first nine months of 2014 had nine explosions related to hash oil labs.
- In Denver 12% revenue from marijuana taxation is set aside for DPD’s enforcement efforts.
- DPD reported that their Marijuana Team’s caseload has increased significantly post legalization.
- Chief’s Association recommended
 - Law enforcement should develop partnerships with City, bylaws, health etc.
 - Law enforcement should develop a state (province) wide working group.
 - Law enforcement needs to work with tourism associations to distribute education and safety information due to marijuana tourism.

Washington State:

- Reported 17 THC extraction lab explosions in 2014.
- King County Sheriff, John Urguhart notes that public consumption increased significantly after legalization and frontline officers did not rigidly enforce which led to this issue compounding.
- Edibles that are not available in stores are being produced and sold by black and gray markets.

Key Recommendations for BCACP Consideration:

1. Advocate for a seat(s) on the Provincial Cannabis Regulations Committee to address issues regarding public safety.
2. Request funding to expand provincial clandestine lab team as marijuana products like "shatter", "budder" and oils are not legally permitted; therefore, increased cannabis extraction labs are to be expected.
3. Ensure consistent enforcement of regulations – invest in training and tools frontline officers and teams dedicated to marijuana enforcement.
4. Advocate for federal and provincial funding for dedicated marijuana enforcement teams.
5. BCACP to develop a provincial marijuana working group.

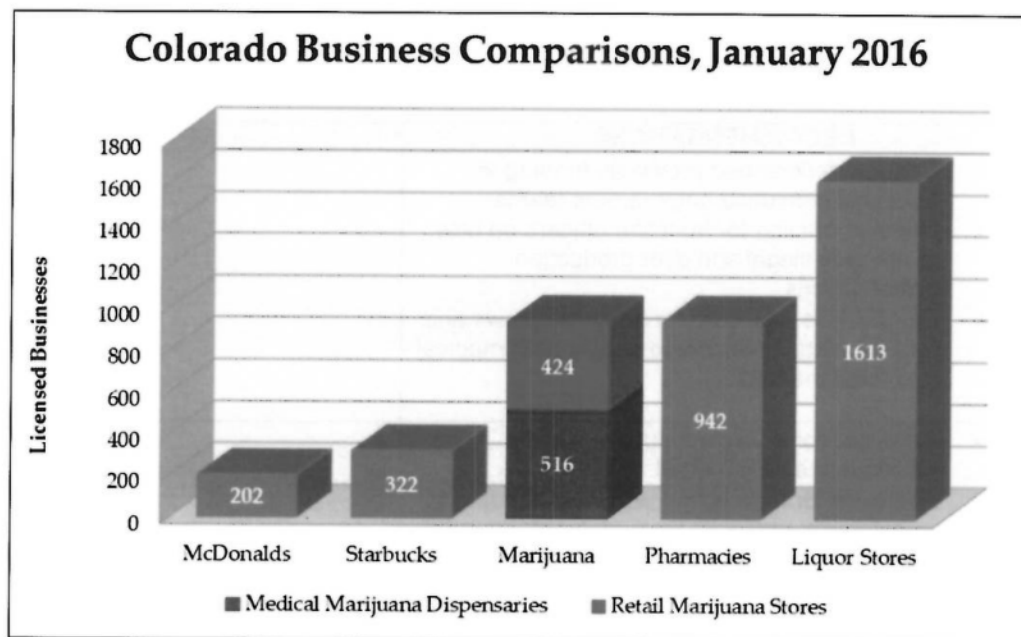
Crime

The provincial government's decision on mode of sale will have an impact on crime specific to these establishments. Marijuana stores tend to be more cash driven which makes them an enticing target for break and enters and robberies. At a municipal level, determining suitable locations for stores will be important in reducing the potential increase crime and community impact. Also of concern is the potential increase in marijuana tourism and homelessness and the impact both could have on police resources.

Key issues from Colorado and Washington State include:

Colorado

- Observed a 6.2% increase in property crime and a 6.7% increase in violent crime from 2014 to 2015.
- Denver has seen an increase in crime since legalization and the "Visit Denver" report notes that tourism and convention business is down as a result of the perceived perception of safety concerns.
- Other reports note an increase in marijuana tourism which brings in other issues for law enforcement to manage.
- Observed an increase in break and enters and robberies to marijuana retail outlets (it should be noted these are cash businesses).
- Marijuana retail stores make up less than 1% of all businesses in Denver but account for approximately 11% of all reported break and enters.



Washington State

- Did not provide crime statistics in their reporting.

Key Recommendations for BCAMCP Consideration:

1. Advocate for a seat(s) on the Provincial Cannabis Regulations Committee to address issues regarding public safety.
2. Endorse a model where cash sales are not the primary source of payment (some issues with consumers not wanting credit card history of buying marijuana).
3. BCAMCP to identify and recommend a mode of sale model that will be less prone to robberies and break and enters.
4. Work with BC Tourism to ensure tourist our educated on marijuana laws.

Conclusion

With less than a year before the legalized regime comes into existence there are significant decisions to be made that will have an impact on policing. Many of the decisions such as, age of consumption, mode of sale and taxation are to be determined at the provincial level. It is imperative that the BCACP have a seat at the table to ensure the decisions made do not adversely affect public safety and our operational capacity.

Summary Table of Key BCAMCP Recommendations:

TOPIC	RECOMMENDATIONS	NOTES
Cultivation	<ul style="list-style-type: none"> Request federal and provincial funding to establish marijuana enforcement teams. Develop training for front line officers on how to manage illegal and over production investigations. BCAMCP to advocate for no home grows and for Licensed Producers to supply both medical and retail markets. 	
Organized Crime	<ul style="list-style-type: none"> Advocate for a taxation policy that will dissuade the illicit market. Advocate for federal and provincial funding to re-establish provincial marijuana enforcement teams to target organized crime groups engaged in illegal marijuana distribution. 	
Drug Impaired Driving	<ul style="list-style-type: none"> Immediately commence training new DRE and SFST. Advocate for a federal and provincial funding to support training. Advocate for a local DRE course – currently only available in the US. Advocate for Immediate Roadside Prohibitions for drug impairment. Develop infrastructure and an expedited process for taking blood samples. Require immediate provincial messaging campaign to warn about the dangers of driving under the influence of cannabis. Develop training program to educate frontline officers on the new laws related to drug impaired driving. Advocate for the Criminal Justice Branch and Superintendent of Motor Vehicles to cover legal costs for defending <i>215 Motor Vehicle Act</i> suspensions for impairment by drugs. 	
Human Resource Issues	<ul style="list-style-type: none"> BCAMCP to develop consistent policy pertaining to recreational marijuana use by police personnel. BCAMCP to develop consistent policy surrounding pre-employment marijuana use. Develop training for Human Resource staff to better understand this complex human resource issues (***The CACP Drug Advisory Committee and Human Resources and Learning Committee have asked Steven Boorne to prepare webinar for CACP on this issue – scheduled Fall 2017). 	

TOPIC	RECOMMENDATIONS	NOTES
Youth	<ul style="list-style-type: none"> • BCAMCP to advocate for the immediate dissemination of educational messaging for parents and youth regarding marijuana. • Develop training for school liaison officers who will in turn assist in the education of teachers and youth. • Develop training for frontline officers to ensure they fully understand the new legislation in relation to youth possession, social sharing and youth trafficking. • Advocate for appropriate tools for addressing youth marijuana use – being mindful that a ticketing scheme could have the unintended consequence of increased warrants for police to manage. • Advocate for federal and provincial funding to staff marijuana enforcement teams who as part of their responsibilities will address trafficking to youth. 	
Enforcement	<ul style="list-style-type: none"> • Advocate for a seat(s) on the Provincial Cannabis Regulations Committee to address issues regarding public safety. • Request funding to expand provincial clandestine lab team as marijuana products like “shatter”, “budder” and oils are not legally permitted; therefore, increased cannabis extraction labs are to be expected. • Ensure consistent enforcement of regulations – invest in training and tools frontline officers and teams dedicated to marijuana enforcement. • Advocate for federal and provincial funding for dedicated marijuana enforcement teams. • BCACP to develop a provincial marijuana working group. 	
Crime	<ul style="list-style-type: none"> • Advocate for a seat(s) on the Provincial Cannabis Regulations Committee to address issues regarding public safety. • Endorse a model where cash sales are not the primary source of payment (some issues with consumers not wanting credit card history of buying marijuana). • BCAMCP to identify and recommend a mode of sale model that will be less prone to robberies and break and enters. • Work with BC Tourism to ensure tourist our educated on marijuana laws. 	

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